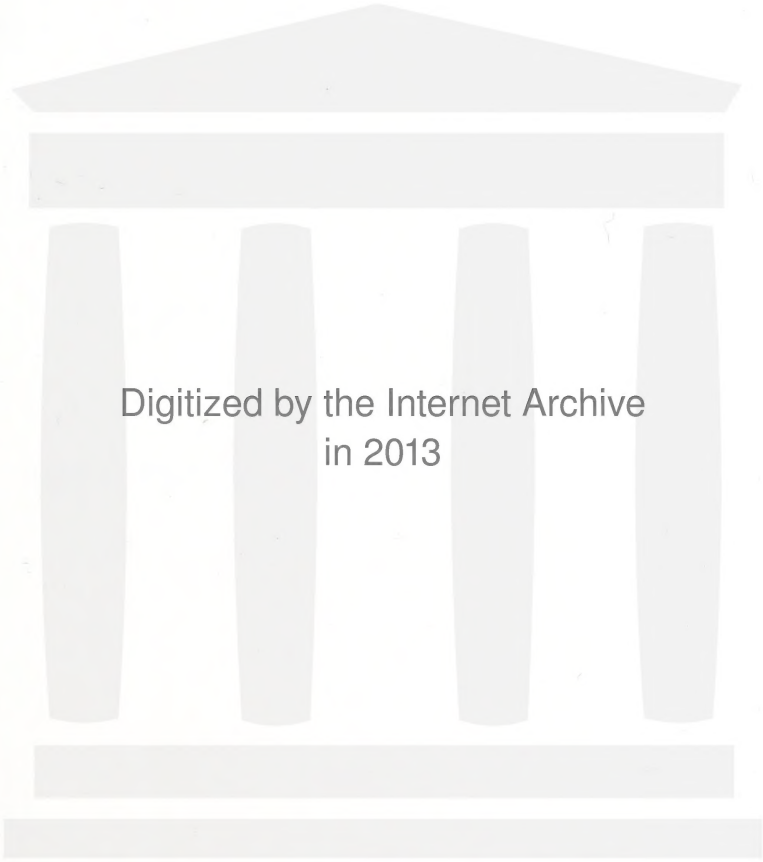

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JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

SESSION

1993

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OFFICERS AND MEMBERS
OF
THE SENATE OF NORTH CAROLINA
GENERAL ASSEMBLY
SESSION 1993

DENNIS A. WICKER, President ..... Sanford
MARC BASNIGHT, President *Pro Tempore* ..... Manteo
R. C. SOLES, JR., Deputy President *Pro Tempore* ..... Tabor City
SYLVIA M. FINK, Principal Clerk ..... Raleigh
LEROY CLARK, JR., Reading Clerk ..... Wendell
CECIL GOINS, Sergeant-at-Arms ..... Raleigh

DISTRICT	NAME OF SENATOR	CITY of RESIDENCE
1	MARC BASNIGHT	Manteo
2	FRANK W. BALLANCE, JR.	Warrenton
3	BEVERLY M. PERDUE	New Bern
4	JOHN CODINGTON	Wilmington
5	CHARLES W. ALBERTSON	Beulaville
6	R. L. MARTIN	Bethel
7	LUTHER HENRY JORDAN, JR.	Wilmington
8	JOHN KERR	Goldsboro
9	ED N. WARREN	Greenville
10	ROY A. COOPER III	Rocky Mount
11	JAMES D. SPEED	Louisburg
12	FRED FOLGER, JR.	Mount Airy
	A. P. SANDS III	Reidsville
13	WILBUR P. GULLEY	Durham
	* RALPH A. HUNT	Durham
14	JOSEPH E. JOHNSON	Raleigh
	J. K. SHERRON, JR.	Raleigh
15	ELAINE MARSHALL	Lillington
16	HOWARD N. LEE	Chapel Hill
	RUSSELL G. WALKER	Asheboro
17	J. RICHARD CONDER	Rockingham
	AARON W. PLYLER	Monroe
18	R. C. SOLES, JR.	Tabor City
19	ROBERT G. SHAW	Greensboro
20	IAN THEODORE KAPLAN	Winston-Salem
	MARVIN WARD	Winston-Salem
21	GEORGE B. DANIEL	Yanceyville
22	FLETCHER L. HARTSELL, JR.	Concord
23	PAUL S. SMITH	Salisbury
24	LURA S. TALLY	Fayetteville
25	DAVID HOYLE	Dallas
26	AUSTIN M. ALLRAN	Hickory
27	DONALD R. KINCAID	Lenoir
	DAN R. SIMPSON	Morganton
28	HERBERT LEE HYDE	Asheville
	DENNIS J. WINNER	Asheville
29	CLARK PLEXICO	Hendersonville
30	DAVID R. PARNELL	Parkton
31	WILLIAM N. MARTIN	Greensboro
32	MARY P. SEYMOUR	Greensboro
33	JAMES F. RICHARDSON	Charlotte
34	T. L. ODOM	Charlotte
35	JOHN GERALD BLACKMON	Charlotte
36	LINDA GUNTER	Cary
37	OLLIE HARRIS	Kings Mountain
38	BETSY L. COCHRANE	Advance
39	JAMES FORRESTER	Stanley
40	LESLIE WINNER	Charlotte
41	C. R. EDWARDS	Fayetteville
42	ROBERT C. CARPENTER	Franklin

(See Appendix for Senatorial Districts)
*Resigned July 24, 1993

SENATE JOURNAL
FIRST SESSION 1993

FIRST DAY

SENATE CHAMBER,
Wednesday, January 27, 1993.

In accordance with law, as set forth in the Constitution of the State of North Carolina and G.S. 120-11.1, the Senate of the General Assembly of North Carolina assembles this day, at the hour of 12:00 Noon, in the Senate Chamber of the Legislative Building in the City of Raleigh.

The Honorable Dennis A. Wicker, Lieutenant Governor, calls the Senate to order.

The President extends courtesies of the floor to the husbands, wives, and invited guests of the Senators-elect and requests that they be seated beside their spouse or host.

The Chair recognizes the Sergeant-at-Arms of the 1991 Session of the General Assembly who announces the arrival of members of the Supreme Court of North Carolina, the North Carolina Court of Appeals, and the Superior Court of the General Court of Justice of North Carolina, at the doors of the Senate. The President directs the Sergeant-at-Arms to open the doors of the Senate and escort the members of the Judiciary, present, to their seats.

The Chair recognizes the Sergeant-at-Arms who announces the arrival of the Chapel Hill High School Vocal Ensemble, The Opposites Attract, at the doors of the Senate. The President directs the Sergeant-at-Arms to open the doors of the Senate and escort the members of the Vocal Ensemble to the Well. The President expresses appreciation to the group for the program of music rendered prior to the convening of the Session and for their participation in the remainder of the opening ceremonies. (See Appendix)

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Grace and God of Wisdom, the beginning of this Session of the Legislature is much like the beginning of a new year at school: new faces mixed with very familiar faces; fresh notebooks with names and committee rooms neatly written on the inside front cover; ideological mindsets anticipating the great opportunities and challenges that lie ahead.

"When the curriculum is chosen, the syllabi are distributed and the great volume of work is projected, allow perseverance to emerge from enthusiasm, dedication from ambition, wisdom from intelligence, so that at the end of every day, the Lieutenant Governor, each Senator and every staff member may say on behalf of the people of our great State of North Carolina, 'I have done justice, acted kindly, and walked humbly with You, O God.' Amen."

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms of the 1991 Session to open the doors of the Chamber for the presentation of the Colors by the Color Guard of the Pinecrest Air Force Junior ROTC from Southern Pines, North Carolina. Led by the Lieutenant Governor, the Senators-elect, distinguished guests, and all those present remain standing and pledge allegiance to the United States of America. (See Appendix)

The Chapel Hill High School Vocal Ensemble leads the National Anthem. The Chair dismisses the Color Guard which recesses from the Senate Chamber, followed by the vocal ensemble.

The Chair directs the Reading Clerk of the 1991 Session to call the roll by Senatorial District and the following Senators-elect appear with the proper certificates of election received from the Secretary of State, The Honorable Rufus Edmisten:

First District	Marc Basnight
Second District	Frank W. Ballance, Jr.
Third District	Beverly M. Perdue
Fourth District	John B. Codington
Fifth District	Charles W. (Charlie) Albertson
Sixth District	R. L. (Bob) Martin
Seventh District	Luther H. Jordan, Jr.
Eighth District	John H. Kerr
Ninth District	Edward N. (Ed) Warren
Tenth District	Roy (Coop) Cooper, III
Eleventh District	James D. Speed
Twelfth District	Fred Folger, Jr. Alexander P. Sands, III
Thirteenth District	Wilbur P. Gulley Ralph A. Hunt
Fourteenth District	Joseph E. (Joe) Johnson J. K. Sherron, Jr.
Fifteenth District	Elaine Marshall
Sixteenth District	Howard N. Lee Russell G. Walker
Seventeenth District	J. Richard Conder Aaron W. Plyler
Eighteenth District	R. C. Soles, Jr.
Nineteenth District	Robert G. (Bob) Shaw
Twentieth District	Marvin Ward
Twenty-first District	George B. Daniel
Twenty-second District	F. L. Hartsell, Jr.
Twenty-third District	Paul S. Smith
Twenty-fourth District	Lura S. Tally
Twenty-fifth District	David Hoyle
Twenty-sixth District	Austin M. Allran
Twenty-seventh District	Donald R. Kincaid
Twenty-eighth District	Herbert L. Hyde Dennis J. Winner
Twenty-ninth District	Clark Plexico
Thirtieth District	David R. Parnell
Thirty-first District	William N. (Bill) Martin

Thirty-second District	Mary P. Seymour
Thirty-third District	James F. (Jim) Richardson
Thirty-fourth District	T. L. (Fountain) Odom
Thirty-fifth District	John G. Blackmon
Thirty-sixth District	Linda Gunter
Thirty-seventh District	Ollie Harris
Thirty-eighth District	Betsy L. Cochrane
Thirty-ninth District	James Forrester
Fortieth District	Leslie Winner
Forty-first District	C. R. Edwards
Forty-second District	Robert Carpenter

The President of the Senate recognizes the Honorable Sarah Elizabeth Parker, Associate Justice of the Supreme Court of North Carolina, who administers the following oath of office, to which those present respond and subscribe:

"I do solemnly swear or affirm that I will support the Constitution and laws of the United States; and I do solemnly and sincerely swear or affirm that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear or affirm that I will faithfully discharge the duties of my office as a member of the Senate of the 1993 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God."

With forty-eight Senators responding to the call of the roll, the President declares a quorum of the Senate present.

The President directs the Reading Clerk of the 1991 Session to read:

NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27611

January 27, 1993

TO: THE HONORABLE DENNIS A. WICKER
PRESIDENT OF THE SENATE

FROM: SENATOR- ELECT TED KAPLAN

RE: ABSENCE UPON CONVENING

THIS IS TO INFORM YOU THAT I WILL BE UNABLE TO ATTEND THE CONVENING OF THE SENATE OF THE 1993 GENERAL ASSEMBLY DUE TO THE FACT THAT DEANNA AND I ARE AWAITING THE ARRIVAL AT ANY MOMENT OF OUR THIRD CHILD.

IT IS MY INTENTION TO APPEAR TO ASSUME MY SEAT ON MONDAY, FEBRUARY 1, 1993.

MY VERY BEST WISHES TO THE MEMBERSHIP OF THE SENATE AND ITS LEADERSHIP AS WE BEGIN THIS SESSION.

NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27611

January 27, 1993

TO: THE HONORABLE DENNIS A. WICKER
PRESIDENT OF THE SENATE

FROM: SENATOR-ELECT DANIEL R. SIMPSON
27TH SENATORIAL DISTRICT

RE: ABSENCE UPON THE CONVENING OF 1993 SESSION

MR. PRESIDENT, THIS IS TO ADVISE YOU THAT DUE TO AN UNEXPECTED SHORT HOSPITALIZATION, I WILL BE UNABLE TO BE PRESENT ON JANUARY 27 WHEN THE SENATE CONVENES AT 12:00 NOON.

MY INTENTION IS TO BE PRESENT ON MONDAY, FEBRUARY 1, FOR THE CONVENING OF THAT SESSION TO ASSUME MY SEAT.

PLEASE EXPRESS MY SINCERE REGRETS TO MY COLLEAGUES ALONG WITH MY CONGRATULATIONS AND BEST WISHES. THANK YOU.

The Chair directs the Sergeant-at-Arms to escort the Honorable Sarah Elizabeth Parker, Associate Justice of the Supreme Court of North Carolina, to the House of Representatives as she is participating in the opening ceremonies in that Honorable Body.

REMARKS BY THE LIEUTENANT GOVERNOR

"At this time the Chair would like to make a few remarks to the Senators and guests. Members of the Senate and distinguished guests, I want to welcome everyone to Raleigh, especially the new Members as we convene for this, the 140th, opening of the North Carolina General Assembly.

"I want to express my appreciation to all the Senators for their help during my transition. I have had a number of productive discussions with many of you during that period, and I am promising all the Members to put forward my best effort so that I do not convene this Body when I say, 'Will the House come to order.'

"Seriously, I am honored to be before you as your new Lieutenant Governor. I come to the Office with a great deal of respect for this Body. Your past accomplishments have served our people well, and I mean that with all sincerity. I am, also, sincere in stating that, as your Lieutenant Governor, I come here as a friend and a team player who simply wants to do all I can to help you and to help our people.

"We gather at a time when nearly one million of our citizens do not have health care insurance; when nearly twenty percent of our children are growing up in poverty in this State, and when nearly a quarter of our people are functionally illiterate. Those are but a few of the major problems we face. Our needs are great, but our resources are limited. Tough decisions lie ahead.

"One limited resource, in particular, is the patience and trust of the people who elected you and me. They are tired of government gridlocked in inaction. They want to see their government work, and work for them. As Lieutenant Governor, I am here to work with you so together we can restore people's confidence in their State government. I want to be a facilitator in moving your agenda. From my vantage point, I can help identify the common ground and build consensus so that many of the good ideas that come from this Body aren't smothered in politics and partisanship.

"I want to now briefly outline to you what I believe the role of a Lieutenant Governor's Office should be. Let me hasten to add that I welcome scrutiny—I really do—because I have set high goals for this Office. As Lieutenant Governor, and as a member of the Executive Branch, I will be a spokesperson for our Governor. And in the very near future, Governor Hunt will be specifically spelling out my duties and pushing our agenda. Because of where I've been, I also feel that I can be a bridge between the two Legislative Bodies. Our relationship of trust and positive understanding is healthy; let us be independent and autonomous, but also together to the good and great cause of helping our 6.7 million constituents. Third, I see my role as Lieutenant Governor as being a policy troubleshooter, identifying the problems and offering solutions. I have specific plans to offer regarding small business health care, work force preparedness, and drunk driving legislation. I welcome your input on these proposals as we put forward them for debate.

"In closing, let me say that this is an exciting time for our country and our State, as we have new leadership in the White House and in the Governor's Mansion. Our challenge here is to work together to have a cooperative relationship so that we can serve the interests of, not the political parties or ambitious politicians, but the people of our State. It was John F. Kennedy who said that no government is better than the men who compose it. I would only add the word, 'woman,' to that thought. Otherwise, it rings true. The good we provide our State has only the limits of our own good in working together.

"Members of the Senate, along with the Senate leadership, I humbly offer this Body my services. I am here to assist you whenever and wherever possible. My staff is also eager and ready to help you. I look forward to starting our work together as we serve the people of our great State. Thank you very much!"

The President extends courtesies of the floor to former members of the Senate, as follows: Rachel G. Gray, from Guilford County; Joseph J. Harrington, from Bertie County; R. P. "Bo" Thomas, from Henderson County; Wendell H. Murphy, from Duplin County; Laurence A. Cobb, from Mecklenburg County; Clarence E. Lightner, from Wake County. Courtesies of the floor are extended to Ralph Campbell, newly-elected North Carolina State Auditor.

The President expresses appreciation to the Justices and Judges of the General Court of Justice for their participation in today's opening ceremonies and extends courtesies of the floor to the Honorable Willis P. Whichard, Associate Justice of the Supreme Court of North Carolina; the Honorable Henry E. Frye, Associate Justice of the Supreme Court of North Carolina; the Honorable Sidney S. Eagles, Judge of the North Carolina Court of Appeals, the Honorable Thomas S. Watts, Senior Resident Judge of the 1st Judicial District of the Superior Court of the General Court of Justice; and the Honorable William C. Gore, Jr., Senior Resident Judge of the 13th Judicial District of the Superior Court of the General Court of Justice.

The President extends courtesies of the floor and gallery to the families, friends, and guests of the Senators and to all visitors.

ADOPTION OF RULES

Senator Sands offers a motion that the Rules of the 1991 Senate be adopted as the temporary Rules of the 1993 Senate with the exception of Rules 32, 34, 41, 41.1, 42, 42.1, 42.5, and 72 which are rewritten to read as follows:

RULE 32. List of standing/select committees.—(a) The standing committees shall be:

Agriculture, Marine Resources, and Wildlife
Appropriations
Appropriations on Department of Transportation
Appropriations on Education
Appropriations on General Government

Appropriations on Human Resources
Appropriations on Justice and Public Safety
Appropriations on Natural and Economic Resources
Banks and Thrift Institutions
Capital Expenditures
Children and Human Resources
Constitution and Election Laws
Economic Development
Education/Higher Education
Environment and Natural Resources
Finance
Insurance
Judiciary I
Judiciary II
Local Government and Regional Affairs
Manufacturing and Labor
Pensions and Retirement
Public Utilities
Rules and Operation of The Senate
State Personnel and State Government
Transportation
Ways and Means

(b) A select committee shall be:
Government Performance Audit Committee.

RULE 34. Membership of committees; quorum.—Membership on standing committees shall consist of not more than 20 nor less than 5 Senators, including the chairman and vice-chairmen and ranking minority member; provided that the Appropriations Committee and Finance Committee shall not be limited as to membership. The President *Pro Tempore* shall have the exclusive right and authority to determine the number of members of each committee. Except as agreed upon by the President *Pro Tempore* and the Minority Leader, membership of each standing committee shall, with respect to each political party, be in the same proportion to the nearest whole person as the proportion of membership by political party to that of the entire Senate. No Senator shall hold membership on more than 12 standing committees unless the committee on Rules and Operation of The Senate provides otherwise.

A quorum of the Appropriations, Ways and Means, and Finance Committees shall consist of a majority of the committee. A quorum of any other committee shall consist of either the chairman and 5 members or a majority of the committee, whichever is fewer.

RULE 41. (Reserved)

RULE 41.1. Relationship between Ways and Means Committee and other committees dealing with money matters; relationship between these other committees dealing with money matters.—In those instances specified herein, the Committee on Ways and Means shall have responsibility for final consideration of bills dealing with money matters before the bills are considered on the floor of the Senate. Upon the agreement of a chairman of any two of the following committees: Appropriations, Capital Expenditures, Finance, and Ways and Means, any bill which is reported favorably from the Committee on Appropriations, the Committee on Capital Expenditures, or the Committee on Finance shall be re-referred by the Presiding Officer to the Committee on Ways and Means for consideration. Bills referred to the Committee on Appropriations pursuant to Rule 43 may be referred by the Chairman of the Committee on Appropriations to the Appropriations Committee on the

Department of Transportation, the Appropriations Committee on Education, the Appropriations Committee on General Government, the Appropriations Committee on Human Resources, the Appropriations Committee on Justice and Public Safety, or the Appropriations Committee on Natural and Economic Resources for a report back to the Committee on Appropriations.

RULE 42. Reference of appropriation, capital expenditure, and finance bills.—(a) All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof, except as provided for in subsection (b) of this rule, shall, before being considered by the Senate, be referred to the Committee on Appropriations, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations Committee before proper action may be taken by the Senate.

(b) All bills introduced in the Senate providing for capital expenditures from the State, or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Capital Expenditures, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Capital Expenditures Committee before proper action may be taken by the Senate.

(c) All bills introduced in the Senate providing for bond issues, imposing fees payable to the State, its agencies, its licensing boards, or any of its subdivisions, levying taxes, or in any manner affecting the taxing power of the State or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Finance Committee before proper action may be taken by the Senate.

(d) This rule shall not apply to bills imposing civil penalties, criminal fines, forfeitures, or penalties for infractions.

RULE 42.1. Fiscal notes.—(a) A chairman or vice-chairman of the Appropriations Committee, or of the Capital Expenditures Committee, or of the Finance Committee, or of the Rules Committee, or of the Ways and Means Committee, upon the floor of the Senate, may request that a fiscal analysis be made of a bill, resolution or an amendment to a bill or resolution which is in the possession of the Senate and that a fiscal note be attached to the measure, when in the opinion of that chairman or vice-chairman the fiscal effects of that measure are not apparent from the language of the measure. No bill for which a fiscal note has been requested may be considered for passage prior to the fiscal note being attached to the bill.

RULE 72. Assignment of seats; offices.—(a) The President *Pro Tempore* of the Senate shall assign seats in the Senate Chamber to the members elected. In making such assignments, each member elected to the immediate preceding session of the Senate shall be entitled to the seat occupied by him or to his selection of any other seat vacated. The President *Pro Tempore*, when assigning seats, shall give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate. No incumbent appointed to fill an unexpired term in the immediate preceding session shall retain the seat if requested by a Senator elected to said session.

(b) Not later than two weeks after the initial committee assignments become final, the President *Pro Tempore* of the Senate is authorized to make assignments of committee rooms and offices to designated committees, chairmen, and members of the Senate. In making such assignments of individual offices, the President *Pro Tempore*, may give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate.

The motion of Senator Sands prevails and the Chair declares the temporary Rules of the 1993 Session adopted.

ELECTION OF OFFICERS

The President announces the Senate ready to proceed with the election of officers, and declares the floor open to nominations for President *Pro Tempore*, pursuant to Article II, Section 14(1) of the North Carolina Constitution.

The President recognizes Senator Daniel of Caswell, and grants him permission to approach the Well of the Senate where he offers the following remarks:

"Mr. President, our Justices, colleagues, family members, guests all, this is a very special time for all of us: a day when we have the privilege of taking our Oath of Office as representatives of our Senatorial Districts; a day when we join together as members of this august Body, the North Carolina State Senate; and a very special day when we have the honor of electing those who will lead us. I know we all have high hopes for this Session. It is anticipated that this Session will be the best and most successful in recent memory.

"Along with that anticipation comes the reality that in order for that to happen, we must have strong and steady leadership at the helm. And I believe Marc Basnight to be that leadership. Noted for his consensus-building ability over his past four terms in the Senate, for his fairness, for his belief that hard work and teamwork are the foundation for making a difference. I am confident that he is the individual for the job in 1993. Over the last few years I have learned more and more about this fellow from the east, or this man from Manteo. Senator Conder and I had to struggle through living with him for the last two years. I learned that he loves all people, and all people love him. The five-hour trip that generally would take a normal person to come from Manteo to Raleigh turns out to be a day's journey, because he spends his time all along the way stopping at those little nooks and crannies. And for that reason, he's just walked into his fifth term while the rest of us had to run for our political lives.

"He is a man of complexity and simplicity—a complexity found in his soul-felt concerns about what is right and wrong for this nation and this State and her people, and what steps and strategies which can and must be taken to create a better life for all. But this complexity is ever hidden behind that devilish grin, behind that disarming and charming honesty of spirit and courage. A man of simplicity in the genuine caring and understanding that he has shown in his leadership role; in fighting for equitable treatment and attention to all areas of the State and all people of the State. Especially, as he has initiated and led the battle for low wealth and small school systems and our children.

"Marc Basnight cares about equal treatment, about equality, especially in education and keeping the playing field level for every child. He understands the very real fact that our little people of today are the fiber that will make tomorrow what he and all of us in this room desire. A better time for a better place and something that we all can be proud of. Governor Hunt's inaugural address dedicated his administration to the cause of better educating North Carolina's children. Now we in the General Assembly have the opportunity to select a champion of this cause. Marc Basnight is this leader. He's at the head of the class. Whether looking to education, economic development, or the environment, he believes these are not simply regional issues, but state-wide issues and that it will take all of us pulling together to get the best job done. But there must be a unity of purpose for what is good is good for all. Or they might say down in his coastal home town, a rising tide lifts all the boats.

"Marc is a true and faithful product of this unique region, the Outer Banks, that area of our State that has a heritage of consistently rising to meet the clarion call for leadership. Those are his roots, with history at every turn. This is his heritage—a heritage inspired by the sets of daring and pride brought to us from our mother country as the first settlers reached this shore and strived to call it home. A heritage formed by the very subtle twist of nature that battled the coastal area, but instilled in his people a sense of sheer and keen determination and a high degree of self-sufficiency. A heritage driven by the same forces of energy and renewal that we are seeing today in our nation, reaching beyond the far, far horizons to a new day, a new hope, and a new dedication to a future.

"Four hundred years ago, the leadership encouraged that Sir Walter Raleigh and John White settle this area of our State. In the 1870's came the lighthouses to warn and guide those brave enough to weather the storms and keep the ship captains on course. Then came the leadership of John Allen Midgette and those courageous local residents serving as lifesavers, devoting themselves to heroism for rescuing passengers and crews and troubled vessels which sustained the settlement of this area. And then, at the turn of this century, Wilbur and Orville Wright reached beyond their far horizon to a new day, to a new hope, and to a new dedication to a future, is this spirit of the area that is deeply rooted in its people and its native son, Senator Marc Basnight. He has fought hard to keep this heritage and sense of history intact, standing fast to protect this coastal area, her beauty, lighthouses, lifesaving stations, and a reputation which gives this State the pride in being "First in Flight," to preserve history and remind us all that, like the Wright Brothers, we should dare to dream.

"What was different about Raleigh, White, Midgette, and the Wright Brothers? Why did their dreams come true when others failed? My friends, the difference was perseverance, the certainty that it could be done, and the courage and boldness in making the attempt. In this man from Manteo, I see the same characteristics, the same determination, the same strength of character, the certainty of direction that can bring us all together to strive to stay on course, weather the forces of change, and build on that important thread of partnership of purpose.

"So, ladies and gentlemen, in the tradition of this Body, it is my deep honor to place in nomination the name of my dear friend and colleague for the Office of President *Pro Tempore* of the North Carolina Senate, Senator Marc Basnight."

The President recognizes Senator Hunt of Durham, and grants him permission to approach the Well of the Senate where he offers the following remarks:

"Mr. President, ladies and gentlemen of the Senate, distinguished guests, visitors and friends. It is indeed a pleasure for me to stand here today and second the nomination of Senator Basnight as President *Pro Tem* of the North Carolina Senate. Anticipating the thoroughness of the speech given by Senator Daniel in making the nomination, I pondered the question of what would be left that someone else might be able to say. I would simply say that Senator Basnight is a visionary, whose vision it is to see North Carolina at its best, to see North Carolina be all that it can be. We are a State where reports have classified our school districts as 'good, fair, and poor.'

"As our leader, Senator Basnight will work hard to bring forth the day when there will be no more 'poor' school districts, no more 'fair' school districts. Instead, we look forward to the day when we will have either all 'good' school districts or 'excellent' school districts. In North Carolina we have low income, moderate, medium, and high income individuals and families. Senator Basnight longs for and will work for the day when all of our citizens can afford adequate shelter, proper nutrition, affordable health care. All of this, along with a good chance for a solid education.

"North Carolina is inhibited by Protestants, Catholics, Jews, gentiles, and others. Senator Basnight wants all citizens in North Carolina to be recognized, with a view of sectarian neutrality. Living here in North Carolina are white people; black people; red, yellow, and brown people (laughter); and perhaps an alien or two of different color (laughter). Our nominee envisions the day when we all will interact with colorblind vision. Senator Basnight longs for the time when all gender biases will have been swept away. He has worked hard, and will continue to work in a diligent manner to bring about the day when this great State will truly live out the meaning of its motto, 'To Be, Rather Than To Seem.'

"Ladies and gentlemen of the Senate, please join with me in support of Senator Basnight's candidacy for the position of President *Pro Tem* of the North Carolina Senate."

The President recognizes Senator Perdue of Craven, and grants her permission to approach the Well of the Senate where she offers the following remarks:

"Mr. President, honored guests, and families assembled here on this great day for North Carolina. I consider it an honor and a privilege to stand before you today to speak to the nomination of Marc Basnight as President *Pro Tem* of this great Body. Senators Daniel and Hunt have already laid out for you so well Marc's many qualifications for this job. I echo their sentiments wholeheartedly. He is our friend and he will be a great leader for us.

"I first met Marc Basnight about ten years ago when he was serving as a DOT Board member. At that time, as he should, he focused mostly on eastern North Carolina, my home. He was committed to doing every single thing that he could do to make our area, which is so poor, grow and prosper. But during the years that I have known Marc, I have watched him change. I've watched him move to an understanding that what is good for the East must also be good for the Piedmont and the West, and that North Carolina, as a whole, must be, and is, his focus. That is the Marc Basnight of today.

"He knows, as do the members of this great Body, that leadership is the key ingredient for the stability of government, and is the primary vehicle for the progressive change we so badly need in this great State. This year will be a challenge for all of us, as we pay great attention to a public who is asking and, even demanding, positive, progressive leadership. Marc Basnight will, and can, provide that leadership during what I believe will be the most exciting and the most challenging Session ever in the history of this Body. All that we members here have to do is simply catch his vision. Senator Marc Basnight has the ability and the desire to lead North Carolina back into her proper place in this great country.

"Marc believes in the American dream that we can all succeed if we try. He is living proof that the American dream can happen to any North Carolina boy or girl. He is committed to making that dream a reality for every man and woman and child in our State, and Marc Basnight also believes in the greatness of North Carolina. He has the willingness to do whatever it takes to make her and keep her great. That, too, is our challenge. We must catch that vision for North Carolina.

"It is a true pleasure and an honor for me to stand here today and to complete this nomination of the gentleman from Dare County whom I call friend, just as you do. I would like for you to join me in voting unanimously for him. Thank you."

By Senator Sands:

"Mr. President, I move that the nominations be closed and that Senator Marc Basnight be elected by acclamation as the President *Pro Tempore* of the 1993 Session of the North Carolina Senate."

The motion offered by Senator Sands that the nominations be closed and that Senator Marc Basnight of Dare be elected President *Pro Tempore* of the 1993 Senate by acclamation prevails.

Being declared duly elected, the President appoints Senator Martin of Pitt, Senator Lee of Orange, Senator Plyler of Union, and Senator Winner of Buncombe to escort the President *Pro Tempore*-elect, Senator Basnight, to the Well of the Senate. Senator Martin of Pitt addresses the Chair and presents the President *Pro Tempore*-elect, Marc Basnight.

The Chair directs the Sergeant-at-Arms to escort the wife of the President *Pro Tempore*-elect, Sandy Basnight, to the Well of the Senate where she joins Senator Basnight as he receives the prescribed oath of office. The Honorable Thomas S. Watts, Senior Resident Judge of the First Judicial District of the Superior Court of the General Court of Justice of North Carolina, administers the prescribed oath of office.

The President recognizes Senator Basnight, President *Pro Tempore*, who addresses the membership from the Well of the Senate and offers the following remarks:

"Thank you. Lieutenant Governor, Members of the Senate, distinguished guests, my family, and my friends. It is with a deep sense of gratitude that I accept the Office of President *Pro Tempore* of the North Carolina Senate. And before speaking to that, I had a great deal of reservation as I awaited this opportunity because I knew who was making the nomination speech, a long-time roommate, friend, sharer of bathroom, and more dangerously so, a person who has been in my District and spent some time recently. George, you mean a great deal to me, as does Ralph, and Beverly, and those who escorted me to the Well of the Senate.

"And equally as much, each and every one of you Members, mean a great deal, not just to Marc Basnight and the Office of which you have elected him to, but you mean a great deal to the people of this State, which is far greater than what this Office is and what it will speak to. Obviously, I am honored by your action and I shall strive to make you proud of myself, as well as the Office.

"The Senate of which we are a part today is very different than the one, Richard, that we joined eight years ago. Then its Members were characterized by their uniformity. Today we are distinguished by our diversity. We are more a true representation of North Carolina, and we are better by it. Each of us has traveled a different path to reach here today, and each of us has arrived at this moment shaped by unique experiences. And each of us has come here with something of true value—our individuality and our commitment. I urge each of you to especially, and especially you new Members, to hold tight to these very precious commodities.

"Those of you who take your seats here today for the first time are filled with great hopes and ambitions to move North Carolina forward. Those of us who are continuing our service have great hopes and ambitions for you. Your fresh ideas and new perspectives are a valuable asset to this Body. I want you to remember that we all are equal partners in this process. I hope you will guard your independence and never lose your sight of the goals that brought you here today as a Member of this Senate and this Body. A few minutes ago, when you elected me President *Pro Tempore*, you chose me to lead you, you did not choose me to dictate to you or to make decisions for you on your behalf.

"Our strength lies in the diversity of knowledge. The experiences and ideas we bring to bear on the problems and issues that face us together jointly. I will do my best work for you and with you. I will do what is in your best interest, as well as all the people of this State. Together we can forge solutions to these problems. Together we can make a better North Carolina, and together we will make a better North Carolina!

"There is not one of us among this group today, Member or visitor, who has not argued and debated, worried and fretted about how to make North Carolina a better place for all her citizens. Sadly, it is a problem for which we have yet to find a solution. North Carolina is a land blessed by a variety of natural gifts and unrivaled beauty. This is one of her greatest assets; it is one of her greater strengths. For North Carolina is also a land varied in the quality of opportunities available to her citizens. That is one of her greatest weaknesses. We must do everything in our power to correct that weakness. We must guarantee that the possibilities of a lifetime are not limited by an accident of geography. We speak continuously of the 'Year of the Child.' We speak continuously of opportunity for all people, but it is time to stop speaking and start acting in offering solutions to the very problems that are real and facing our citizens as they are children today.

"When a child arrives in class on the first day of school unprepared to face the challenges and opportunities that await him, we have failed. We have failed not only that child; we have failed every citizen of this great State of ours. But it does us no good to prepare a child to face opportunities if they do not exist should his school have no computers, no modern science labs, and fewer no advanced classes. When a child steps into a school bus in North Carolina, be it on a dirt road or a paved street, in the biggest of our cities or the smallest of the crossroads, we must be positive he is headed for the best education that is available, measured against the very highest of standards that are possible. It is time to expect the most of our schools, our children, our government, and most especially, those of us elected today to carry forward the mission of reform for education

in this great State so that every child has the quality of education to be found from the coast to the mountains on an equal basis for all people regardless of their race, their sex, or their location, or the geography of where they came from. (Applause)

"In the days and weeks ahead, we will face many difficult decisions. Our needs are great: education; economic development, David; George, health care. We know what they are. We also know that without change these needs will largely go unmet. We have to make government work to meet the needs of not only today, but tomorrow, and the century that faces us. We have spent far too much time and far too little money with far too little to show for it. This General Assembly, working with the Governor and the Lieutenant Governor, has the opportunity to change that. We have the opportunity to leave a lasting legacy of good government for generations to come.

"As we go about our work in the coming days, we will hear from those on every side of every issue. We should listen, and listen carefully to the perspective they bring to the debate. But it is our duty to question, to explore every alternative, and then to make our decision, always based on the answer to a single question: 'What is best for North Carolina?' Not for our politics, not for our Districts, but for our State, North Carolina. It has been said that all power is a trust and that we are accountable for its exercise. As members of the General Assembly, we have been given a tremendous burden and a precious gift. The burden of power, and the gift of trust. By sending us here, our fellow citizens have demonstrated their faith in our ability and in our commitment to do what is right. They have entrusted us with their futures and laid upon us the obligation to care for the weak, the feeble, the old, and the young. Let us continuously strive to live up to that trust and to meet that obligation. Let us not fail. Together let us create not only a government by the people and for the people, but with the people. God bless you and thank you for giving me what you have."

Pursuant to Rule 65, the President declares the floor open to receive nominations for Deputy President *Pro Tempore* and recognizes Senator Walker of Randolph, granting him permission to approach the Well of the Senate where he offers the following remarks:

"Mr. President, Justices, Senators, guests. It is a great honor for me today to come forward to place in nomination a person who has been a very close friend of mine over the years, serving in the North Carolina Senate. This person that I've been, I think, about every place in every quadrant in this Senate from the left to the right and back to the center, as we have been seatmates over the years. I know all of you know of the work that this person has done.

"Robert Charles Soles, Jr. first served over in the House. This is something that I think will make him a great asset in this Session in working across from these halls to accomplish the things that need to be accomplished for the citizens of North Carolina. You have heard much already about the needs that are out there and the things that need to be done so far as our children. We know that's going to be a great program that we need to work on to make things better in North Carolina. R. C. Soles served four terms in the North Carolina House, from 1969 to 1976. I've had the privilege of serving in this Senate with him since 1977, and I know the work that Senator Soles has done (he's better known as R. C. to all of us) as he has handled some of the most difficult legislation that has come before the Bodies. I remember very well when we had all the buyouts and the mergers, that R. C. Soles was called upon as an attorney and head of the 'J' Committee to protect a lot of the things that had been a great part of North Carolina's heritage. The great companies that had been the real backbone of this State—the 'RJRs,' the different mills, the Burlington Mills, and many of those that have meant so much and contributed so much to North Carolina. And he handled that legislation, working not just with people within the State, but working with attorneys from Washington and New York, and doing much to protect North Carolina for its people.

"I would just like to make this for you a very short nomination. R. C. is certainly someone that I think will be an asset to our President *Pro Tem* and someone who can

work and spend much time in making things work much more smoothly. He has the experience, as I have said, with all of the years that he has spent in this General Assembly working for the people of North Carolina. And so, Mr. President, it is my pleasure and honor to place in nomination, for the Deputy President *Pro Tem's* position, Robert Charles Soles, Jr., better known to all of us as 'R. C.' Thank you, Mr. President."

The President recognizes Senator Tally of Cumberland, and grants her permission to approach the Well of the Senate where she offers the following remarks:

"Mr. President, honorable guests, Members of the Senate. I rise to second the nomination of Senator R. C. Soles, Jr. for our Deputy President *Pro Tem* of the Senate. I have known Senator Soles and his family for many years and I know them to be excellent, public-spirited citizens of the southeastern section of our great State. His family have been very active in the business, economic, and educational communities of our area for many years. Senator Soles has been well-educated in all the public schools in our area and in two of our great universities, UNC and Wake Forest. I served in the House with Senator Soles, and now for ten years, have served in the Senate. I have seen the caliber of work which he has done on important committees in many areas of our General Assembly. With very difficult problems, very difficult issues, and I have seen the analytical mind and the work that he has put into these issues. I am certain that he will continue to bring his training and experience in this position of service to all the people of North Carolina, and that he will be a tremendous help to the leadership of our Senate and to all of our State. It is with pride that I second the nomination of Senator R. C. Soles, Jr. as Deputy President *Pro Tem* of the North Carolina Senate, and urge your support. Thank you."

The President recognizes Senator Seymour of Guilford, and grants her permission to approach the Well of the Senate where she offers the following remarks:

"Mr. President, Members of the Senate, our honored guests, our staff, our families, and our friends.

"I am pleased to second the nomination of the Honorable R. C. Soles, Jr. for the office of Deputy President *Pro Tem* of the State Senate for the 1993-94 Session of the General Assembly. R. C. has been my front seatmate ever since I have served in the Senate, first sitting on this side and, as Russell Walker pointed out, now sitting on this side of the Senate.

"As has already been pointed out, R. C. has the experience of eight terms in the Senate and four terms in the House of Representatives, first being elected in 1969, and serving continuously (many of us can't say that), but R. C. has served continuously in the General Assembly since 1969 and is one of our most senior members. He possesses a genuine concern for his fellow Senators and his constituents and all the people of the State of North Carolina. As evidenced by the leadership role that he has taken through these many years in shaping the laws that govern the people of this State. He combines a quick wit, a pleasing personality, which will bring balance and which will serve each of us as he fulfills the duties of the Office of Deputy President *Pro Tempore* of the Senate. Thank you, Mr. President."

The President recognizes Senator Richardson of Mecklenburg who offers the following remarks:

"Permission to approach the Well of the House." (Permission granted)

Senator Conder:
"Mr. President."

President of the Senate:
"For what purpose does Senator Conder arise?"

Senator Conder:
"Would the Senator remember which House he is serving in today? We're in the Senate."

President of the Senate:
"The Senator, and the President of the Senate will be reminded."

Senator Richardson:
"When I said 'House,' I meant 'Big House.'" (Laughter)

"Mr. President, and Members of this august Body of Senators, distinguished guests, ladies and gentlemen.

"When we had our Democratic caucus, I seconded the nomination of Senator R. C. Soles for the position of Deputy President *Pro Tempore*. And even though we've had a long list today of nominations and seconds for him, I couldn't let this opportunity go because I consider R. C. Soles a friend, a great Senator. For the freshman Senators, especially, but all of us when you come into this Body, you try to emulate somebody that you think is doing the job well and good, and R. C. was one of the people that I emulated when I came into this Body four Sessions ago because he conducted himself in committee and on the floor like I would like to conduct myself. Anybody that has served going on twenty-five years in this Body deserves any office that he wants to run for. And R. C. held back and supported other people so that they could become leaders in this great Body, and now his time has come because he deserved all this. But I especially wanted to second his nomination because R. C. is a 'soul' brother."

By Senator Sands:
"Mr. President, I'd like to move the nominations be closed and that Senator R. C. Soles be elected by acclamation to the Office of Deputy President *Pro Tempore* of the 1993 Session of the North Carolina Senate."

The motion offered by Senator Sands that the nominations be closed and that Senator R. C. Soles, Jr. of Columbus be elected Deputy President *Pro Tempore* of the 1993 Senate by acclamation prevails.

The President declares Senator R. C. Soles, Jr. duly elected, and appoints Senator Parnell of Robeson and Senator Hyde of Buncombe to escort the Deputy President *Pro Tempore*-elect to the Well of the Senate. Senator Hyde of Buncombe addresses the Chair and presents the Deputy President *Pro Tempore*-elect, R. C. Soles, Jr. The Honorable William C. Gore, Jr., Resident Judge of the 13th Judicial District of the Superior Court of the General Court of Justice of North Carolina administers the prescribed oath of office.

The President recognizes Senator Soles, Deputy President *Pro Tempore*, to address the membership from the Well of the Senate, where he offers the following remarks:

"Mr. President, members of the Judiciary, my fellow Senators, distinguished guests, ladies and gentlemen: First, I wish to express my most sincere appreciation to the ladies and gentlemen of the Senate, who have given me this high honor to serve as the Deputy President *Pro Tempore* of the Senate.

"I wish to thank Senator Walker for nominating me, and Senators Seymour, Richardson and Tally for the kind remarks as they seconded the nomination. To Senators Parnell and Hyde and Senator Smith, I thank you for being the escort group.

"I wish to acknowledge and thank Senator—not Senator yet—Judge William C. Gore, Jr., the Resident Superior Court Judge of the 13th Judicial District, for administering the oath of office. You know, as we go about our duties here in Raleigh, we often see the members of the Court of Appeals and the Supreme Court, but we rarely see the trial judges from the Superior Court. Having both the appellate judges and the trial judges represented here today, we say to you, <u>all</u> judges, thank you for the good work you've done throughout North Carolina.

"To Mrs. Janet Puryear, my legislative assistant, I wish to acknowledge and thank you for the eighteen years of good service you've given to me. And to Mr. Steve Rose—I see him sitting over there—I want to say to Steve, my staff attorney, thank you for ten years of good, sound legal advice.

"You know, this is an exciting time! Our country has a new President who's brought a new sense of hope to the country.

"North Carolina has a new Governor—or at least a new Governor or a Governor with a new vision; one who has announced that he intends to make this the 'Year of the Child.'

"We have a new, experienced Lieutenant Governor that we look forward to working with.

"And from approximately seven million North Carolinians, fifty ladies and gentlemen out of that number have been selected to serve as Senators in this State.

"In order to carry out our duties as members of the Senate, we have elected Senator Marc Basnight as our President *Pro Tempore*; another outstanding young man with high ideals and the ability to accomplish much. Under his leadership we shall not fail, and I pledge to him and to you my very best as I carry out the duties of the Deputy President *Pro Tempore's* office.

"Today, I begin my twenty-fifth year as a member of the General Assembly; first in the House of Representatives, and then in the Senate. A quarter of a century of service. And I wish to take this opportunity to thank my family and my friends of the Eighteenth Senatorial District for their support all of these years. My heartfelt appreciation to all of you!

"I thank you, I thank you, I thank you again."

Pursuant to G.S. 120.37, the President declares the floor open to receive nominations for the Office of Principal Clerk.

The President recognizes Senator Winner of Buncombe, who offers the following remarks:

"Mr. President, the Members of this Body are ladies and gentlemen of great ability. But regardless of their ability, the quality of their work is solely dependent on the people, the ladies and gentlemen who staff this Body. All of us who have been here know that. The general public doesn't even think about it. Nobody is more important to the quality of our work than the position of Principal Clerk. The general public doesn't even know what that is. But each of us who have served here, and particularly those of us who have been Chairman of the Committee on Rules and Operations of the Senate, know it well."

"For the last four years, every day that we were in Session, I had a meeting with Mrs. Sylvia Fink about the assignment of bills, and other meetings about rules problems that came up from time to time. Her prowess in that job, both individually, and particularly as an administrator of a wonderful staff which she has had from the beginning of the time I've been here, is largely responsible for the smoothness of the operation of this Body.

"She is a person of great integrity, as is necessary for that job, and is usually the first person in the building and the last to leave at night, making sure the work of that office is done. But most of all, her loyalty is to this Body. She is a friend of each of us, and loyal to each of us, but more to the institution of the Senate than to its individual members. She has a tough constituency. Some of our constituents know what we do and some don't. But the fifty of us who have elected her for nine times know that she does the job and does it well. Therefore, Mr. President, it is my great honor and privilege to place in nomination for the position of Principal Clerk, the name of Sylvia Morris Fink."

The President recognizes Senator Odom of Mecklenburg, who offers the following remarks:

"Mr. President, Members of the Senate, and guests.

"It's my real pleasure to stand and have this honor to stand and second Sylvia Fink's nomination for Principal Clerk. All of the Senators here would stand up and would echo

and ditto everything that Senator Winner has already said, and so I am not going to go through some of those same statements and words, but simply say that I agree with him wholeheartedly and I am sure the rest of the Senators that have been here before do so also.

"To the new Senators, let me say this, that if you have a question about procedure in this Body, you go ask Sylvia Fink. And let me suggest this, that if, over the next two years, you see a discussion or an argument ensue and you see a Senator or Senators conferring with Sylvia Fink over what's going to be the interpretation, you might want to bet your money on Sylvia Fink being the one that has the right answer.

"It has been my privilege and honor to serve four years in this Body, and I don't know of anyone that I've ever worked with who has more knowledge about rules and procedures of a Body such as this as Sylvia Fink does. I don't know of anyone who is more efficient in a job, and I don't know of anyone who is more accommodating, whether you've been here for twenty-five years, like Senator Soles, or whether you've been here just one day as one of the fresh-persons, whether you're man or woman, in this Body.

"Let me suggest that sometimes instead of going to her, you may want to go to one of her capable assistants, and the reason I suggest that to you is, Sylvia is so accommodating, it's almost to a fault, because if you go after the simplest thing, information or whatever, she'll stop and drop what she's doing and take whatever time is necessary to help you. She takes the time to help. If you want answers about procedure, ask Sylvia. If you want information about anything dealing with this Body, ask Sylvia, and if you want to know where the best baked spaghetti is in Raleigh, ask Sylvia.

"Mr. President, this Body is fortunate to have someone so capable to serve this institution and to serve the people of North Carolina. It's my privilege to second her nomination."

By Senator Sands:

"Mr. President, I'd like to move the nominations be closed and that Ms. Sylvia Morris Fink be elected unanimously by this Body as Principal Clerk for the 1993 Session of the North Carolina Senate."

The motion offered by Senator Sands that the nominations be closed and that Sylvia Morris Fink be elected Principal Clerk of the 1993 Senate by acclamation prevails.

The President declares Sylvia Morris Fink duly elected and appoints Senator Sands of Rockingham and Senator Conder of Richmond to escort the Principal Clerk-elect of the 1993 Senate to the Well of the Senate. Senator Sands of Rockingham addresses the Chair and presents the Principal Clerk-elect, Sylvia Morris Fink. The Honorable Sidney S. Eagles, Associate Judge of the North Carolina Court of Appeals administers the prescribed oath of office and the President directs the Principal Clerk to assume her seat.

The President declares the floor open to receive nominations for the Office of Reading Clerk.

The President recognizes Senator Sherron of Wake, who offers the following remarks:

"Mr. President, members of the Judiciary, fellow Senate members, distinguished guests, everyone.

"I rise to nominate a man that has given twenty years of service to this North Carolina Senate. LeRoy Simmons is from Wendell, born as a local man down in the area there, grew up and went to the public schools, admitted to the tobacco business, and one of his trades was being an auctioneer. He has used that talent in this Senate where I've measured that no one is equal to him in this State. LeRoy has a wit, for you new Members, that only being here and hearing him read his bills and then doing a little ad-libbing at the beginning and end, will always bring a little chuckle from the members of this Body.

"It's a great pleasure, Mr. President, to place in nomination the name of LeRoy Simmons for Reading Clerk of the North Carolina Senate."

President of the Senate:
"The name of LeRoy Clark is placed in nomination."

The President recognizes Senator Speed of Franklin, who offers the following remarks:

"Ladies and Gentlemen of the Senate, and the Judiciary, and those of you in the audience, it's my pleasure to second the nomination of LeRoy Clark. Little more needs to be said about LeRoy's ability and good service to this Body, since he has served so long and so well. But I have known him perhaps more years than most of you, having been associated with him in the tobacco business for a number of years, and also I have had the pleasure of representing his home town of Wendell. So I know 'Roy' not only as an efficient and dedicated servant to this Senate, but as a good neighbor, a good citizen, and a good family man. It is my pleasure to second the nomination, and I move that the nominations be closed, and that Mr. Clark be elected by acclamation."

The motion offered by Senator Speed of Franklin that the nominations be closed and that LeRoy Clark, Jr. be elected Reading Clerk by acclamation prevails.

The President declares LeRoy Clark, Jr. duly elected, and appoints Senator Cooper of Nash and Senator Warren of Pitt to escort the Reading Clerk-elect of the 1993 Senate to the Well of the Senate. Senator Cooper of Nash addresses the Chair and presents the Reading Clerk-elect, LeRoy Clark, Jr. The Honorable Willis P. Whichard, Associate Justice of the Supreme Court of North Carolina, administers the prescribed oath of office, and the President directs the Reading Clerk to assume his seat.

The President declares the floor open to receive nominations for the office of Sergeant-at-Arms.

The President recognizes Senator Johnson of Wake who offers the following remarks:

"To place in nomination one to be our Sergeant-at-Arms. But prior to doing that, I would like to note to this Senate the fine service that Gerda Pleasants has performed in past General Assemblies. She elected not to succeed herself today, and we certainly will miss her.

"We are all privileged and honored to have an individual who will serve us well as our Sergeant-at-Arms. He is truly well-qualified, and I will leave it to others to give you a full recitation of his credentials. But let me, Mr. President, place in nomination the name of Cecil Goins as our Sergeant-at-Arms. Cecil is a good friend and he will become your good friend. He has worked long and hard in the vineyards, and with such service, has earned his way here today. I first got to know Cecil in the Tony Rand Campaign. Since that time I have personally witnessed Cecil's devotion to public service. He will serve us and the State of North Carolina well.

The President recognizes Senator Richardson of Mecklenburg, who offers the following remarks:

"Mr. President, I am almost tempted to ask you to approach the Well so I'll know where I am, and you know I know where I am. But I'll do it from my seat here. I rise to second the nomination of Cecil Goins for Sergeant-at-Arms.

"Mr. President and Members of the Senate, distinguished guests, and ladies and gentlemen. A little about Cecil Goins. Cecil is a native North Carolinian, a native of Southern Pines, North Carolina. He's a graduate of one of our universities in the University System in North Carolina, North Carolina A&T. He worked for the U.S. Marshal Services for twenty-five years, where he retired working as a deputy inspector

and a criminal investigator. He has served as Assistant Business Manager of Shaw University here in Raleigh. He has served as one of the Assistant Sergeant-at-Arms in the North Carolina Senate. He has served on many boards and commissions in the State and nation, and also the member of many organizations; civic, fraternal, and professional, in this State and nation. Cecil Goins is a dedicated man and will do us a good job. But equally as important, I am also proud that I am able to second the nomination, a historic moment, of the first Black, or Afro-American to serve as Sergeant-at-Arms of this great Body. And to also witness administering the oath, the first member, Black, of the General Assembly in modern time in the State of North Carolina, and also the first Justice of the Supreme Court, Justice Frye. I'm extremely proud, and I'm proud to second the nomination of Cecil Goins as Sergeant-at-Arms. Thank you."

By Senator Sands:

"Mr. President, I'd like to move that the nominations be closed and that Cecil Goins be elected by acclamation for the position of Sergeant-at-Arms of the 1993 Session of the North Carolina Senate."

The motion offered by Senator Sands that the nominations be closed and Cecil Goins be elected Sergeant-at-Arms by acclamation prevails.

The President declares Cecil Goins duly elected and appoints Senator Lee of Orange and Senator Ballance of Warren to escort the Sergeant-at-Arms-elect to the Well of the Senate. Senator Ballance of Warren addresses the Chair and presents the Sergeant-at-Arms-elect, Cecil Goins. The Honorable Henry E. Frye, Associate Justice of the Supreme Court of North Carolina, administers the prescribed oath of office. The President directs the Sergeant-at-Arms to assume his seat.

The President recognizes Senator Speed of Franklin and grants him permission to approach the Well of the Senate where he expresses appreciation to Mrs. Gerda Pleasants, the former Sergeant-at-Arms who is retiring, for her dedication to the Senate of North Carolina. Senator Speed presents Mrs. Pleasants with a gift of flowers, which she graciously accepts.

The President of the Senate directs the Reading Clerk to read as follows:

NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27611

January 27, 1993

The Honorable Dennis A. Wicker
President of the Senate
State Legislative Building
Raleigh, North Carolina

Dear President Wicker:

This is to advise you that the Senate Democratic Caucus met on December 12, 1993, with 36 members present and nominated the following officers for the 1993 Session of the General Assembly:

President *Pro Tempore* - Senator Marc Basnight
Deputy President *Pro Tempore* - Senator R. C. Soles, Jr.
Majority Leader - Senator J. Richard Conder
Majority Whip - Senator Ralph A. Hunt

Principal Clerk - Mrs. Sylvia M. Fink
Sergeant-at-Arms - Mr. Cecil Goins
Reading Clerk - Mr. LeRoy Clark, Jr.

Sincerely yours,
S/Joan R. Leatherman
Joan R. Leatherman
Assistant Secretary
Democratic Caucus

The President recognizes Senator Conder of Richmond, who offers the following remarks:

"Mr. President, Members of the Judiciary, ladies and gentlemen. Mr. President, we extend to you today a very warm and hearty welcome as the Presiding Officer of the North Carolina Senate. This is a very, very close-knit group of people, and I speak to you today on behalf of thirty-nine members of the majority party and tell you of our interest in working together with you and for the betterment of the citizens of the State of North Carolina. As I say, this is a very, very close-knit group. We work very, very well together. We accomplish a lot. We take our oath of office very, very seriously, and I would be remiss if I didn't remind you, as well as the others in the audience today, just this past Session, this Body passed governance of public schools, sent it over to the House. We also passed the veto power for the Governor. We also passed a lottery bill. We also passed the appointment of judges. We also passed a bond referendum for the University and Community College System. There again, these are issues that I think are vital and close to the hearts of the citizens of North Carolina, and I'm proud to stand before each and every one of you today to say that this was done on a bipartisan basis, something that we're very, very proud of, that I'm satisfied you're going to hear from it again.

"On behalf of myself and my wife, Barbara, who is here, I want to thank the Members of the Senate for giving me this very, very responsible position and post, and I pledge to you that I will do it to the very best of my ability and work as hard as I can. While I do have the floor, Mr. President, as I said I would be remiss if I didn't recognize my beautiful wife, Barbara.

"Also, I would like to recognize a person here today that's seated on Senator Plyler's left. He's affectionately known to us down in Richmond County as 'the Sheriff.' Sheriff Goodman is completing forty-four continuous years of service to the citizens of Richmond County—the longest Sheriff in the history of this State as far as continuous service is concerned. And Sheriff Goodman, we thank you for what you do for the people of this State and particularly, our County. But not only that, Mr. President, but every aspirant to state-wide office in North Carolina, at one time or another, comes through his furniture store and sits on one of the sofas in the store, and gets their directions of what they are to do. But strangely enough, the Sheriff knew before that guy or lady got to Richmond County, he knew when they left, too. So he kept track of all of them coming in there. So, Sheriff, we're proud to have you today, and I'm proud of Senator Plyler for allowing you to sit with him on the floor.

"Also, we have with us our District Attorney from our District, Carroll Latta. Carroll, we're glad to have you, too.

"Senator Basnight, I want to say especially, thank you for arranging today to allow the spouses and friends and guests of the Members of the Senate to be able to join us on the floor of the Senate. And one last word, Mr. President. We've seen Senator Frye here today. I also want to tell you that he also is a native of Richmond County. Senator Frye, we're proud of you, too.

"And again, thank you very much, ladies and gentlemen. I look forward to working with you in the months to come. Thank you."

The President directs the Reading Clerk to read as follows:

NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27601-1096

12/12/92

Ms. Sylvia Fink
Senate Principal Clerk

Dear Sylvia-

This is to inform you that I was re-elected as Senate Minority leader on November 7, 1992 at the Senate Republican Caucus at Davidson College.
Senator Betsy Cochrane was elected Senate minority whip.

Sincerely,
S/Robert G. Shaw

The President recognizes Senator Shaw, who offers the following remarks:

"Thank you, Mr. President. In the normal Republican interest in brevity, we look forward to a cooperative, a productive, a short, and a very interesting Session, Senators, Thank you."

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with public business.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
January 27, 1993

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives is organized and is now ready to proceed with the public business and has elected the following officers:

Speaker	Daniel T. Blue, Jr.
Speaker *Pro Tempore*	Marie W. Colton
Principal Clerk	Denise G. Weeks

Respectfully,
S/Denise G. Weeks
Principal Clerk

The President directs the Reading Clerk to read as follows:

NORTH CAROLINA MEDICAL SOCIETY
222 N. Person Street
PO Box 27167
Raleigh, North Carolina 27611

January 12, 1993

The Honorable Marc Basnight
President *Pro Tempore*-Elect
North Carolina Senate
Legislative Building
Raleigh, NC 27611

Dear Senator Basnight:

The North Carolina Medical Society is pleased to again offer the services of a physician during the legislative session to members of the General Assembly, their staff and visitors.

We appreciate your continuing to make the facilities of the First Aid Room available to us, and we are grateful for the many courtesies you have extended to those physicians who have served as "Doctor of the Day" since the program's inception in 1981.

Again, thank you for allowing us to continue to provide this service to the North Carolina General Assembly. We will look forward to working with you during the 1993 session and will welcome any suggestions you may have as to how we may better serve your needs.

Warmest regards.

Sincerely,
S/Ann L. Sawyer, *Director*
Governmental Affairs

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (See Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 689, Section 107(f) of the 1991 Session Laws, the North Carolina Department of Public Instruction submits a Report on Willie M. Expenditures along with the Division of School Business Services Executive Summary.

Pursuant to Chapter 689, Section 216 of the 1991 Session Laws, the North Carolina Department of Human Resources submits the Revised Report on Improvements in Child Protection Services.

Pursuant to G.S. 143B-437A(c), the North Carolina Department of Economic and Community Development submits the Industrial Development Fund Quarterly Report.

Pursuant to Chapter 689, Section 154 of the 1991 Session Laws, the North Carolina Department of Economic and Community Development submits the Employment and Training Grant Program Quarterly Report for the period July 1, 1991, through June 30, 1992.

Pursuant to Chapter 689, Section 154, of the 1991 Session Laws, the North Carolina Department of Economic and Community Development submits the Employment and Training Grant Program Quarterly Report for the period July 1, 1992, through September 30, 1992.

Pursuant to Chapter 689, Section 146, of the 1991 Session Laws, the North Carolina Department of Economic and Community Development submits the Quarterly Report of the North Carolina Manufacturing Directory Proceeds.

Pursuant to Chapter 689, Section 239(h) of the 1991 Session Laws, the North Carolina Department of Human Resources, Division of Youth Services submits the Prison Bond Quarterly Report ending June 30, 1992.

Pursuant to Chapter 689, Section 239(h) of the 1991 Session Laws, the North Carolina Department of Human Resources, Division of Youth Services submits the Prison Bond Quarterly Report ending December 31, 1992.

Pursuant to Chapter 689, Section 126 of the 1991 Session Laws, the North Carolina Department of Human Resources submits the Community Action Program Funds, Fiscal Year 1992 Report.

Pursuant to Chapter 689, Section 221.3 of the 1991 Session Laws, the North Carolina Department of Human Resources submits the SFY 93 First Quarterly Report in the case of Cassell, et al. v. Flaherty.

Pursuant to Chapter 904 of the 1991 Session Laws, the North Carolina Department of Human Resources submits the Study on Drop-In and Short-Term Child Care Arrangements Report.

Pursuant to Chapter 900, Section 145 of the 1991 Session Laws, the North Carolina Department of Human Resources, Division of Social Services submits North Carolina Adolescent Parenting Program Evaluation Report.

EXECUTIVE ORDERS

Executive Orders received in the Office of the Senate Principal Clerk following adjournment *sine die* of the 1991 North Carolina General Assembly are presented to the Senate of the 1993 General Assembly and are referred to committee, as follows: (See Appendix)

From Former Governor James G. Martin

Executive Order Number 172, Increased Recycled Product Procurement and Expanded Solid Waste Reduction Activity by State Agencies.
Referred to **State Personnel and State Government Committee.**

Executive Order Number 173, Extending Executive Order 106, Which Extended Executive Order 66, State Employees Combined Campaign.
Referred to **State Personnel and State Government Committee.**

Executive Order Number 174, Amendment to Executive Order Number 162, Council on Health Policy Information.
Referred to **Children and Human Resources Committee.**

Executive Order Number 175, Hurricane Andrew Relief.
Referred to **Transportation Committee.**

Executive Order Number 176, Amendment and Extension of Executive Order 148, Governor's Task Force on Health Objectives for the Year 2000.
Referred to **Children and Human Resources Committee.**

Executive Order Number 177, Extending the Provisions of Executive Order 175, Hurricane Andrew Relief.
Referred to **Transportation Committee.**

Executive Order Number 178, Waiving Certain Penalties Pursuant to Chapter 166A of the General Statutes of North Carolina.
Referred to **Transportation Committee.**

Executive Order Number 179, Coordinating Committee on the Americans with Disabilities Act.
Referred to **Children and Human Resources Committee.**

Executive Order Number 180, Transferring the Governor's Extradition Secretary to the Department of Justice.
Referred to **Judiciary I Committee.**

Executive Order Number 181, Amending Executive Order Number 178, Waiving Certain Penalties Pursuant to Chapter 166A of the General Statutes of North Carolina.
Referred to **Transportation Committee.**

Executive Order Number 182, Accessibility of Electronic Equipment by Persons with Disabilities.
Referred to **Children and Human Resources Committee.**

Executive Order Number 183, Amending and Reissuing the Provisions of Executive Order 175.
Referred to **Transportation Committee.**

Executive Order Number 184, Transferring the Commutation/Pardon Analyst Position Assigned to the Office of the Governor from the Office of the Parole Commission in the Department of Correction to the Office of the Governor.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

Executive Order Number 185, Extension of Executive Orders 12, 13, 15, 27, 29, 39, 43, 53, 55, 66, 71, 78, 99, 110, 121, 126, 132, 136, 139, 143, 150, 151, 152, 153, and 156. And Rescission of Executive Orders 20, 22, 26, 35, 86, 89, 95, 114, 122, 124, 134, 137, 140, and 145.
Referred to **State Personnel and State Government Committee.**

Executive Order Number 186, North Carolina—Head Start Collaboration Project Advisory Council.
Referred to **Children and Human Resources Committee.**

Proposed Executive Order which Creates a Commission on Workforce Preparedness and an Inter-Agency Coordinating Council.
Referred to **Manufacturing and Labor Committee.**

From Governor James B. Hunt, Jr.

Executive Order Number 1, North Carolina Board of Ethics.
Referred to **State Personnel and State Government Committee.**

In compliance with G.S. 163-195, the Secretary of State submits the Abstract and Certification of votes cast in the General Election held on November 3, 1992. The President orders the Abstract and Certification papers placed on file in the Office of the Senate Principal Clerk.

The President recognizes Mrs. Ann McQueen, who is serving as the Senate Supervisor of Pages for the 1993 Session of the General Assembly.

On motion of Senator Basnight, seconded by Senator Marshall, the Senate adjourns at 2:03 P.M. to meet tomorrow, January 28, at 1:30 P.M.

SECOND DAY

SENATE CHAMBER,
Thursday, January 28, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, we are grateful for the excellent and able leaders chosen yesterday to guide the Senate during this Session.

"We are also grateful for the lasting and powerful image of children in the aisles, and spouses and friends along side the Senators. By their very presence, they pledged a personal level of sacrifice and commitment to their family member, who will be in Raleigh more than at home for the next few months.

"Bless the families represented here, and remind us that it is within the formidable walls of our own families that we learn what the phrase, 'human family', really means. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, January 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Kaplan and to Senator Simpson.

The Chair recognizes Senator Basnight, who announces that Senator and Mrs. Kaplan are the proud parents of a baby daughter, Anna Rebecca, born at 10:42 A.M. today, January 28, and weighing 8 pounds 4 ounces.

INTRODUCTION OF BILLS AND RESOLUTIONS

The Chair declares the voting equipment inoperative for today's Session.

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Basnight, Jordan, and Sands:

S.J.R. 1, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives.

On motion of Senator Basnight, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second reading. Without objection, the rules are suspended to allow the third reading of the measure.

The joint resolution passes its third reading and is ordered, with unanimous consent, sent to the House of Representatives by special messenger.

By Senators Daniel, Perdue, and Tally:

S.B. 2, a bill to enact the North Carolina Managed Competition Health Care Reform Act.

Referred to **Insurance Committee** and upon a favorable report, re-referred to **Children and Human Resources Committee**, and upon a favorable report, re-referred to **Appropriations Committee**, and upon a favorable report, re-referred to **Finance Committee**.

By Senators Daniel, Jordan, Perdue, Tally, and Seymour:

S.B. 3, a bill to appropriate funds to the Department of Human Resources for a grant-in-aid to the Caring Program for Children.

Referred to **Appropriations Committee**.

By Senators Daniel, Jordan, Perdue, Tally, and Seymour:

S.B. 4, a bill to provide Medicaid coverage for children who live in families with incomes up to one hundred eighty-five percent of the federal poverty level.

Referred to **Appropriations Committee**.

By Senators Daniel, Perdue, Tally, and Seymour:

S.B. 5, a bill to appropriate funds to provide Medicaid coverage to elderly, blind, and disabled individuals and implement the recommendations of the Medicaid Resources Study.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Daniel, Cochrane, Edwards, Forrester, Parnell, Perdue, Tally, and Warren:

S.B. 6, a bill to define primary care hospital and rural hospital network, and appropriate funds for encouraging health care providers to practice primary care and provide services to rural areas.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Daniel, Forrester, Perdue, Tally, and Seymour:

S.B. 7, a bill to require the Commissioner of Insurance to develop and require uniform forms for the submission of claims under an accident or health insurance policy.

Referred to **Insurance Committee**.

By Senators Daniel, Perdue, and Tally:

S.B. 8, a bill to prohibit health care providers from referring patients to health care goods or services offered by entities in which the referring provider has an ownership interest.

Referred to **Judiciary II Committee**.

By Senators Daniel, Perdue, Tally, and Seymour:

S.B. 9, a bill to facilitate cooperative agreements among hospitals.

Referred to **Judiciary II Committee**.

By Senators Daniel, Perdue, and Tally:

S.B. 10, a bill to modify the certificate of need law.

Referred to **Judiciary I Committee**.

By Senators Daniel, Perdue, Martin of Guilford, and Tally:

S.B. 11, a bill to provide for a binding referendum on the establishment of a North Carolina State Lottery.

Referred to **Judiciary I Committee**.

By Senators Martin of Guilford, Conder, Perdue, Hunt, Daniel, Sands, Richardson, Edwards, Jordan, Parnell, Seymour, Tally, and Winner of Mecklenburg:

S.B. 12, a bill to establish a grant program to strengthen family resources and appropriate funds for its implementation.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Martin of Guilford, Conder, Perdue, Daniel, Richardson, Edwards, Jordan, Seymour, and Tally:

S.J.R. 13, a joint resolution to establish the Commission to Improve Education Support Services to Children and Families.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Perdue, Jordan, Seymour, and Warren:

S.B. 14, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for certain of the constituent or affiliated institutions of the University of North Carolina, for capital improvements for community colleges, and for public school buildings for Grades K through Twelve.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Capital Expenditures Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Kincaid, Cochrane, and Allran:

S.B. 15, a bill to amend the Constitution of North Carolina to limit members of the legislature to six consecutive terms in the General Assembly.

Referred to **Constitution and Election Laws Committee.**

By Senators Kincaid, Cochrane, and Allran:

S.B. 16, a bill to limit the number of terms of members of Congress.

Referred to **Constitution and Election Laws Committee.**

By Senators Kincaid, Forrester, and Cochrane:

S.B. 17, a bill to amend the Constitution of North Carolina to limit the number of days the General Assembly may remain in session each year.

Referred to **Constitution and Election Laws Committee.**

By Senators Carpenter, Cochrane, Martin of Pitt, Richardson, Codington, Speed, Allran, Forrester, and Jordan:

S.B. 18, a bill to appropriate funds to the Alzheimer's Associations.

Referred to **Appropriations Committee.**

By Senators Conder, Jordan, Parnell, Perdue, Seymour, and Warren:

S.B. 19, a bill to make it unlawful for a parent to allow a minor child to possess or carry a weapon on school property.

Referred to **Judiciary I Committee.**

By Senators Gunter, Gulley, and Marshall:

S.B. 20, a bill to amend the statutes relating to the electoral college to conform them to federal requirements and State law.

Referred to **Constitution and Election Laws Committee.**

By Senators Lee, Perdue, and Tally:

S.B. 21, a bill to establish the Constitutional Review Commission to study proposals to make changes in the structure of State Government in North Carolina.

Referred to **Constitution and Election Laws Committee** and upon a favorable report, re-referred to the **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Martin of Guilford, Perdue, Sands, Richardson, and Ballance, Jordan, and Seymour:

S.J.R. 22, a joint resolution authorizing the Legislative Research Commission to study the extent to which confidentiality requirements act as a barrier to the State meeting human services needs.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

Senator Plyler offers a motion that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Plyler and Conder:

S.B. 23, a bill to authorize the City of Monroe to pay a reward.

On motion of Senator Plyler, the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and on motion of Senator Plyler, is ordered, with unanimous consent, sent to the House of Representatives by special messenger.

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (See Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 754, Part XVI of the 1991 Session Laws, the Mountain Area Study Commission submits its Final Report.

Pursuant to Chapter 754, Section 4.4 of the 1991 Session Laws, the State Personnel System Commission submits its Final Report.

Pursuant to G.S. 120-64, the Children With Special Needs Commission submits its Report.

Pursuant to G.S.120-30.17(1), the Legislative Research Commission submits its Report on Alternative Medical Practices.

Pursuant to G.S. 120-30.17(1) the Legislative Research Commission submits its Final Report on Cancer Control.

Pursuant to G.S. 120-30.17(1), the Legislative Research Commission submits its Final Report on Establishment of a Chiropractic College in North Carolina.

Pursuant to G.S. 120-30.17(1), the Legislative Research Commission submits its Final Report on Criminal Case Disposition.

Pursuant to Chapter 754, Section 2.1(40) and (59) of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Emergency Management Issues.

Pursuant to G.S. 120-30.17(1), the Legislative Research Commission submits its Report on Fire and Occupational Safety at Commercial and Industrial Facilities.

Pursuant to Chapter 754, Section 2.1 of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Law Enforcement Issues.

Pursuant to Chapter 754, Section 2.1(54) of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Motor Vehicle Towing and Storage.

Pursuant to Chapter 754, Section 2.1(50) of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Physical Fitness Among North Carolina Youth.

Pursuant to Chapter 754, Section 2.1(11) and 2.1(63) of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Public Health System Issues.

Pursuant to Chapter 754, Sections 2.1 and 17 of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Railroads and Other Public Transportation.

Pursuant to Chapter 754, Section 4 of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on State Parks and Recreation Areas.

Pursuant to Chapter 754, Section 2.1(38) of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on the Statewide Comprehensive Planning Committee.

Pursuant to G.S. 120-30.17(1), the Legislative Research Commission submits its Final Report on Students at Risk.

Pursuant to Chapter 754, Section 2.1(49) and 2.1(3) of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Water Issues.

The North Carolina Department of Revenue submits its Revenue Comparative Statement of Net Collections for the months of December 1992 and 1991.

Without objection, on motion of Senator Odom from Mecklenburg County, the Chair grants permission for Senator Odom to approach the Well of the Senate. On motion of Senator Odom, the Chair grants courtesies of the floor to "Hugo," the Charlotte Hornets' Basketball Team mascot and appoints Senator Odom, Senator Richardson, and Senator Winner of Mecklenburg to escort "Hugo" to the Well of the Senate, where Senator Odom introduces "Hugo" to the membership. The Chair extends courtesies of the gallery to members of the Charlotte Chamber of Commerce. Senator Odom extends an invitation from the Charlotte Chamber of Commerce to the membership of the Senate to attend a Charlotte Hornets basketball game on February 11. The Committee escorts "Hugo" from the Chamber.

The Chair extends courtesies of the floor to Parks Helms, former member of the House of Representatives from Mecklenburg County and Chairman of the Charlotte County Commissioners.

Without objection on motion of Senator Basnight, the Senate recesses at 1:59 P.M. to reconvene at 3:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

APPOINTMENT OF COMMITTEES

Pursuant to Rules 31 and 34, the President *Pro Tempore*, Senator Basnight, announces appointments to standing committees and charges them, as follows:

AGRICULTURE, MARINE RESOURCES, AND WILDLIFE COMMITTEE:

Chairman:	Senator Albertson
Vice-Chairman:	Senator Speed
Senators:	Kincaid, Marshall, Plyler, Sands, Shaw, Soles, Tally, Ward, Warren

On behalf of the Senate, you are charged as follows:

"Senator Albertson, you and the members of the Committee are charged with reviewing the problems facing our farmers and agribusinesses. We must find new markets and promote our farm products proudly and aggressively. Agriculture has to be a viable part of our future.

"The Committee will also concern itself with legislation promoting aquaculture. Investigate, get the facts, and report your recommendations to this Senate so that this developing industry can help sustain our economy and our people.

"Wildlife is also essential to our ecological balance. Explore new ways not only to protect North Carolina's wildlife but also to enhance the benefits that wildlife provides to the North Carolina economy. Your deliberations and final recommendations must be based on the common good.

"The issues which face you will at times be controversial."

APPROPRIATIONS COMMITTEE

Chairmen:	Senator Daniel
	Senator Plyler
Vice-Chairmen:	Senator Kaplan
	Senator Wm. Martin
	Senator Perdue
	Senator Walker

Appropriations on Department of Transportation Committee

Chairman:	Senator Lee
Senators:	Albertson, Carpenter, Kaplan, Sherron

Appropriations on Education Committee

Chairman:	Senator Ward
Senators:	Gunter, Perdue, Simpson, Smith, Warren, L. Winner

Appropriations on General Government Committee

Chairman:	Senator Plexico
Senators:	Codington, Edwards, Wm. Martin, Speed

Appropriations on Human Resources Committee

Chairman:	Senator Richardson
Senators:	Gulley, Forrester, Harris, Hyde, Walker

Appropriations on Justice and Public Safety Committee

Chairman:	Senator Odom
Senators:	Ballance, Blackmon, Folger, Marshall

Appropriations on Natural and Economic Resources Committee

Chairman:	Senator R. L. Martin
Senators:	Cochrane, Hoyle, Jordan, Kincaid, Tally

On behalf of the Senate, you are charged as follows:

"The duties of the Appropriations Committees are great, their burdens heavy, and their responsibilities difficult, under even the best of economic conditions. In 1993, many factors within our state and beyond have combined to make these duties even greater, the burdens heavier, and the responsibilities even more difficult.

"You will receive for your consideration the Budget Appropriations Bill.

"You will study it in detail, line item by line item, and each recommended capital and expansion item in that bill, and any supplemental requests that you may receive and all special appropriations bills that may be referred to you. You will also identify any programs that are not absolutely essential to the efficient and harmonious operation of this state and recommend appropriate changes in those programs to this body.

"You will identify and recommend any new and innovative budget expansions to meet the needs of the people that, in your judgment, can be supported within the funds available.

"You shall work in cooperation with any Senate Committee and with any House Committee, when it appears appropriate for you to do so; it will make the work you produce better and will bring benefits to the people of our State.

"Your task will be a difficult one, but I am confident that each of you will undertake it to the best of your ability and propose a constitutionally-mandated balanced budget for our State."

BANKS AND THRIFT INSTITUTIONS COMMITTEE

Chairman:	Senator Warren
Vice-Chairmen:	Senator Jordan
	Senator Marshall
Senators:	Ballance, Carpenter, Edwards, Harris, Hartsell, Hoyle, Hunt, Johnson, Kaplan, Kincaid, Perdue, Richardson, Seymour, Soles, Walker, D. Winner

On behalf of the Senate, you are charged as follows:

"You who have served in previous sessions know only too well the heavy obligations which are always placed upon the Committee dealing with financial institutions. The balancing of the interest between the legitimate concerns of the financial community and the average citizen of the State is always a most difficult task. You must balance the availability of money versus its cost.

"Many of you have had much experience in this General Assembly and on numerous committees. You are charged to be most careful and totally fair as you consider and deliberate upon the sensitive legislation which will undoubtedly be referred to you during this legislative session. We have confidence in your ability and wish you well in your work."

CAPITAL EXPENDITURES COMMITTEE

Chairman:	Senator Kaplan
Vice-Chairman:	Senator Sherron
Senators:	Daniel, Hunt, Kincaid, Lee, R. L. Martin, Odom, Plexico, Plyler, Richardson, Shaw, Ward, D. Winner

On behalf of the Senate, you are charged as follows:

"Senator Kaplan, you and the members of your committee have been given an important task. You are charged with overseeing the capital expenditures of our state. You will be responsible for ensuring that North Carolina's financial resources are channeled in such a way that the people of our state receive the maximum benefit from their use. The demands on you will be great. Our needs in this area far outpace our resources. You must examine each request with care and thoroughness, then recommend those that will best serve our state. The Senate has faith in your abilities to meet the demands and challenges that will face you in the coming days. We thank you for your willingness to serve."

CHILDREN AND HUMAN RESOURCES COMMITTEE

Chairman:	Senator Walker
Vice-Chairmen:	Senator Albertson
	Senator Harris
Senators:	Cochrane, Codington, Cooper, Daniel, Forrester, Perdue, Plexico, Richardson, Speed, Tally, Ward

On behalf of the Senate, you are charged as follows:

"Our children are our future. We have an obligation to do everything in our power to nurture our children thereby ensuring a bright future for our state. It is the duty of your committee to carry out this obligation. You will be responsible for seeing that every child in our state, regardless of race, gender, financial status or geographic location, has the opportunity to succeed in this life. At the same time, you must not neglect the needs of the old, the infirmed, and all those bereft of the necessities of life. Direct our resources wisely and always with compassion for all."

CONSTITUTION AND ELECTIONS LAWS COMMITTEE

Chairman:	Senator Hyde
Vice-Chairman:	Senator Folger
Senators:	Ballance, Blackmon, Cooper, Daniel, Kaplan, Lee, Plexico, Sands, Walker, D. Winner, L. Winner

On behalf of the Senate, you are charged as follows:

"Our Constitution is the foundation of our laws and government, and the right to vote one of its most important provisions. You are charged with reviewing bills, proposing constitutional changes, and reviewing North Carolina's election laws. Your committee is an important one, and the issues you will be dealing with are fundamental to our state's well being. You must carefully analyze each proposal that comes before you and recommend to the Senate those that will best serve North Carolina. Yours is an important task, and we appreciate your willingness to serve North Carolina in this way."

ECONOMIC DEVELOPMENT COMMITTEE

Chairman:	Senator Edwards
Vice Chairmen:	Senator Ballance
	Senator Seymour
Senators:	Blackmon, Cooper, Hoyle, Hyde, Jordan, Kerr, R.L. Martin, Plyler, Richardson, Soles, Warren

On behalf of the Senate, you are charged as follows:

"A healthy state requires a healthy, robust economy. Senator Edwards, you and the members of your committee will be instrumental in seeing to North Carolina's economic well-being. You are charged with seeking out ways to improve the economic opportunities available to citizens in every community, large and small, in our state. Your work is crucial to the future of North Carolina and we thank you for undertaking it."

EDUCATION/HIGHER EDUCATION COMMITTEE

Chairman:	Senator Perdue
Vice-Chairmen:	Senator Gunter
	Senator Lee
	Senator Warren
Senators:	Cochrane, Conder, Cooper, Edwards, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Marshall, Parnell, Sands, Smith, Speed, Ward, L. Winner

On behalf of the Senate, you are charged as follows:

"The education of our children is the single most important investment we, as a state, make. It is the seed from which the fruits of advancement grow. The work you do this Session will be among the most important ever undertaken by this body. You are charged with examining the proposals and bills that come before you with care and diligence. You must recommend legislation that will make our system of public education the envy of the nation and prepare our children to lead North Carolina to a new level of enlightened prosperity. You also must work to help our Community College and University systems reach even higher levels of achievement. Providing leadership on educational issues is a difficult job, we thank you for undertaking this important challenge."

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Chairman:	Senator Tally
Vice-Chairmen:	Senator Kerr
	Senator Ward
Senator:	Cochrane, Cooper, Gulley, Gunter, Odom, Plexico, Sands, Simpson, Speed, L. Winner

On behalf of the Senate, you are charged as follows:

"Your Committee will deal with the important question of the environment and development and growth in our State. It is well that, at the same time, you will also deal with the broad areas of conservation of our natural resources.

"Protecting and preserving our environment is critical to continuing the good quality of life we have all come to expect in North Carolina. It is our quality of life that has made this State a leader. We cannot afford to allow growth and other demands to harm the

valuable resources we have in this State, but we must continue to strive for good industries. These goals are not incompatible.

"You have the responsibility of ensuring that we leave our State as blessed as we found it for those who come after us.

"Our people look to you as guardians of their welfare. We know you will prove worthy of their trust."

FINANCE COMMITTEE

Chairmen:	Senator Hunt
	Senator D. Winner
Vice-Chairmen:	Senator Conder
	Senator Kaplan
Senators:	Allran, Cooper, Hartsell, Johnson, Kerr, Parnell, Sands, Seymour, Shaw, Sherron, Soles

On behalf of the Senate, you are charged as follows:

"The Finance Committee is entrusted with the responsibility for consideration of legislation which affects or may affect the revenue of our State. You are instructed to use utmost diligence to assure that our State's revenue capacity remains able to adequately fund necessary services. The sound reputation of the State of North Carolina for fiscal integrity must never be compromised. You are further instructed to see that our revenue laws spread that tax burden fairly among all citizens.

"The Senate depends on you to review the economic picture of our State and determine what proposals will best serve the interest of all our citizens.

"Each year our finance laws become more complex and more important to our State's well-being.

"The Senate is confident that this Committee will carry out its responsibilities with thoroughness and fairness. We appreciate your willingness to serve and wish you well in your work."

INSURANCE COMMITTEE

Chairman:	Senator Parnell
Vice-Chairmen:	Senator Hyde
	Senator Johnson
Senators:	Ballance, Codington, Gunter, Kerr, Kincaid, Lee, Wm. Martin, Odom, Sands, Seymour, Smith, Soles

On behalf of the Senate, you are charged as follows:

"Available and affordable insurance is of utmost importance to every citizen of this State. During the last several years, this Body has taken some important steps which have given the Commissioner the tools necessary to provide a healthy insurance environment for our State.

"You and your Committee are being entrusted with the task of considering legislation which will affect various aspects of the insurance industry. This Committee must do its best to balance the needs of the citizens with the desires of the industry.

"You and your Committee have been selected with care and we look forward to working with you in this important challenge."

JUDICIARY I COMMITTEE

Chairman:	Senator Ballance
Vice-Chairmen:	Senator Folger
	Senator Sands
Senators:	Blackmon, Daniel, Kerr, Lee, Marshall, Richardson, Tally, D. Winner

JUDICIARY II COMMITTEE

Chairman:	Senator Cooper
Vice-Chairmen:	Senator Odom
	Senator Soles
	Senator L. Winner
Senators:	Allran, Gulley, Harris, Hartsell, Hyde, Johnson, Wm. Martin, Simpson, Speed

On behalf of the Senate, you are charged as follows:

"These two Committees will share in the work undertaken by the Senate Judiciary Committees. Judiciary Committees have in the past received technical and complicated legislation which cuts across the entire spectrum of the statutory law of our State. This Session will be no different from the standpoint of volume and complexity of bills which are assigned to the Judiciary Committees.

"Judiciary I will at times review legislation pertaining to Administrative, Civil and Business Law, but primarily it will consider legislation pertaining to the Administration of Justice and Criminal Law. Judiciary II may at times address legislation that concerns the Administration of Justice and Criminal Law. However, the primary task of Judiciary II will be the review of legislation pertaining to Administrative, Business and Civil Law.

"North Carolina is proud of its strong legal system and we appreciate your willingness to undertake this complicated process, which is central to the well-being of our State.

"We know you will continue the tradition of excellence which has come to be expected of Senate Judiciary Committees as you fairly and efficiently proceed with your demanding work."

LOCAL GOVERNMENT AND REGIONAL AFFAIRS COMMITTEE

Chairman:	Senator Folger
Vice-Chairmen:	Senator Gulley
	Senator Richardson
Senators:	Albertson, Allran, Ballance, Edwards, Gunter, Lee, Marshall, Shaw, D. Winner, L. Winner

On behalf of the Senate, you are charged as follows:

"Better State and local partnerships are critical to our future as the federal government abandons and shifts responsibility for programs. As local officials address a growing number of complex problems and increased demand for services, we continue to see an increase each Session in the number of bills affecting local governments.

"On many occasions proposed local legislation has state-wide impact. It will be your duty to examine each piece of legislation and determine whether passage is in the best interest of not only the local citizens but also our entire State.

"The Senate has confidence in your ability to meet the challenges before you, and we thank you for undertaking this vital work."

MANUFACTURING AND LABOR COMMITTEE

Chairman:	Senator Kerr
Vice-Chairmen:	Senator Cooper
	Senator Plexico
Senators:	Albertson, Allran, Ballance, Edwards, Gulley, Gunter, Hartsell, Hoyle, Hyde, Kincaid, Perdue, Richardson, Seymour, L. Winner

On behalf of the Senate, you are charged as follows:

"The treasury of our State would be meager, indeed, if the General Assembly, through repressive statutes, discouraged the development of manufacturing. The plight of our people would be intolerable, if we, through oppressive laws, should discourage manufacturing. At the same time, the men and women who toil for a living need to know that they will be treated with respect and dignity.

"You will be beset by many demands, some of them at cross purposes. It is your task to find a balance between these demands.

"Grant all of those who come before you a full and fair audience. Treat all with courtesy. Be patient. Be fair.

"Above all else, keep the well-being of our state uppermost in your mind as you make your decisions."

PENSIONS AND RETIREMENT COMMITTEE

Chairman:	Senator Harris
Vice-Chairman:	Senator Edwards
Senators:	Carpenter, Conder, Daniel, Hunt, Johnson, Kaplan, Wm. Martin, Plyler, Sherron, Smith, Simpson, Soles, Speed, Walker, Ward, D. Winner

On behalf of the Senate, you are charged as follows:

"A sound retirement and pension policy is essential as we strive to attract and keep good employees serving our State. We appreciate your willingness to look at the State-administered retirement benefit and pension plans for public officers and employees.

"You will be faced with various proposals and it will be your job to consider policies that will maintain a sound system for our State. The Senate is confident of your ability to guide us properly in this very important work."

PUBLIC UTILITIES COMMITTEE

Chairman:	Senator Seymour
Vice-Chairmen:	Senator Kerr
	Senator Parnell
Senators:	Carpenter, Cochrane, Forrester, Gulley, Harris, Hoyle, Hunt, Johnson, Jordan, R. L. Martin, Perdue, Smith, Tally, Warren

On behalf of the Senate, you are charged as follows:

"Members of the Committee on Public Utilities, it would be difficult to exaggerate the widespread public concern present throughout North Carolina about the increased high cost of utilities. It would likewise be difficult to discover a more complicated legal problem than that of rate-making for public utilities.

"We are asking a great deal of you. So are the people.

"In your deliberation, the Senate charges you to work diligently, to be firm, to be fair-minded, and to keep your duty as representatives of the people always before you."

RULES AND OPERATION OF THE SENATE COMMITTEE

Chairman:	Senator Sands
Vice-Chairman:	Senator Conder
Senators:	Ballance, Carpenter, Cooper, Daniel, Harris, Hartsell, Perdue, Plyler, Seymour, Simpson, Soles, Ward, D. Winner

On behalf of the Senate, you are charged as follows:

"The rules governing the operation of this Senate should be structured so as to make us efficient as well as fair to all members who have been duly elected by their constituents. It will be your duty to monitor the operation of this Senate and to propose modifications to our rules when you determine that such are necessary for efficiency and fairness.

"We are certain that you and your Committee will carry out your assignment for the benefit of this Senate and the people of this State."

STATE PERSONNEL AND STATE GOVERNMENT COMMITTEE

Chairman:	Senator Johnson
Vice-Chairman:	Senator R. L. Martin
Senators:	Allran, Daniel, Folger, Jordan, Wm. Martin, Parnell, Plyler, Seymour, Sherron, Simpson, Walker

On behalf of the Senate, you are charged as follows:

"The problems and concerns of the people who work in State government are real and require the best thinking of this General Assembly. Dedicated State employees make it possible for government to serve the public.

"A caring employer who recognizes the need for proper working conditions and adequate pay for work performed, brings about dedicated employees.

"Likewise, the taxpayers of this State and, indeed, of the whole nation are demanding efficiency in government. They deserve no less. We charge you to build carefully, to build for the future, and to build with our taxpayers in mind. They have demanded efficiency in government; we must provide that efficiency to the people of North Carolina.

"You and your Committee have been chosen because of our confidence in your ability to meet the challenge of the work which will confront you. Thank you for your willingness to serve."

TRANSPORTATION COMMITTEE

Chairman:	Senator Speed
Vice-Chairmen:	Senator Hoyle
	Senator Perdue
Senators:	Blackmon, Carpenter, Conder, Folger, Gulley, Hunt, Jordan, Lee, Odom, Parnell, Sherron, Smith, Walker

On behalf of the Senate, you are charged as follows:

"The problem of construction, maintenance and upgrading of roads in North Carolina is a problem that demands continual and diligent review. We want to keep our reputation

as the 'Good Roads State' and ensure that North Carolina's roads will continue to be safe corridors of travel for all of their citizens, and at the same time, provide one of the means by which North Carolina's economy can grow and flourish. Good jobs follow good roads.

"Senator Speed, you and your committee are charged to examine and re-examine laws under which the Department of Transportation operates. Give careful consideration to such proposals as may come before you and be always receptive to innovative approaches to the problems of transportation.

"It is your duty to see that we protect and continue to develop this very important system and we thank you for undertaking this effort."

WAYS AND MEANS COMMITTEE

Chairman :	Senator Sherron
Vice-Chairmen:	Senator Plyler
	Senator D. Winner
Senators:	Allran, Codington, Conder, Daniel, Forrester, Harris, Hunt, Kaplan, Lee, R. L. Martin, Odom, Plexico, Sands, Shaw, Soles, Ward, Warren

On behalf of the Senate, you are charged as follows:

"This Committee is responsible for coordinating efforts between the Appropriations and Finance Committees in order to carry out our Constitutional mandate of adopting a balanced budget. We must weigh the needs of our citizens with our obligation to do what is fiscally responsible. You will be called on to review bond issues and other proposals that affect our spending and taxing policies.

"Senator Sherron, your experience in both Finance and Appropriations is invaluable to this Senate and the State of North Carolina. As such we are asking you to serve on both the Finance and Appropriations Committees. You and your committee are charged to work carefully with the Chairmen of both Finance and Appropriations to develop a truly balanced budget in the most difficult of times. Your expertise in both committees is needed now more than ever.

"The challenge will be even greater this year to continue to bring our budget into balance, considering our varying budget estimates and recent federal tax changes. The Senate, in advance, thanks you for accepting this challenge and your willingness to serve."

GOVERNMENT PERFORMANCE AUDIT SELECT COMMITTEE

Chairman:	Senator Wm. Martin
Vice-Chairmen:	Senator Daniel
	Senator Hunt
	Senator Sands
Senators:	Blackmon, Conder, Hoyle, Lee, Marshall, Perdue, Plyler, Shaw, Soles, D. Winner

On behalf of the Senate, you are charged as follows:

"Our state cannot grow and prosper as it should without a government that functions effectively and efficiently. It shall be the responsibility of this committee to examine every proposal pertaining to the operations of state government and to recommend those that will help our government achieve the highest level of service possible for the people of North Carolina. Senator Martin, you and the members of your committee face a difficult task. But we have every confidence in your ability to achieve the goals set before you."

The Chair recognizes Senator Basnight, who offers the following remarks:

"Yes, thank you, Mr. Chairman. We did this quickly 'cause we completed them about as quickly as we could. If fact, they just brought them into the Chambers a few minutes ago and we haven't had time to reproduce them. But we will be doing that, I hopefully, right now Roy so the members can have them and take them home over the weekend. This obviously will lead the Senate in making the decisions that shapes the future of our State. And you as chairmen, and members of the committee, I only ask you to do what is in the best interest of the people. And I am certain that you will.

"You freshman, you new Members of this Body, will obviously note and see that you have been given some very prominent roles as members of certain committees. I want to see that that prominence that you have been given will give you an opportunity to deliver, what I believe and Members of the Body who have been here previously before you, know you will be able, and that is your vision of a better North Carolina.

"If there are some inconveniences to your schedule, as you may find it to be, and hopefully there isn't in the committee assignments, I would ask that you get in touch with myself or Sandy and we will try to accommodate you as best we can. If you feel that there is a change on a committee assignment that would better serve you, let me know and I'll certainly try to accommodate you as well. If there are some inconveniences that you feel will not best serve your needs as individual Senators because of a certain assignment or some, maybe some interference could be found because of your employment or something such as that, let us know, also, as well and we will do what we can to make those accommodations.

"I encourage you to use these positions in these assignments to do the things that brought you here, and that is to make a better State. And thank you very much for accepting the lead as chairmen of these committees and accepting your role as members of the individual committees to make a better North Carolina."

The President Pro Tempore announces changes in the standing committee appointments, as follows:

Pensions and Retirement Committee: Senator Martin of Guilford is removed.

Children and Human Resources Committee: Senator Martin of Guilford is appointed.

The President recognizes the following pages serving in the Senate this week:

Jennifer Leigh Allen, Cary; Robert Clyde Burns, Cary; Kionna Monique Coleman, Knightdale; Brian Howard Davis, Castalia; Stephanie Fortune, Apex; Andrea Main, Raleigh; Maria Marbet, Raleigh; Simon Melcher, Raleigh; Carla Renee McPherson, Graham; Christopher Neal Rattican, Roxboro; Katherine Shugart, Wendell; and Joseph Peyton Tunstall III, Washington.

On motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns at 3:52 P.M. to meet Monday, February 1, at 8:00 P.M.

THIRD DAY

SENATE CHAMBER,
Monday, February 1, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal and Loving God, we pray that Senators and staff have returned to this place renewed and ready for the tasks and opportunities of this week. From the outset, Your servants have been and will be asked to make important choices and decisions about legislation. Some of these decisions will be made easily because the facts are just plain as day, others will be painfully difficult because proponents and antagonists will argue persuasively to what appears to be a draw.

"Especially at these times, remind the Senators that the distress of choice is always the chance to help others! Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, January 28, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Winner of Buncombe and to Senator Hyde, due to an emergency change of law office closing and trial of lawsuit.

OATH OF OFFICE

The President of the Senate recognizes Senator-elect I. T. "Ted" Kaplan of Forsyth County and Senator-elect Daniel R. Simpson of Burke County and directs them to approach the dais. With the proper certificates of election received from the Secretary of State, the Honorable Rufus Edmisten, the Honorable Dennis A. Wicker, Lieutenant Governor and President of the Senate, administers the oath of office, to which they respond, as follows:

"I do solemnly swear that I will support the Constitution and laws of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear that I will faithfully discharge the duties of my office as a member of the Senate of the 1993 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God."

The President directs Senator Kaplan of Forsyth and Senator Simpson of Burke to assume their seats.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Harris and Smith:

S.B. 24, a bill to provide that any juvenile bringing a gun or dangerous weapon to school shall be ineligible for a North Carolina drivers license until the juvenile is eighteen years of age.

Referred to **Judiciary I Committee**.

By Senators Winner of Buncombe, Allran, Blackmon, Carpenter, Cochrane, Codington, Forrester, Hartsell, and Plexico:

S.B. 25, a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto.

Referred to **Constitution and Election Laws Committee**.

By Senators Daniel and Plyler:
S.B. 26, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, and for other purposes.
Referred to **Capital Expenditures Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Daniel and Plyler:
S.B. 27, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes.
Referred to **Appropriations Committee.**

By Senator Conder:
S.B. 28, a bill to amend the Constitution to change the composition of the State Board of Education, to make the Superintendent of Public Instruction an appointee of the State Board of Education, and to make corresponding statutory changes.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Constitution and Election Laws Committee.**

The President recognizes the following pages serving in the Senate this week:

Carrie Altman, Gibsonville; Jason Edward Brumbelow, New Bern; Stephanie Burge, Burlington; Lee Aminah Hines, Wilmington; Hannah Whitney Hull, Elizabeth City; Miller McCord Jones, Matthews; Kesha Liles, Lucama; Flynn Taylor Mooring, Rocky Mount; Charity Moss, Kings Mountain; Ivy Blades Robinson, Elizabeth City; Bart Smith, Yanceyville; Angela Lynn Turner, Goldsboro; Michael A. Walker, Fayetteville; and Dena Jo White, Hertford.

On motion of Senator Basnight, seconded by Senator Walker, the Senate adjourns at 8:11 p.m. to meet tomorrow, February 2, at 1:30 P.M.

FOURTH DAY

SENATE CHAMBER,
Tuesday, February 2, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as taken from The Meaning of Prayer by Harry Emerson Fosdick with amendments:

Our Heavenly Father, the experience of history is clear...there are some things You will never do, O Lord, until You find a person who prays. We might well consider that sometimes Your will depends on our cooperation.

We must think...Your truth is never blazoned on the sky that we might find it without seeking!
We must work...You store the hills with granite but workmen built the great buildings.
We must pray...As communication, prayer is one of the three forms of our cooperation with You.

Remind us...
Some things never without thinking

Some things never without working
Some things never without praying...

Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, February 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Ballance and to Senator Hyde.

The President acknowledges the floral arrangement sent to members of the Senate by Mrs. Gerda B. Pleasants, former Sergeant-at-Arms of the Senate in appreciation for the many courtesies extended during her tenure.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Sands, Vice-Chairman, for Senator Ballance, Chairman, for the **Judiciary I Committee**:

S.B. 10, a bill to modify the certificate of need law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Proposed Committee Substitute bill S10PCS-RM is placed before the Senate for immediate consideration, and on his further motion, is adopted.

With unanimous consent, the Committee Substitute bill is re-referred to the **Finance Committee.**

INTRODUCTION OF BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Ballance, Hartsell, Winner of Mecklenburg, Marshall, and Plexico:

S.B. 29, a bill to entitle employees to family and medical leave.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (See Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 1030, Section 51.16 of the North Carolina Session Laws, Regular Session 1992, the General Statutes Commission submits its Report on the Requirements of G.S. 47-30(m) and G.S. 89C-26.

Pursuant to Chapter 754, Section 2.4 of the 1991 Session Laws and Chapter 900, Section 22 of the 1991 Session Laws, 1992 Regular Session, the Legislative Research Commission submits its Final Report on the North Carolina Indian Cultural Center.

Pursuant to Chapter 754, Section 2.1, Subdivision 29 of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Ways to Promote the Conservation of Energy and the Use of Renewable Energy Sources in Residential, Commercial, Industrial, and Public Facilities.

Pursuant to Chapter 754, Sections 2.5 and 2.6 of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Governmental Ethics and Lobbying.

Pursuant to Chapter 754, Section 2.1(23) of the 1991 Session Laws, the Legislative Research Commission submits its Report on the Use of Prison Inmates.

Pursuant to Chapter 754, Section 2.1(30) of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on the Rights of Victims of Crimes.

Pursuant to Chapter 754, Section 2.1(27), (51), and (52) and Chapter 621, Section 13 of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Solid Waste Control and Disposal Issues.

Pursuant to Chapter 754, Section 2.1 of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Alternative Approaches to Deal with Discrimination in Employment.

Pursuant to Chapter 754, Section 2.2 of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Child Day Care Issues.

Pursuant to Chapter 754, Section 2.1(1) of the 1991 Session Laws, the Legislative Research Commission submits its Final Report on Revenue Laws.

The President recognizes Senator Sands, who rises and offers a motion that the remarks of all speakers on the First Legislative Day be spread upon the Journal in their proper places, which motion prevails. Senator Sands offers a further motion that all charges to committee chairmen and their members be spread upon the Journal of the Second Legislative Day in their proper places, which motion prevails.

RECONSIDERATION

S.B. 10 (Committee Substitute), a bill to modify the certificate of need law.

Senator Sands offers a motion that the vote by which the motion to re-refer the Committee Substitute bill to the **Finance Committee** prevailed be reconsidered, which motion prevails, and the question becomes re-referral of the measure to the **Finance Committee**.

With unanimous consent, Senator Sands withdraws the motion to re-refer the Committee Substitute bill to the **Finance Committee**.

Senator Daniel offers Amendment No. 1 which he subsequently withdraws.

Without objection, on motion of Senator Daniel, the Committee Substitute bill is placed on the Calendar for tomorrow for further consideration.

On motion of Senator Basnight, seconded by Senator Sherron, the Senate adjourns at 1:47 P.M. to meet tomorrow, February 3, at 1:30 P.M.

FIFTH DAY

SENATE CHAMBER,
Wednesday, February 3, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, the calling to be a legislator may be one of the most demanding vocations of all.

"As constituents, our desire for good education, roads, justice and health care always stands in juxtaposition to securing the resources to fund those desires. Balancing the two is the difficult task of our legislators.

"Grant the Senators a special measure of Your energy, wisdom, and vision for this work, and remind us all that 'the office of government is not to confer happiness, but to give people the opportunity to work out their own happiness.' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, February 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Hyde.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Conder and Smith:
S.B. 30, a bill to establish qualified immunity for sports officials.
Referred to **Judiciary II Committee**.

By Senators Cochrane, Carpenter, Martin of Pitt, Richardson, and Speed:
S.B. 31, a bill to require that the Department of Human Resources study the issue of reimbursement for domiciliary care homes and recommend a specific method for rate setting.
Referred to **Children and Human Resources Committee.**

By Senators Cochrane, Carpenter, Martin of Pitt, Richardson, and Speed:
S.B. 32, a bill to appropriate funds to increase funding for in-home aide services and caregiver support services.
Referred to **Appropriations Committee.**

By Senators Cochrane, Carpenter, Martin of Pitt, Richardson, and Speed:
S.B. 33, a bill to appropriate funds for the Long-Term Care Ombudsman Program.
Referred to **Appropriations Committee.**

By Senators Cochrane, Carpenter, Martin of Pitt, Richardson, and Speed:
S.B. 34, A bill to appropriate funds to increase funding for senior centers.
Referred to **Appropriations Committee.**

By Senators Speed, Cochrane, Carpenter, Martin of Pitt, Richardson, Plyler, Odom, Albertson, Ward, Tally, Soles, Allran, Forrester, and Smith:
S.B. 35, a bill to index the amount of the property tax homestead exemption and the amount of the income limit for eligibility for the exemption.
Referred to **Finance Committee**.

By Senators Speed, Albertson, Marshall, Ward, Soles, and Carpenter:

S.B. 36, a bill to allow the limited disclosure of veterinary medical records in the Department of Agriculture.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senators Speed, Albertson, Plyler, Warren, Ward, Marshall, Soles, and Carpenter:

S.B. 37, a bill to change the membership of the Commission on Agriculture and Seafood Awareness.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senators Speed, Albertson, Plyler, Marshall, Ward, Soles, and Carpenter:

S.B. 38, a bill to exempt agricultural trailers from motor vehicle lighting requirements during daylight hours.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

By Senators Speed, Albertson, Warren, Marshall, Ward, Soles, and Carpenter:

S.B. 39, a bill to appropriate funds to meet the capital and operational costs of transferring the Department of Agriculture Education from the College of Education and Psychology to the College of Agriculture and Life Sciences at North Carolina State University.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Speed, Albertson, Marshall, Ward, and Carpenter:

S.B. 40, a bill to limit the liability of landowners to members of the public entering the land for educational and recreational purposes.

Referred to **Judiciary II Committee.**

By Senator Kincaid and Carpenter:

S.B. 41, a bill to provide for voluntary binding arbitration in medical malpractice cases, to establish the Health Care Cost Control Oversight Commission, and to implement other health care cost control measures.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Judiciary I Committee.**

By Senator Kincaid and Carpenter:

S.B. 42, a bill to require the coordination of benefits paid under accident and health insurance policies, and to establish minimum deductibles under health and accident insurance policies.

Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Ward and Tally:

S.B. 43, a bill to increase the appropriations for exceptional children to bring total expenditures for exceptional children to two times the expenditures for nonexceptional children.

Referred to **Appropriations Committee.**

By Senators Ward and Tally:

S.B. 44, a bill directing the State Board of Education to revise the funding formula for exceptional children.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Albertson, Parnell, Cooper, Jordan, Plyler, Warren, Martin of Pitt, and Shaw:

S.B. 45, a bill to permit the use of the prison enterprise laundry operation in emergency situations.

Referred to **Judiciary I Committee.**

By Senators Albertson, Parnell, Cooper, Jordan, Plyler, Warren, Martin of Pitt, and Shaw:

S.B. 46, a bill to establish a pilot program designed to rehabilitate prison inmates and reduce recidivism by utilizing a course of study based on developing positive mental attitudes.

Referred to **Judiciary I Committee.**

By Senators Albertson, Parnell, Cooper, Jordan, Plyler, and Shaw:

S.B. 47, a bill to raise the maximum daily wage paid to prisoners by prison enterprises and to provide that those wages be paid on an hourly or production-quota basis.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Perdue, Lee, Forrester, Cochrane, Daniel, Jordan, Gunter, Allran, Edwards, Folger, Gulley, Hartsell, Hoyle, Plexico, Seymour, Smith, Speed, Tally, and Warren:

S.B. 48, a bill to give local government units more financial security and restore growth to State-collected local revenues and tax-sharing funds.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Perdue and Lee:

S.B. 49, a bill to add members to the School Site-Based Management Task Force.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Forrester, Cochrane, Allran, Smith, Harris, Perdue, Codington, Plexico, Shaw, Carpenter, and Hartsell:

S.B. 50, a bill to reduce the legal limit of blood alcohol from 0.10 to 0.08.

Referred to **Judiciary I Committee.**

CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

S.B. 10 (Committee Substitute), a bill to modify the certificate of need law. Senator Daniel offers Amendment No. 2 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (47-0).

Senator Harris objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, February 4, for further consideration, upon third reading.

Upon motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns at 2:34 P.M. to meet tomorrow, February 4, at 12:00 Noon.

SIXTH DAY

SENATE CHAMBER,
Thursday, February 4, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable Marvin M. Ward, Senator from Forsyth County.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, February 3, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Hyde.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Odom, Cooper, and Speed:
S.B. 51, a bill to authorize counties and cities to expand the fee on owners of improved property for solid waste management, to authorize counties to impose a franchise fee, and to establish the basis for setting the amount of certain local fees for commercial solid waste collection and disposal activities.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Odom, Cooper, and Speed:
S.B. 52, a bill to prohibit the distribution, sale, and offering for sale of plastic containers produced from polyvinyl chloride.
Referred to **Environment and Natural Resources Committee.**

By Senators Odom, Cooper, and Speed:
S.B. 53, a bill to clarify the authority that a county or city has to require participation in a recycling program.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Odom and Speed:
S.B. 54, a bill to impose an advance disposal tax on small quantities of new household hazardous items and to require each county to provide a site for the collection and disposal of household hazardous waste.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Odom, Cooper, and Speed:
S.B. 55, a bill to clarify the General Statutes to include training for incinerator operators of solid waste management facilities.
Referred to **Environment and Natural Resources Committee.**

By Senators Odom, Cooper, and Speed:
S.J.R. 56, a joint resolution authorizing the Legislative Research Commission to study solid waste management in North Carolina.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Odom, Cooper, and Speed:

S.B. 57, a bill to increase the scrap tire disposal tax, to provide for the distribution of the additional tax proceeds, and to revoke the authority of a unit of local government or a contracting party to impose a separate scrap tire disposal fee.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Odom, Cooper, and Speed:

S.B. 58, a bill to establish a State procurement policy that requires the State to purchase products containing recycled materials and establishes certain goals for the purchase of goods and supplies made from recycled materials.

Referred to **State Personnel and State Government Committee.**

By Senators Odom, Cooper, and Speed:

S.B. 59, a bill to prohibit the disposal of certain classes of recyclable solid waste in landfills or by incineration.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Odom, Cooper, and Speed:

S.B. 60, a bill to impose an advance disposal tax on new white goods, to require each county to provide a disposal site for white goods, and to provide for the removal of chlorofluorocarbons from white goods that contain chlorofluorocarbons.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Jordan, Martin of Guilford, Gulley, Hoyle, and Marshall:

S.B. 61, a bill to require that applicable local zoning requirements must be satisfied to obtain an ABC Permit.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Lee, Martin of Pitt, Winner of Buncombe, Seymour, and Gulley:

S.B. 62, a bill to transfer the rail safety section from the Utilities Commission to the Department of Transportation.

Referred to **State Personnel and State Government Committee.**

By Senators Lee, Martin of Pitt, and Gulley:

S.B. 63, a bill to repeal the two percent restriction on the use of proceeds of the Regional Transportation Authority registration tax for administrative purposes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Lee, Martin of Pitt, Winner of Buncombe, Seymour, and Gulley:

S.B. 64, a bill to create a rail council within the Department of Transportation and to broaden the authority of the Board of Transportation.

Referred to **Transportation Committee.**

By Senators Tally, Sherron, Ward, Odom, Hartsell, Edwards, Carpenter, Seymour, Smith, and Cochrane:

S.B. 65, a bill to authorize the issuance of one hundred twenty million dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds through grants, revolving loans, and loans to local government units for water supply systems, wastewater collection systems, and wastewater treatment works.

Referred to **Finance Committee.**

By Senators Tally, Sherron, Odom, Seymour, and Carpenter:

S.B. 66, a bill to restructure the fee system for community water systems.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Tally, Sherron, Odom, Carpenter, Seymour, and Cochrane:

S.J.R. 67, a joint resolution authorizing the Legislative Research Commission to study water issues.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Ballance, Winner of Mecklenburg, Lee, Richardson, Edwards, Hunt, Gulley, Jordan, Tally, Plexico, Odom, Kaplan, Marshall, Hartsell, Warren, Carpenter, Gunter, Martin of Guilford, Walker, Ward, Seymour, and Soles:

S.J.R. 68, a joint resolution honoring the late United States Supreme Court Justice, Thurgood Marshall.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Cooper, Walker, Ward, Seymour, and Forrester:

S.B. 69, a bill to establish the Public Health Study Commission.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

ADDITIONAL ENDORSEMENT

Senator Martin of Guilford requests to be recorded endorsing a bill previously introduced:

S.B. 48, a bill to give local government units more financial security and restore growth to State-collected local revenues and tax-sharing funds.

CALENDAR

A bill on the Calendar is taken up and disposed of as follows:

S.B. 10 (Committee Substitute), a bill to modify the certificate of need law, as amended, upon third reading.

On motion of Senator Daniel, further consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, February 9.

On motion of Senator Basnight, seconded by Senator Sands, the Senate adjourns at 12:15 P.M. in memory of Margaret Best Royall, mother of Kenneth C. Royall, Jr., former Senator from Durham County and Deputy President Pro Tempore of the Senate, to meet Monday, February 8, at 7:00 P.M.

SEVENTH DAY

SENATE CHAMBER,
Monday, February 8, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with excerpts from As A Man Thinketh by James Allen, as follows:

"Dear God and Father: we are a hurried people. It is difficult most times to look beyond the next committee meeting, luncheon engagement, or doctor's appointment.

"In all our 'busyness,' allow us a few minutes each day to be dreamers...for dreamers are the saviors of this world...architects of the future. Our vision is the promise of what we shall one day be; our ideal the prophecy of what we shall at last unveil. Just as the oak sleeps in the acorn, our dreams are the seedlings of reality.

"Empower Your servants here, O Lord, to be great visionaries on behalf of the people of this State. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, February 4, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written

With unanimous consent, the President grants a leave of absence for tonight to Senator Daniel and to Senator Hartsell, delayed by automobile trouble.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Speed and Albertson:

S.B. 70, a bill to permit the inspection of ostriches and other ratites under the Meat Inspection Act.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Parnell, Albertson, and Jordan:

S.B. 71, a bill to extend the time for applying for an initial exemption concerning fire sprinkler contractors.

Referred to **Manufacturing and Labor Committee.**

By Senators Parnell, Martin of Pitt, Ward, Sherron, Plyler, Allran, Albertson, and Jordan:

S.B. 72, a bill to establish regional response teams for hazardous materials emergencies in North Carolina.

Referred to **Manufacturing and Labor Committee.**

By Senator Carpenter:

S.B. 73, a bill to provide additional services for handicapped persons at motor fuel facilities.

Referred to **Transportation Committee**, and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Parnell, Martin of Pitt, Ward, Sherron, Plyler, Allran, Albertson, and Jordan:

S.B. 74, a bill to provide for limited leave with pay for State employees who are certified disaster volunteers.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Parnell, Martin of Pitt, Ward, Sherron, Plyler, Allran, Albertson, and Jordan:

S.B. 75, a bill to authorize the continuation of the Emergency Management Issues Study.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Winner of Buncombe:

S.B. 76, a bill to eliminate expense allowances for legislators, and to set their salaries at a percentage of that of Senior Resident Superior Court Judges.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Winner of Buncombe, Martin of Guilford, and Seymour:

S.B. 77, a bill to provide that the Governor and Lieutenant Governor run as a joint ticket in the general election, and to provide that the Lieutenant Governor shall be nominated by party executive committee, rather than under the primary act.

Referred to **Constitution and Election Laws Committee.**

By Senators Winner of Buncombe, Kaplan, Martin of Guilford, and Seymour:

S.B. 78, a bill to change the date of the primary to the first Tuesday in September.

Referred to **Constitution and Election Laws Committee.**

By Senators Winner of Buncombe and Seymour:

S.B. 79, a bill to amend the Constitution of North Carolina to provide for four-year terms for members of the legislature and limit them to three consecutive terms in a house.

Referred to **Constitution and Election Laws Committee.**

By Senators Plexico and Seymour:

S.B. 80, a bill to appropriate funds to provide for a statewide Independent Living Rehabilitation Program.

Referred to **Appropriations Committee.**

WITHDRAWAL FROM COMMITTEE

S.J.R. 68, a joint resolution honoring the late United States Supreme Court Justice, Thurgood Marshall, referred to **Rules and Operation of the Senate Committee** on February 4.

Senator Sands offers a motion that the rules be suspended and the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails.

The joint resolution is placed before the Senate and the question becomes the passage of the measure and on motion of Senator Ballance is read in its entirety.

The joint resolution passes its second (45-0) and third readings and is ordered, on motion of Senator Ballance, without objection, sent to the House of Representatives by special messenger.

ADDITIONAL ENDORSEMENT

Senator Conder requests to be recorded endorsing a bill previously introduced:

S.J.R. 68, a joint resolution honoring the late United States Supreme Court Justice, Thurgood Marshall.

The President recognizes the following pages serving in the Senate this week:

Walter Clifton Brown, Rocky Mount; Emily Ann Fisher, Charlotte; Harold T. "Chip" Friddle, Jr., Burlington; Shelton L. Harris, Norlina; Billy Thomas Henderson, Yanceyville; Kara Kleinschmidt, Greenville; Aubrey Livingston, Greenville; Lee Carraway "Carrie" Merritt, Atlantic Beach; Luther Eugeue "Luke" Ray, Mooresville; Amanda C. Rose, Rocky Mount; Shannon Russell, Raleigh; William E. Singleton, Jr., Shelby; Robin Moorefield Smith, Semora; Dana Michele Wallace, Rocky Mount; Sandra Louise "Sandi" Watson, Wilson; Adam Yates Wells, Wake Forest; and Neil Aaron Williamson, Burlington.

On motion of Senator Basnight, seconded by Senator Sands, the Senate adjourns at 7:35 P.M. to meet tomorrow, February 9, at 1:30 P.M.

EIGHTH DAY

SENATE CHAMBER,
Tuesday, February 9, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father: we are far too easily pleased!

"We abandon the idea that life can be lived with any sense of real joy and accept as substitute the concept that we can live, at least, unselfishly. Being unselfish is not a bad alternative, but it was never meant to be an end in itself.

"The Psalmist said it for us, 'Create in me a clean heart, O God, and put a right spirit within me...Restore to me the joy of Your salvation.'

"Restore to us that same joy, O Lord. Is it neither too little nor too much for which to ask? What a great difference joy will make in the way that we live this very day. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of Monday, February 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Soles, due to personal business (court).

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Warren and Martin of Pitt:
S.B. 81, a bill to appropriate funds for the acquisition of land for East Carolina University.
Referred to **Capital Expenditures Committee.**

By Senators Warren and Martin of Pitt:
S.B. 82, a bill to appropriate funds for library expansion at East Carolina University.
Referred to **Capital Expenditures Committee.**

By Senators Carpenter and Plexico:
S.B. 83, a bill to allow Macon County to rename all roads within unincorporated areas of the County.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Johnson, Sherron, and Simpson:
S.B. 84, a bill to establish a Comprehensive Compensation System for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this Comprehensive Compensation System.
Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Hyde, Plexico, and Simpson:

S.B. 85, a bill to appropriate funds to the Mountain Area Study Commission.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Hyde, Plexico, and Simpson:

S.B. 86, a bill to continue and expand the charge of the Mountain Area Study Commission.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Forrester, Odom, Smith, Allran, Blackmon, and Hoyle:

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Gaston, Iredell, and Lincoln Counties before land may be condemned or acquired by a unit of local government outside the county.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Carpenter:

S.B. 88, a bill to appropriate funds to Nantahala Volunteer Fire and Rescue, Incorporated.

Referred to **Capital Expenditures Committee.**

By Senators Walker, Forrester, Plexico, Richardson, and Cochrane:

S.B. 89, a bill to establish the Legislative Study Commission on Child Care Issues.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Odom, Cooper, and Speed:

S.B. 90, a bill to promote the source reduction of waste in State purchasing.

Referred to **State Personnel and State Government Committee.**

By Senators Plexico, Cooper, Ballance, Allran, Hunt, Soles, Martin of Guilford, Forrester, Seymour, Tally, Hartsell, Gunter, Daniel, and Lee:

S.B. 91, a bill to provide that, under the temporary budget flexibility extended to certain institutions in the University of North Carolina System, a designated portion of any retained reversions may be used for energy conservation improvements.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plexico, Cooper, Ballance, Allran, Hunt, Soles, Martin of Guilford, Forrester, Seymour, Tally, Hartsell, Daniel, Gunter, and Lee:

S.B. 92, a bill to expand the current Energy Policy for State Government to apply to the construction, operation, and renovation of State facilities and to the purchase, operation, and maintenance of equipment.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plexico, Cooper, Ballance, Allran, Hunt, Soles, Martin of Guilford, Forrester, Seymour, Tally, Blackmon, Daniel, Gunter, and Lee.

S.B. 93, a bill to require the local boards of education to use the energy guidelines for school design and construction and to require energy-use goals and standards in order to assure the construction of energy efficient new schools and school renovations.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plexico, Cooper, Ballance, Allran, Hunt, Soles, Martin of Guilford, Hartsell, Seymour, Tally, Daniel, and Lee.

S.B. 94, a bill to authorize units of local government, local school boards, and community colleges to enter into guaranteed energy savings contracts in order to finance energy conservation measures in local public facilities.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Plexico, Cooper, Seymour, Allran, Martin of Guilford, Lee, Tally, Forrester, Hartsell, Soles, Daniel, and Ballance.

S.B. 95, a bill to require annual department budget requests to include a separate line item for energy expenses; to authorize the Department of Administration to enter into alternative financing agreements for the purchase of energy conservation measures; to establish the State Facilities Energy Conservation Program; and to authorize the issuance of bonds that are secured by an interest in the property purchased.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Perdue, Conder, and Shaw:

S.B. 96, a bill to modify the water column leases in Article 16 of Chapter 113 of the General Statutes.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senators Perdue, Conder, and Shaw:

S.B. 97, a bill to amend the General Statutes to authorize the Governor to appoint a spouse of a commercial fisherman to serve on the Marine Fisheries Commission in the place of the commercial fisherman.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senators Perdue, Conder, and Shaw:

S.B. 98, a bill to appropriate funds to continue the Shellfish Enhancement Program.

Referred to **Appropriations Committee.**

By Senators Perdue, Conder, and Shaw:

S.B. 99, a bill to transfer authority from the Wildlife Resources Commission to the Department of Agriculture to regulate the production and sale of commercially raised freshwater fish and freshwater crustacean species.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senators Perdue, Conder, and Shaw:

S.B. 100, a bill to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senator Perdue:

S.B. 101, a bill to authorize locals boards of education to waive the age requirements for enrollment in public schools.

Referred to **Education/Higher Education Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

H.B. 43, a bill to appoint members of the Whiteville City Board of Education.

Referred to **Education/Higher Education Committee.**

CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

S.B. 10 (Committee Substitute), a bill to modify the certificate of need law, as amended, upon third reading.

Senator Daniel offers Amendment No. 3 which is adopted (49-0).

Senator Daniel offers Amendment No. 4 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading (48-1) and is ordered engrossed and sent to the House of Representatives.

INTRODUCTION OF RESOLUTION

Senator Sands offers a motion that Rule 40 be suspended to allow the introduction of the following Senate simple resolution filed earlier today, which motion prevails by a two-thirds majority vote.

By Senator Perdue:

S.R. 102, a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina.

Referred to **Education/Higher Education Committee**.

On motion of Senator Basnight, seconded by Senator Edwards, the Senate adjourns at 2:00 P.M. to meet tomorrow, Wednesday, February 10, at 1:30 P.M.

NINTH DAY

SENATE CHAMBER,
Wednesday, February 10, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, the men and women of the Senate know that great lawmaking is effected when collaboration enjoins aspiration for the greater good of the people. It is also true that worthy ideas for legislation often come when the Senators travel in their districts, see the faces of people, and hear their stories.

"Our relationship with You is quite similar. Petitions and aspirations for the greater good are lifted skyward, but You are also ever present to work alongside and through us.

"We live most productively when our relationship with You, O God, is both vertical and horizontal. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of Tuesday, February 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Plexico, who is sick.

The Chair extends courtesies of the floor to Helen Rhyne Marvin, former Senator from Gaston County and to Arthur W. Williamson, former Senator from Columbus County. The Chair further extends courtesies of the gallery to William D. Goldston, Jr., former Senator from Rockingham County and to Thurman B. Hampton, Secretary of the Department of Crime Control and Public Safety.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Smith and Forrester:
S.B. 103, a bill to raise the force account limit for the City of Mooresville.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Plyler, Odom, and Plexico:
S.B. 104, a bill to appropriate additional funds for the Cancer Control Program in the Department of Environment, Health, and Natural Resources.
Referred to **Appropriations Committee**.

By Senators Plyler, Odom, and Plexico:
S.B. 105, a bill to appropriate funds for the Cancer Control Program in the Department of Environment, Health, and Natural Resources to cover one hundred percent of the federal poverty level.
Referred to **Appropriations Committee**.

By Senators Plyler, Odom, and Plexico:
S.B. 106, a bill to authorize the Director of the Budget to allocate additional funds for the remainder of the 1992-93 fiscal year.
Referred to **Appropriations Committee**.

By Senators Plyler, Martin of Guilford, Plexico, and Smith:
S.J.R. 107, a joint resolution requesting the Legislative Research Commission to continue its study of fire and occupational safety issues.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Plyler, Martin of Guilford, and Plexico:
S.B. 108, a bill to amend the statute of repose for products liability actions.
Referred to **Judiciary II Committee**.

By Senators Plyler, Martin of Guilford, and Plexico:
S.B. 109, a bill requiring certain detail in the decisions and reports of the OSHA Review Board.
Referred to **Judiciary II Committee**.

By Senators Warren, Allran, Lee, Sands, Speed, and Jordan:
S.B. 110, a bill to allow local school boards to request waivers for central office staff as provided by the School Improvement and Accountability Act.
Referred to **Education/Higher Education Committee**.

By Senators Warren, Allran, Lee, Sands, Speed, and Jordan:
S.J.R. 111, a joint resolution to approve a system to develop and implement a system for building improvement reports.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Rules and Operation of the Senate Committee**.

By Senators Martin of Guilford, Odom, and Jordan:
S.B. 112, a bill to allow injured employees to select or change treating physicians in workers' compensation cases.
Referred to **Manufacturing and Labor Committee** and upon a favorable report, re-referred to the **Judiciary II Committee**.

By Senators Martin of Guilford, Plyler, Odom, Conder, Daniel, and Jordan:

S.B. 113, a bill to require that publicly funded job training programs include health and safety training.

Referred to **Manufacturing and Labor Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

By Senators Martin of Guilford and Jordan:

S.B. 114, a bill to repeal the statute of repose for the collection of death benefits under the Workers' Compensation Act.

Referred to **Manufacturing and Labor Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

By Senators Martin of Guilford and Jordan:

S.B. 115, a bill to provide a cause of action to employees injured or killed by the intentional removal of or failure to install a machine safety guard.

Referred to **Manufacturing and Labor Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

By Senators Martin of Guilford, Daniel, Plyler, Sherron, Hunt, Conder, Kaplan, Lee, Speed, and Jordan:

S.B. 116, a bill to implement the recommendation of the Horse Racing in North Carolina Legislative Research Commission Study Committee to establish the North Carolina Racing Commission, after a binding referendum, to develop a program of horse racing for North Carolina, and to provide funds for development of the equine industry in North Carolina.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (See Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 900, Section 105 of the 1991 Session Laws, the Department of Transportation submits its Report on Substandard Bridges.

Pursuant to Chapter 689, Section 30 of the 1991 Session Laws, the Computer Services Study Commission submits its Report.

WITHDRAWAL FROM COMMITTEE

H.B. 43, a bill to appoint members of the Whiteville City Board of Education, referred to **Education/Higher Education Committee** on February 9.

Senator Soles offers a motion that the rules be suspended and the bill be taken from the **Education/Higher Education Committee** and placed before the Senate for immediate consideration. Senator Sands offers a substitute motion that the motion offered by Senator Soles be temporarily displaced. The motions are subsequently withdrawn.

REPORT OF COMMITTEE

A Senate simple resolution is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

S.R. 102, a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, with a favorable report as to adoption.

WITHDRAWAL FROM COMMITTEE

H.B. 43, a bill to appoint members of the Whiteville City Board of Education, referred to **Education/Higher Education Committee** on February 9.

Senator Perdue offers a motion that the rules be suspended and the bill be taken from the **Education/Higher Education Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The bill passes its second (45-0) and third readings and is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Blackmon, the Senate adjourns at 1:48 P.M. to meet tomorrow, Thursday, February 11, at 12:30 P.M.

TENTH DAY

SENATE CHAMBER,
Thursday, February 11, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Loving God, forgive us that we are so anxious, in what we say and do to have the approval of others, forgetting that it is Your approval that brings us peace of mind and clear conscience.

"We need to remember that there is no party in integrity, no politics in goodness. We pray for Your grace and Your help to do better and to be better.

"Give safe journey to the Senators and staff as they return to their homes and families this weekend. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Wednesday, February 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Soles and to Senator Richardson.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 43, an act to appoint members of the Whiteville City Board of Education. (Ch. 1)

S.J.R. 1, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives. (Res. 1)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Ward, Kaplan, and Cochrane:
S.B. 117, a bill relating to illegally parked vehicles.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Johnson, Sherron, and Simpson:
S.B. 118, a bill to change the process of appealing under the State Personnel Act certain personnel decisions of local appointing authorities.
Referred to **State Personnel and State Government Committee.**

By Senators Johnson, Sherron, Simpson, and Daniel:
S.B. 119, a bill to create the Study Commission on the State Personnel System and to appropriate funds to the Study Commission.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Johnson, Sherron, and Simpson:
S.B. 120, a bill to authorize a study of the administration of the State's flexible compensation program for State employees.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Johnson, Sherron, Simpson, and Daniel:
S.B. 121, a bill to correct inequities in the salaries of equally qualified minorities, females, and white males subject to the State Personnel Act within occupational categories in State employment.
Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Richardson, Ballance, Edwards, Walker, Lee, Jordan, Martin of Guilford, Hunt, and Conder.
S.B. 122, a bill to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of the Optimist Club.
Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Warren, Allran, Lee, Sands, and Speed:
S.B. 123, a bill to change the reporting requirements of the Charlotte-Mecklenburg School funding pilot, to define "World Class Pilot School" and to make other technical and conforming changes.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Warren, Allran, Lee, Sands, Smith and Speed:
S.B. 124, a bill to amend the Teacher Training Task Force to add teacher members and make other clarifying changes.
Referred to **Education/Higher** Education **Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Winner of Buncombe, Odom, and Kerr:
S.B. 125, a bill to provide that a purchase money security interest continues when the underlying agreement is modified with same creditor.
Referred to **Judiciary II Committee.**

By Senators Winner of Buncombe and Daniel:
S.B. 126, a bill to provide for free annual hunting and fishing licenses for persons age sixty-five and older.
Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Winner of Buncombe:
S.B. 127, a bill to modify the driving while impaired laws with respect to vehicles operated in business and to modify the felony murder by vehicle statutes.
Referred to **Judiciary I Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
February 10, 1993

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the Speaker of the House of Representatives has appointed the following officers:

Reading Clerk — Lisa Foster Smith
Sergeant-at-Arms — Oscar Tyson

Respectfully,
S/Denise Weeks
Principal Clerk

APPOINTMENTS TO COMMITTEES

The President *Pro Tempore* announces and submits changes in appointments to standing committees. With unanimous consent, on motion of Senator Basnight, the reading of the appointments is dispensed with and on his further motion, are spread upon the Journal, as follows:

Agriculture, Marine Resources and Wildlife Committee
Senator Kincaid is named Vice-Chairman.
Senator Perdue is added.
Senator Simpson is added and named Ranking Minority Member.

Appropriations Committee
Senator Kincaid is named Vice-Chairman and Ranking Minority Member.

Appropriations on Department of Transportation
Senator Kaplan is named Vice-Chairman.
Senator Carpenter is named Ranking Minority Member.
Senator Speed is added.

Appropriations on Education Committee
Senator Warren is named Vice-Chairman.
Senator Smith is named Ranking Minority Member.
Senator Edwards is added.
Senator Gunter is removed.

Appropriations on General Government Committee
Senator Martin of Guilford is named Vice-Chairman.
Senator Codington is named Ranking Minority Member.
Senator Conder and Senator Gunter are added.
Senator Edwards and Senator Speed are removed.

Appropriations on Human Resources Committee
Senator Harris is named Vice-Chairman.
Senator Forrester is named Ranking Minority Member.

Appropriations on Justice and Public Safety Committee
Senator Ballance is named Vice-Chairman.
Senator Blackmon is named Ranking Minority Member.

Appropriations on Natural and Economic Resources Committee
Senator Tally is named Vice-Chairman.
Senator Cochrane is named Ranking Minority Member.

Banks and Thrift Institutions Committee
Senator Kincaid is named Ranking Minority Member.

Capital Expenditures Committee
Senator Simpson is added and named Ranking Minority Member.
Senator Martin of Guilford and Senator Smith are added.

Children and Human Resources Committee
Senator Forrester is named Ranking Minority Member.
Senator Allran, Senator Gunter, and Senator Winner of Mecklenburg are added.

Standing Subcommittee on Veteran and Military Affairs, and Senior Citizens
Senator Harris is named Chairman.
Senator Cochrane
Senator Daniel
Senator Speed
Senator Tally

Constitution and Election Laws Committee
Senator Hartsell is added.
Senator Smith is added and named Ranking Minority Member.

Economic Development Committee
Senator Allran is added.
Senator Carpenter is added and named Ranking Minority Member.

Education/Higher Education Committee

Senator Smith is named Vice-Chairman.
Senator Cochrane is named Ranking Minority Member.
Senator Parnell is removed.

Environment and Natural Resources Committee

Senator Cochrane is named Vice-Chairman.
Senator Blackmon is added and named Ranking Minority Member.

Finance Committee

Senator Sherron is named Vice-Chairman.
Senator Allran is named Ranking Minority Member.

Insurance Committee

Senator Smith is named Vice-Chairman.
Senator Kincaid is named Ranking Minority Member.
Senator Harris is added.

Judiciary I Committee

Senator Kerr is named Vice-Chairman.
Senator Codington and Senator Parnell are added.
Senator Hartsell is added and named Ranking Minority Member.

Judiciary II Committee

Senator Allran is named Ranking Minority Member.
Senator Carpenter and Senator Plexico are added.
Senator Hartsell is removed.

Local Government and Regional Affairs Committee

Senator Hartsell is added and named Ranking Minority Member.

Manufacturing and Labor Committee

Senator Allran is named Vice-Chairman.
Senator Kincaid is named Ranking Minority Member.
Senator Gunter and Senator Perdue are removed.

Pensions and Retirement Committee

Senator Carpenter is named Ranking Minority Member.
Senator Forrester is added.

Public Utilities Committee

Senator Cochrane is named Ranking Minority Member.
Senator Soles is added.

Rules and Operation of the Senate Committee

Senator Hartsell is named Ranking Minority Member.
Senator Blackmon, Senator Odom, Senator Martin of Pitt, and Senator Parnell are added.

State Personnel and State Government Committee

Senator Simpson is named Vice-Chairman and Ranking Minority Member.
Senator Cochrane and Senator Kerr are added.

Transportation Committee

Senator Smith is named Ranking Minority Member.

Senator Allran, Senator Seymour, and Senator Warren are added.

Ways and Means Committee

Senator Allran is named Ranking Minority Member.

Government Performance Audit Select Committee

Senator Blackmon is named Ranking Minority Member.

Senator Cochrane, Senator Forrester, and Senator Walker are added.

CALENDAR

A Senate simple resolution on the Calendar is taken up and disposed of, as follows:

S.R. 102, a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, for adoption.

On motion of Senator Perdue, the Senate simple resolution is adopted (40-0).

(The text of this resolution appears in the Appendix.)

APPOINTMENT TO COMMITTEE

The President *Pro Tempore*, Senator Basnight, announces the appointment of Senator Sherron as a Vice-Chairman of the **Government Performance Audit Select Committee.**

ESCORT COMMITTEE

The Chair recognizes Senator Basnight, President *Pro Tempore*, who rises and appoints Senator Soles, Senator Condor, Senator Ballance, and Senator Perdue as a Committee on the part of the Senate to greet and escort the Honorable James B. Hunt, Jr., Governor of the State of North Carolina, to the Joint Session in the Hall of the House of Representatives on Monday, February 15, at 7:00 P.M.

On motion of Senator Basnight, seconded by Senator Gunter, the Senate adjourns at 12:50 P.M. to meet Monday, February 15, at 6:30 P.M.

ELEVENTH DAY

SENATE CHAMBER,
Monday, February 15, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God: in this place where great laws are written, let us remember also to take Your laws seriously. Obedience to them must not be made easy, otherwise we devalue Who You and and What You mean to our very existence.

"And so, as this Session continues, allow the Scripture's two greatest laws to inform and underwrite all the lawmaking that goes on here. We are to love You and love our neighbor as ourselves. On these two commandments, inevitably, hang all the laws! Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, February 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Hartsell, who is attending a county commissioners' meeting and who is also a trial witness.

The Chair extends courtesies of the floor to William W. Staton, former Senator from Lee County.

APPOINTMENT OF ESCORT COMMITTEE

Pursuant to **S.J.R. 1**, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives, the Presiding Officer after consultation with the President *Pro Tempore*, appoints Senator Soles, Senator Conder, Senator Ballance, Senator Perdue, and Senator Cochrane as a committee on the part of the Senate, to greet and escort the Governor of North Carolina, the Honorable James B. Hunt, Jr., to the Joint Session in the Hall of the House of Representatives.

INTRODUCTION OF BILLS AND RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Winner of Buncombe, Kerr, Plexico, and Seymour:
S.B. 128, a bill to exempt certain transfers of vehicles from the highway use tax.
Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Winner of Buncombe, Kerr, Plexico, and Seymour:
S.B. 129, a bill to lower the minimum highway use tax.
Referred to **Finance Committee.**

By Senators Plyler and Conder:
S.B. 130, a bill to modify the distribution of the profits from the City of Monroe ABC System.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Martin of Guilford and Blackmon:
S.B. 131, a bill to implement a recommendation of the Government Performance Audit Committee to reduce the staff of the Division of Purchase and Contract of the Department of Administration.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:
S.B. 132, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Secretary of Administration to designate a minority business coordinator.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 133, a bill to implement a recommendation of the Government Performance Audit Committee to reduce the amount of time it takes the State to procure goods and services.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 134, a bill to implement a recommendation of the Government Performance Audit Committee directing the Secretary of Administration to development and implement innovative government procurement practices.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 135, a bill to implement a recommendation of the Government Performance Audit Committee to clarify policy concerning correction enterprises.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 136, a bill to implement a recommendation of the Government Performance Audit Committee to redirect staff positions in the Division of Purchase and Contract of the Department of Administration.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 137, a bill to implement a recommendation of the Government Performance Audit Committee to provide for the development and implementation of a management information system on purchase activity by State departments and agencies.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 138, a bill to implement a recommendation of the Government Performance Audit Committee to require that the General Assembly update the general fund financial model each year.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford:

S.B. 139, a bill to implement a recommendation of the Government Performance Audit Committee to collect information on contracting capital projects and to develop strategies and goals for using single prime contractors.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 140, a bill to implement a recommendation of the Government Performance Audit Committee to revise the requirement that agencies must buy all items via State term contracts.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 141, a bill to implement a recommendation of the Government Performance Audit Committee to improve the procedures for procuring architectural and engineering services for State capital projects.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 142, a bill to implement a recommendation of the Government Performance Audit Committee to allow State agencies to keep the proceeds from the sale of surplus property.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford:

S.B. 143, a bill to implement a recommendation of the Government Performance Audit Committee directing the Department of Administration to study the feasibility of consolidating State and federal surplus property functions.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 144, a bill to implement a recommendation of the Government Performance Audit Committee directing the Secretary of Administration to develop a central automated inventory management system for the State.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 145, a bill to implement a recommendation of the Government Performance Audit Committee directing the Secretary of Administration to update the State purchasing manual.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 146, a bill to implement a recommendation of the Government Performance Audit Committee to begin the adoption and implementation of a policy for contracting out to the private sector services traditionally performed by State employees.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.J.R. 147, a joint resolution to implement a recommendation of the Government Performance Audit Committee to put in place a follow-up process, including external review, for the implementation of the recommendations of the Government Performance Audit Committee.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 148, a bill to implement a recommendation of the Government Performance Audit Committee to improve the program under which specification standards are developed for commodities purchased by the State.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Perdue:

S.B. 149, a bill to make technical corrections to a 1992 Charter amendment of the Town of Oriental, and to reschedule a referendum.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Perdue:

S.B. 150, a bill to create the authority on strategic planning for North Carolina.

Referred to **Economic Development Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Warren, Allran, Lee, Speed, and Sherron:

S.B. 151, a bill to clarify who shall be entitled to the privileges and advantages of the public schools, who shall pay tuition, and to create an education power of attorney.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Judiciary I Committee.**

By Senators Martin of Guilford, Parnell, and Sherron:

S.B. 152, a bill to extend the date by which the North Carolina Indian Cultural Center, Inc., is required to enter a lease with the State of North Carolina and to allow the receipt of pledges to satisfy the fund-raising condition to be included in that lease.

Referred to **Appropriations Committee.**

By Senators Seymour, Kerr, Plexico, Winner of Buncombe, Smith, and Cochrane:

S.B. 153, a bill to allow a percentage discount to merchants for collecting State sales and use taxes.

Referred to **Finance Committee.**

By Senators Seymour, Kerr, Plexico, and Winner of Buncombe:

S.B. 154, a bill to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax and to exempt certain mobile classrooms from sales tax.

Referred to **Finance Committee.**

By Senators Plexico, Kerr, Seymour, and Winner of Buncombe:

S.B. 155, a bill to make technical and conforming changes to the revenue laws and related statutes.

Referred to **Finance Committee.**

By Senators Plexico, Winner of Buncombe, Hyde, and Carpenter:

S.B. 156, a bill to appropriate funds for the Mountain Aquaculture Research Center at Western Carolina University.

Referred to **Appropriations Committee.**

By Senators Kerr, Plexico, Seymour, and Winner of Buncombe:

S.B. 157, a bill authorizing nonresident taxpayers to claim the tax credit for child care and certain employment-related expenses.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Kerr, Plexico, Seymour, and Winner of Buncombe:

S.B. 158, a bill to provide that the penalty for failure to file an inheritance tax return will be assessed and collected in the same manner as the penalty for failure to pay inheritance taxes.

Referred to **Finance Committee.**

By Senators Kerr, Plexico, Seymour, and Winner of Buncombe:

S.B. 159, a bill to prohibit delivery of non-tax-paid special fuel into the supply tank of a motor vehicle and acquisition of non-tax-paid special fuel for use in a motor vehicle.

Referred to **Judiciary I Committee.**

By Senators Kerr, Plexico, Seymour, and Winner of Buncombe:

S.B. 160, a bill to allow a nonresident couple to file a joint income tax return if only one spouse has income from North Carolina sources.

Referred to **Finance Committee.**

By Senators Kerr, Plexico, Seymour, and Winner of Buncombe:

S.B. 161, a bill to allow all trailers to obtain multiyear license plates, to allow owners of horseless carriages to obtain multiyear license plates, to clarify the definition of semitrailer, and to make technical and administrative changes to the laws concerning special license plates.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Kerr, Plexico, Seymour, Winner of Buncombe, Cooper, Lee, Gunter, Gulley, and Martin of Guilford:

S.B. 162, a bill to modify the requirements for licensure as a motor vehicle wholesaler or dealer, to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to expand the use of transporter plates, and to change the fee for transporter plates.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 1

House of Representatives
February 11, 1993

Mr. President:

Pursuant to **S.J.R. 1**, "A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES," the Speaker appoints the following members of House of Representatives to serve with a like Committee of the Senate to escort Governor James B. Hunt, Jr. to the Joint Session:

Representative Colton, Chair
Representative Fitch
Representative Black
Representative Balmer
Representative Stamey

Respectfully,
S/Denise G. Weeks
Principal Clerk

EXECUTIVE ORDER

An Executive Order received (See Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 2, Small Business Council.
Referred to **State Personnel and State Government Committee.**

Senator Basnight offers a motion, seconded by Senator Lee, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session, for the purpose of receiving the State of the State address and on his further motion, upon dissolution of the Joint Session, to adjourn to meet tomorrow, Tuesday, February 16, at 1:30 P.M., which motion prevails.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.J.R. 1

House of Representatives
February 15, 1993

Mr. President:

Pursuant to S.J.R. 1, "A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES," the House of Representatives stands ready to receive the Senate in Joint Session at the appointed hour.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Chair declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing. Speaker Blue relinquishes the gavel to Lieutenant Governor Dennis A. Wicker, President of the Senate.

The President of the Senate recognizes the Sergeant-at-Arms of the House of Representatives, who announces the presence of His Excellency, the Governor, The Honorable James B. Hunt, Jr. The President of the Senate directs Senator Soles and the Committees appointed by the President of the Senate and the Speaker of the House of Representatives to escort the Governor to the Well of the House of Representatives. The President of the Senate presents Governor Hunt to the General Assembly who delivers the State of the State Address. (See Appendix)

On motion of Senator Basnight, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate stands adjourned to meet tomorrow, Tuesday, February 16, at 1:30 P.M.

TWELFTH DAY

SENATE CHAMBER,
Tuesday, February 16, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious and Loving God, a prophet is a forthteller, a person who speaks with conviction for something rather than a fortune-teller.

"Already, we have begun to see the legislative prophecies designed by the men and women of the General Assembly. Last night, we heard our Governor being spokesperson for his own ideas.

"Being a prophet is not an enviable vocation. The rest of us don't always like to hear the prophesy that hope is built on sacrifice.

"Give the Senators strength and conviction for their own prophecies, and remind us that if they didn't love this State, they wouldn't go to the trouble of telling us what we have to do to make it a better place in which to live. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Monday, February 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plexico and Martin of Guilford:

S.B. 163, a bill to require the Commissioner of Insurance and the Rate Bureau to develop a proposed plan for workers' compensation carriers loss control services.

Referred to **Insurance Committee.**

By Senators Plexico and Martin of Guilford:

S.B. 164, a bill to clarify that local governments have the authority to impose civil penalties for violations of the State Building Code.

Referred to **Judiciary II Committee.**

By Senator Martin of Guilford:

S.B. 165, a bill to implement a recommendation of the Government Performance Audit Committee to have the Highway Oversight Committee conduct a comprehensive transportation financing study.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 166, a bill to implement a recommendation of the Government Performance Audit Committee to provide for more frequent assessment of the Highway Trust Fund program.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 167, a bill to implement a recommendation of the Government Performance Audit Committee that the Division of Motor Vehicles enhance its automated vehicle registration system and encourage greater use of mail-in registrations and other innovative programs to improve efficiency.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 168, a bill to implement a recommendation of the Government Performance Audit Committee to increase the use of municipal agreements to address growing urban operations needs.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 169, a bill to implement a recommendation of the Government Performance Audit Committee having to do with the reorganization of the Department of Transportation.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 170, a bill to implement a recommendation of the Government Performance Audit Committee that division traffic services be realigned to focus on signal-related services.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 171, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate the Highway Division equipment sections.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 172, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate Highway Division equipment operations supervisors.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 173, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate the "District" layer of management within the Division Highway maintenance sections.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 174, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate eighty-five positions in the Department of Transportation.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 175, a bill to implement a recommendation of the Government Performance Audit Committee to close Division of Motor Vehicles field offices that process fewer than the State average of drivers license applications and to increase overall productivity of the remaining offices.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 176, a bill to implement a recommendation of the Government Performance Audit Committee that the Department of Transportation maintain its current maintenance staffing and accomplish the increased maintenance program work load through expanded use of outside contract forces.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 177, a bill to implement a recommendation of the Government Performance Audit Committee to provide that additional construction staffing needs of the Highway Trust Fund program be met in part by increasing the proportion of outside contract forces.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 178, a bill to implement a recommendation of the Government Performance Audit Committee to limit the size of the preconstruction units and to use private engineering firms to handle more of the Highway Trust Fund preconstruction work load.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 179, a bill to implement a recommendation of the Government Performance Audit Committee to privatize the Raleigh and Charlotte State-run vehicle registration offices.

Referred to **Government Performance Audit Select Committee.**

RE-REFERRALS

Senator Sands offers a motion that the rules be suspended to the end the bills and a resolution referred to the **Rules and Operation of the Senate Committee** on February 15, be taken from the Committee and re-referred to the **Government Performance Audit Select Committee**, which motions prevail without the reading of the short title of each measure, with unanimous consent. The Chair orders the measures re-referred to the **Government Performance Audit Select Committee**, as follows:

S.B. 131, a bill to implement a recommendation of the Government Performance Audit Committee to reduce the staff of the Division of Purchase and Contract of the Department of Administration.

S.B. 132, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Secretary of Administration to designate a minority business coordinator.

S.B. 133, a bill to implement a recommendation of the Government Performance Audit Committee to reduce the amount of time it takes the State to procure goods and services.

S.B. 134, a bill to implement a recommendation of the Government Performance Audit Committee directing the Secretary of Administration to development and implement innovative government procurement practices.

S.B. 135, a bill to implement a recommendation of the Government Performance Audit Committee to clarify policy concerning correction enterprises.

S.B. 136, a bill to implement a recommendation of the Government Performance Audit Committee to redirect staff positions in the Division of Purchase and Contract of the Department of Administration.

S.B. 137, a bill to implement a recommendation of the Government Performance Audit Committee to provide for the development and implementation of a management information system on purchase activity by State departments and agencies.

S.B. 138, a bill to implement a recommendation of the Government Performance Audit Committee to require that the General Assembly update the general fund financial model each year.

S.B. 139, a bill to implement a recommendation of the Government Performance Audit Committee to collect information on contracting capital projects and to develop strategies and goals for using single prime contractors.

S.B. 140, a bill to implement a recommendation of the Government Performance Audit Committee to revise the requirement that agencies must buy all items via State term contracts.

S.B. 141, a bill to implement a recommendation of the Government Performance Audit Committee to improve the procedures for procuring architectural and engineering services for State capital projects.

S.B. 142, a bill to implement a recommendation of the Government Performance Audit Committee to allow State agencies to keep the proceeds from the sale of surplus property.

S.B. 143, a bill to implement a recommendation of the Government Performance Audit Committee directing the Department of Administration to study the feasibility of consolidating State and federal surplus property functions.

S.B. 144, a bill to implement a recommendation of the Government Performance Audit Committee directing the Secretary of Administration to develop a central automated inventory management system for the State.

S.B. 145, a bill to implement a recommendation of the Government Performance Audit Committee directing the Secretary of Administration to update the State purchasing manual.

S.B. 146, a bill to implement a recommendation of the Government Performance Audit Committee to begin the adoption and implementation of a policy for contracting out to the private sector services traditionally performed by State employees.

S.J.R. 147, a joint resolution to implement a recommendation of the Government Performance Audit Committee to put in place a follow-up process, including external review, for the implementation of the recommendations of the Government Performance Audit Committee.

S.B. 148, a bill to implement a recommendation of the Government Performance Audit Committee to improve the program under which specification standards are developed for commodities purchased by the State.

REPORT OF COMMITTEE

Senator Perdue for the **Education/Higher Education Committee** submits the following report:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-1096

February 16, 1993

TO: Members of the Senate

FROM: S/Beverly M. Perdue, Chairman
Education/Higher Education Committee

RE: Board of Governors Nominations

Pursuant to SR 102, the Education/Higher Education Committee has met and nominates the following individuals to serve in the two women positions on the University of North Carolina Board of Governors:

	NOMINEE	SENATE SPONSOR(S)
1.	Helen Rhyne Marvin	Senator David W. Hoyle Senator James Forrester
2.	Lois G. Britt	Senator Charles W. Albertson Senator John H. Kerr, III
3.	Elisabeth C. Ervin	Senator Dennis J. Winner

The Committee nominates the following individuals to serve in the two minority race positions on the University of North Carolina Board of Governors:

1.	Bert Collins	Senator Ralph A. Hunt
2.	Maxine H. O'Kelley	Senator George Daniel Senator William N. Martin

The Committee nominates the following individuals to serve in the four at-large positions on the University of North Carolina Board of Governors:

1.	C. Ralph Kinsey, Jr.	Senator R. L. "Bob" Martin
2.	Jack Pritchett Jordan	Senator Aaron W. Plyler Senator J. Richard Conder
3.	G. Irvin Aldridge	Senator Marc Basnight
4.	Marcus B. Crotts	Senator Marvin Ward Senator Ted Kaplan

5.	D. Samuel Neill	Senator J. Clark Plexico Senator George B. Daniel
6.	Wallace N. Hyde	Senator Linda H. Gunter Senator Herbert L. Hyde Senator Joseph E. Johnson Senator J. K. Sherron, Jr. Senator Dennis J. Winner

The Committee nominates the following individual to serve in the one minority party position on the University of North Carolina Board of Governors:

1.	James G. Martin	Senator Robert G. Shaw

The President recognizes the following pages serving in the Senate this week:

Peter Dunn Ahlin, Raleigh; Ashley Marie Baldwin, Fuquay-Varina; Elizabeth Brooks, Raleigh; Eva Camille Currin, Willow Spring; Jennifer Laura Davis, Lumberton; Samantha Lynn Faircloth, Roseboro; P. Courtney Goforth, Kings Mountain; Alex Eugene Good, Wake Forest; Analee M. Harris, Zebulon; Kelli Herndon, Fayetteville; Victor A. Jones, Raleigh; Brenda Joyce Lovely, Durham; Aaron McLeod, Raleigh; Thomas Long Oakley, Roxboro; Katherine Shugart, Wendell; Ashley Renee Smith, Mount Holly; Melissa Louise Sutton, Raleigh; Julie Marie Wheeler, Wilmington; Stephanie Vincent Wilson, Durham; and Mary-Bogue Wingfield, Gastonia.

ADDITIONAL ENDORSEMENTS

Senator Jordan requests to be recorded endorsing bills previously introduced:

S.B. 132, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Secretary of Administration to designate a minority business coordinator.

S.B. 148, a bill to implement a recommendation of the Government Performance Audit Committee to improve the program under which specification standards are developed for commodities purchased by the State.

S.B. 150, a bill to create the authority on strategic planning for North Carolina.

On motion of Senator Basnight, seconded by Senator Carpenter, the Senate adjourns at 1:59 P.M. to meet tomorrow, Wednesday, February 17, at 1:30 P.M.

THIRTEENTH DAY

SENATE CHAMBER,
Wednesday, February 17, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, the Hebrew term 'dabar' means both word and deed, thus to say something is to do something. Our choice of words is important; our word is our bond; we hang our

hats on our words; we give our word of honor. 'Through speech our words are irrevocably tossed like stones into the pool of history, where the concentric rings lap out endlessly.'

"Our words are powerful. What we say often defines who we are. So, 'Let the words of our mouths and the meditations of our hearts be acceptable to You, O Lord, our Strength and our Redeemer.' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Tuesday, February 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Tally, due to the death of her sister, Nancy Squires Stanley.

The President extends courtesies of the floor to Wendell H. Murphy, former Senator from Duplin County.

ELECTION OF MEMBERS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to G.S. 116-6 and **S.R. 102**, a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, the Chair recognizes Senator Perdue, Chairman of the **Education/Higher Education Committee**, for the purpose of proceeding with the election of members to the Board of Governors of the University of North Carolina. Senator Perdue announces Senator Conder, Senator Lee, Senator Shaw, and Senator Hyde as assistants to canvass the ballots. Senator Perdue outlines the procedure for voting and directs the appointed members to distribute the ballots.

Candidates for the Board of Governors of the University of North Carolina as nominated by the **Education/Higher Education Committee** of the Senate in compliance with G.S. 116-6 as outlined in S.R. 102 are as follows:

WOMAN'S CATEGORY - FOUR YEAR TERM
(Two Seats)

Lois G. Britt
Elisabeth C. Ervin
Helen Rhyne Marvin

MINORITY RACE CATEGORY - FOUR YEAR TERM
(Two Seats)

Bert Collins
Maxine H. O'Kelley

AT-LARGE CATEGORY - FOUR YEAR TERM
(Four Seats)

G. Irvin Aldridge
Marcus B. Crotts
Wallace N. Hyde
Jack Pritchett Jordan
C. Ralph Kinsey, Jr.
D. Samuel Neill

MINORITY PARTY CATEGORY - REMAINDER OF UNEXPIRED TERM
(One Seat)

James G. Martin

The Senate proceeds to vote. Senator Perdue requests the appointed members to collect the ballots and further requests dismissal from the Chamber for herself and the appointed members to canvass the vote. The Chair excuses Senator Perdue, Senator Conder, Senator Lee, Senator Shaw, and Senator Hyde from the Chamber to canvass the votes.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee**:

S.B. 5, a bill to appropriate funds to provide Medicaid coverage to elderly, blind, and disabled individuals and implement the recommendations of the Medicaid Resources Study, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 6, a bill to define primary care hospital and rural hospital network, and appropriate funds for encouraging health care providers to practice primary care and provide services to rural areas with a favorable report, as amended.
Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.
The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee**.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

S.B. 63, a bill to repeal the two percent restriction on the use of proceeds of the Regional Transportation Authority registration tax for administrative purposes, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Gaston, Iredell, and Lincoln Counties before land may be condemned or acquired by a unit of local government outside the county, with a favorable report.

S.B. 103, a bill to raise the force account limit for the City of Mooresville, with a favorable report.

S.B. 149, a bill to make technical corrections to a 1992 Charter amendment of the Town of Oriental, and to reschedule a referendum, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Winner of Buncombe and Kerr:
S.B. 180, a bill to increase the per diem allowance of emergency court judges.
Referred to **Appropriations Committee.**

By Senator Winner of Buncombe:
S.B. 181, a bill to provide that health insurance policies shall provide for direct payment to governmental agencies providing health services.
Referred to **Insurance Committee.**

By Senator Winner of Buncombe:
S.B. 182, a bill to appropriate funds to the Board of Governors of the University of North Carolina to fund the Distinguished Professors Endowment Trust Fund.
Referred to **Appropriations Committee.**

By Senators Kerr, Plexico, Seymour, and Winner of Buncombe:
S.B. 183, a bill to provide that a sales tax license is void if the retailer reports no sales for eighteen months.
Referred to **Finance Committee.**

By Senators Perdue and Martin of Guilford:
S.B. 184, a bill to implement a recommendation of the Government Performance Audit Committee to direct the University of North Carolina to determine the appropriate economic development role of extension activities.
Referred to **Government Performance Audit Select Committee.**

By Senators Perdue and Martin of Guilford:
S.B. 185, a bill to implement a recommendation of the Government Performance Audit Committee to assign key responsibility for each major economic development activity to a specific department or organization.
Referred to **Government Performance Audit Select Committee.**

By Senators Perdue and Martin of Guilford:
S.B. 186, a bill to implement a recommendation of the Government Performance Audit Committee that future legislation funding nonprofit corporations to conduct economic development activity should clarify their purposes and provide for periodic, comprehensive review.
Referred to **Government Performance Audit Select Committee.**

By Senators Perdue and Martin of Guilford:
S.B. 187, a bill to implement a recommendation of the Government Performance Audit Committee to direct each State agency involved in economic development to establish economic development performance indicators to be used by the agency, the Governor, and the General Assembly in measuring outcomes, upon which budget allocations may be based.
Referred to **Government Performance Audit Select Committee.**

By Senators Perdue and Martin of Guilford:
S.B. 188, a bill to implement a recommendation of the Government Performance Audit Committee to establish a goal of self-sufficiency by the year 2000 for the Center for Microelectronics Systems Technologies of the MCNC (Microelectronics Center of North Carolina) and for the Economic Development Program and the Institute for Biotechnology Information of the Biotechnology Center.
Referred to **Government Performance Audit Select Committee.**

By Senators Perdue and Martin of Guilford:

S.B. 189, a bill to implement a recommendation of the Government Performance Audit Committee to transfer the North Carolina Board of Science and Technology from the Department of Administration to the Department of Commerce.

Referred to **Government Performance Audit Select Committee.**

By Senators Perdue and Martin of Guilford:

S.B. 190, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the Department of Commerce by eliminating unnecessary personnel and combining redundant programs.

Referred to **Government Performance Audit Select Committee.**

By Senators Perdue and Martin of Guilford:

S.B. 191, a bill to implement a recommendation of the Government Performance Audit Committee to merge sixteen regional offices within the Department of Commerce into a smaller number of larger regional offices, and to implement additional recommendations related to the mission and activities of the regional offices.

Referred to **Government Performance Audit Select Committee.**

By Senators Perdue and Martin of Guilford:

S.B. 192, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Department of Commerce to establish performance-based indicators and contracts for nonprofits that conduct state-funded economic development activities.

Referred to **Government Performance Audit Select Committee.**

By Senators Perdue and Martin of Guilford:

S.B. 193, a bill to implement a recommendation of the Government Performance Audit Committee to establish an Economic Development Council in the Department of Commerce to replace the current Economic Development Board, to require the Council to prepare and update annually an economic development plan for the State of North Carolina, and to require the Department of Commerce to establish a planning unit to support the Economic Development Council's ongoing role in economic and community development planning.

Referred to **Government Performance Audit Select Committee.**

By Senator Perdue:

S.B. 194, a bill to make the Joint Legislative Fiscal Trends and Reform Study Commission a statutory study commission, to establish a subcommittee of the Commission to study the fiscal relationship between the State and local governments, and to appropriate one hundred thousand dollars to the Commission for the 1993-95 biennium.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Perdue:

S.B. 195, a bill to permit teachers receiving annual leave under a voluntary shared leave program to use annual leave at times when students are scheduled to be in regular attendance.

Referred to **Education/Higher Education Committee.**

By Senators Jordan and Perdue:

S.B. 196, a bill to remove the legislative recommendation against membership on the Board of the State Ports Authority by persons domiciled in the State House and State Senate districts where a port is located.

Referred to **State Personnel and State Government Committee.**

By Senators Warren and Martin of Pitt:

S.B. 197, a bill regarding the use of receipts by the East Carolina University School of Medicine.

Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Daniel, and Blackmon:

S.B. 198, a bill to implement a recommendation of the Government Performance Audit Committee to transition inappropriately placed residents of intermediate care facilities for the mentally retarded to home- and community-based services.

Referred to **Government Performance Audit Select Committee.**

By Senators Martin of Guilford, Daniel, and Blackmon:

S.B. 199, a bill to implement a recommendation of the Government Performance Audit Committee to expand Medicaid Carolina Access statewide and introduce elements of risk-sharing.

Referred to **Government Performance Audit Select Committee.**

By Senators Martin of Guilford, Daniel, and Blackmon:

S.B. 200, a bill to implement a recommendation of the Government Performance Audit Committee to enhance the Medicaid budget projection methodology by building a consensus among agency and legislative staff.

Referred to **Government Performance Audit Select Committee.**

By Senators Martin of Guilford, Daniel, and Blackmon:

S.B. 201, a bill to implement a recommendation of the Government Performance Audit Committee to establish a policy of developing more creative and prioritized strategies for controlling Medicaid expenditures.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 202, a bill to implement a recommendation of the Government Performance Audit Committee to implement alternative Medicaid purchasing approaches for prescription drugs.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 203, a bill to implement a recommendation of the Government Performance Audit Committee to freeze the Medicaid prescription drug dispensing fee for the 1993-95 biennium.

Referred to **Government Performance Audit Select Committee.**

By Senators Martin of Guilford, Daniel, and Blackmon:

S.B. 204, a bill to implement a recommendation of the Government Performance Audit Committee to make the Certificate of Need program self-funded by increasing the CON application fees by fifty percent.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 205, a bill to implement a recommendation of the Government Performance Audit Committee to decrease the capital expenditure threshold for projects requiring certificate of need approval.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:

S.B. 206, a bill to implement a recommendation of the Government Performance Audit Committee to place a moratorium on new certificates of need for intermediate care facilities for the mentally retarded.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:
S.B. 207, a bill to implement a recommendation of the Government Performance Audit Committee to change the current certificate of need bed need formula.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:
S.B. 208, a bill to implement a recommendation of the Government Performance Audit Committee to implement a Diagnosis-Related Groups (DRG)-based Medicaid reimbursement system.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:
S.B. 209, a bill to implement a recommendation of the Government Performance Audit Committee to implement a prospective, case-mix methodology for Medicaid reimbursement for intermediate care facilities for the mentally retarded.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:
S.B. 210, a bill to implement a recommendation of the Government Performance Audit Committee to retain the certificate of need procedure for long-term care beds but to change the Medicaid reimbursement system.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:
S.B. 211, a bill to implement a recommendation of the Government Performance Audit Committee to expand the use of Medicaid managed care options.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:
S.B. 212, a bill to implement a recommendation of the Government Performance Audit Committee to impose copayments for inpatient hospital and other services for Medicaid recipients.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:
S.B. 213, a bill to implement a recommendation of the Government Performance Audit Committee to implement a prospective peer-grouped, case mix-based Medicaid payment methodology for nursing homes.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford and Blackmon:
S.B. 214, a bill to move towards a "bundled" prospective Medicaid payment methodology for outpatient hospital services.
Referred to **Government Performance Audit Select Committee.**

By Senators Gunter, Gulley, Sherron, and Hunt:
S.B. 215, a bill to exchange tracts of land between the corporate limits of the Towns of Cary and Morrisville.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Plyler:
S.B. 216, a bill to repeal the requirement that the Department of the Secretary of State report to the Joint Legislative Commission on Governmental Operations on the Business License Information Office.
Referred to **State Personnel and State Government Committee.**

By Senator Plyler:

S.B. 217, a bill to repeal the requirement that the Department of Cultural Resources report to the Joint Legislative Commission on Governmental Operations on the operation of the State Depository Library System.

Referred to **State Personnel and State Government Committee.**

By Senators Ward, Plyler, Kaplan, Shaw, Conder, and Richardson:

S.B. 218, a bill to direct the Joint Committee on Teacher Education to report to the Joint Legislative Education Oversight Committee instead of the Joint Legislative Commission on Governmental Operations.

Referred to **Education/Higher Education Committee.**

By Senators Ward, Plyler, Kaplan, Shaw, Conder, and Richardson:

S.B. 219, a bill to delete the requirement that the Board of Governors of the University of North Carolina report to the Joint Legislative Commission on Governmental Operations on vending operations.

Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following joint resolution, which is read the first time and disposed of, as follows:

H.J.R. 199, a joint resolution inviting the Honorable Albert Gore, Jr., Vice President of the United States, to address a joint session of the House of Representatives and the Senate.

With unanimous consent, on motion of Senator Sands, the joint resolution is placed before the Senate for immediate consideration. The joint resolution passes its second reading (43-0).

With unanimous consent, on motion of Senator Sands, the rules are suspended to allow the measure to be read a third time today. The joint resolution passes its third reading and is ordered enrolled.

Due to prior commitments, with unanimous consent, the President grants a leave of absence for Friday, February 19, to Senator Carpenter, Senator Codington, and Senator Blackmon.

ANNOUNCEMENT OF MEMBERS ELECTED TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to **S.R. 102**, a Senate simple resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, Senator Perdue, Chairman of the **Education/Higher Education Committee**, announces the results of the election to the Board of Governors of the University of North Carolina, as follows:

WOMAN'S CATEGORY - FOUR YEAR TERM

Lois G. Britt
Helen Rhyne Marvin

MINORITY RACE CATEGORY - FOUR YEAR TERM

Bert Collins
Maxine H. O'Kelley

AT-LARGE CATEGORY - FOUR YEAR TERM

G. Irvin Aldridge
Wallace N. Hyde
Jack Pritchett Jordan
D. Samuel Neill

MINORITY PARTY CATEGORY - REMAINDER OF UNEXPIRED TERM

James G. Martin

The Chair declares Lois G. Britt, Helen Rhyne Marvin, Bert Collins, Maxine H. O'Kelley, G. Irvin Aldridge, Wallace N. Hyde, Jack Pritchett Jordan, D. Samuel Neill, and James G. Martin, receiving a majority of the votes cast, duly elected to the Board of Governors of the University of North Carolina and orders a special message sent to the House of Representatives informing that Honorable Body of such action. The Chair directs Senator Perdue, Chairman of the **Education/Higher Education Committee**, to so notify the Board of Governors of the University of North Carolina the results of this election.

With unanimous consent, the President grants a leave of absence for Friday, February 19, to Senator Smith; to Senator Cochrane, due to previous scheduled appointments; and to Senator Forrester, due to scheduled medical coverage for patients.

APPOINTMENTS TO THE LEGISLATIVE SERVICES COMMISSION

The Chair recognizes Senator Basnight, President *Pro Tempore*, who appoints, pursuant to G.S. 120-31, the following Senators to the Legislative Services Commission: Senator Cochrane, Senator Daniel, Senator Kaplan, Senator Lee, Senator Parnell, and Senator Sands.

On motion of Senator Basnight, seconded by Senator Kaplan, the Senate adjourns at 2:18 P.M. to meet tomorrow, Thursday, February 18, at 1:30 P.M.

FOURTEENTH DAY

SENATE CHAMBER,
Thursday, February 18, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, Thomas A. Kempis wrote, 'Be not angry that you cannot make others as you wish them to be, since you cannot make yourself as you wish to be.'

"It would be unwise to pray for a daily outpouring of consensus in this place, for out of conflicts, differences of opinion come the greatest advances.

"It is not too bold, however, to request that You give the Senators and staff a strong sense of community. Even on the days when they don't see eye to eye, there will be consolation in Your Presence and in their brotherhood and sisterhood. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Wednesday, February 17, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILL

The Enrolling Clerk reports the following resolution properly enrolled, duly ratified, and sent to the Office of the Secretary of State:

H.J.R. 199, a joint resolution inviting the Honorable Albert Gore, Jr., Vice President of the United States, to address a joint session of the House of Representatives and the Senate. (Res. 2)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Sands:

S.B. 220, a bill to authorize the Secretary of Crime Control and Public Safety to establish a wrecker service system.

Referred to **Judiciary I Committee.**

By Senator Sands:

S.B. 221, a bill to authorize a judicial official in a noncapital case to conduct a pretrial release proceeding, first appearance, or an arraignment by a two-way audio and video proceeding.

Referred to **Judiciary I Committee.**

By Senator Carpenter:

S.B. 222, a bill to prohibit hunting from, on, or across the right-of-way of a public road or highway in Macon County during deer season.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senator Conder:

S.B. 223, a bill to authorize the Legislative Research Commission to study the need to establish a college of chiropractic in North Carolina, and to make an appropriation therefor.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plexico, Forrester, Odom, and Plyler:

S.B. 224, a bill to establish and appropriate funds for need-based cytotechnology scholarships, and to direct the Office of State Personnel to review State cytotechnologist salaries.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plexico, Forrester, Odom, and Plyler:

S.B. 225, a bill to establish the Cancer Coordination and Control Program and to establish the Advisory Committee on Cancer Coordination and Control to the Secretary of the Department of Environment, Health, and Natural Resources.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plexico, Forrester, Odom, and Plyler:

S.B. 226, a bill to appropriate funds for the Advisory Committee on Cancer Coordination and Control to the Secretary of the Department of Environment, Health, and Natural Resources.

Referred to **Appropriations Committee.**

By Senators Richardson, Forrester, Plexico, and Walker:

S.B. 227, a bill to ban corporal punishment from certain "nonregistered" day care that receives reimbursement from the State.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Children and Human Resources Committee.**

By Senators Richardson, Forrester, Plexico, and Walker:

S.B. 228, a bill to ban corporal punishment from certain "nonregistered" day care that receives reimbursement from the State.

With unanimous consent, on motion of Senator Richardson, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senators Richardson, Forrester, Plexico, and Walker:

S.B. 229, a bill to aid parents of low-income children needing day care to become self-sufficient without jeopardizing the very child care that is essential to this self-sufficiency and to appropriate funds.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Richardson, Forrester, Plexico, and Walker:

S.B. 230, a bill to change the day care rate payment structure to encourage the provision of quality day care for all North Carolina's children in need of care and to appropriate funds.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Richardson, Forrester, Plexico, and Walker:

S.B. 231, a bill to appropriate funds for county day care administration.

Referred to **Appropriations Committee.**

By Senators Richardson, Forrester, Plexico, and Walker:

S.B. 232, a bill to encourage counties to provide the highest possible day care available to them.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Children and Human Resources Committee.**

By Senator Cooper:

S.B. 233, a bill to exempt teachers enrolled in courses to complete State Board of Education certification requirements from the twelve-month durational requirements of the University of North Carolina residency test.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Cooper:

S.B. 234, a bill making a qualified exception from the Public Records Act relating to geographical information systems.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Cooper:

S.B. 235, a bill to make the calculation for schools of fund balance available for appropriation the same as the calculation for other local governments.

Referred to **Finance Committee.**

By Senators Speed, Plyler, Sherron, Odom, Ward, Walker, Soles, Daniel, Smith, and Martin of Guilford:

S.B. 236, a bill to allow additional retroactive membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Allran, Harris, Forrester, Hartsell, Carpenter, Simpson, Kincaid, and Gunter:

S.B. 237, a bill to provide that income withholding may be used to satisfy criminal restitution payments and to provide a procedure for withholding income.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 238, a bill to implement a recommendation of the Government Performance Audit Committee to merge sixteen regional offices within the Department of Commerce into a smaller number of larger regional offices, and to implement additional recommendations related to the mission and activities of the regional offices.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 239, a bill to implement a recommendation of the Government Performance Audit Committee to require the Department of Revenue to implement a new integrated tax administration system to achieve a highly efficient and effective operation.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 240, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate North Carolina's community corrections programs.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 241, a bill to implement a recommendation of the Government Performance Audit Committee to transfer the Office of State Budget and Management, Management and Productivity Section, to the Department of Administration.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 242, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Governor to conduct organizational and staffing analyses of State agencies.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 243, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate thirty of the State's smallest prisons, and to improve organizational functions and reduce staff in area offices of the Division of Prisons.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 244, a bill to implement a recommendation of the Government Performance Audit Committee to transfer the Office of Marine Affairs' aquarium function from the Department of Administration to the Department of Environment, Health, and Natural Resources, to eliminate the policy function of the Office of Marine Affairs, and to eliminate six positions that are now in the Office of Marine Affairs.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 245, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Division of Medical Assistance and the Teachers' and State Employees' Comprehensive Major Medical Plan to assist the Department of Correction in efforts to secure automated claims processing support from a contractor.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 246, a bill to implement a recommendation of the Government Performance Audit Committee to study the funding for the schools for the deaf.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 247, a bill to implement a recommendation of the Government Performance Audit Committee to establish comprehensive policies to develop reasonable standards for rates and payments for privately operated intermediate care facilities for the mentally retarded.

Referred to **Government Performance Audit Select Committee.**

REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

S.B. 46, a bill to establish a pilot program designed to rehabilitate prison inmates and reduce recidivism by utilizing a course of study based on developing positive mental attitudes, with a favorable report.

With unanimous consent, on motion of Senator Ballance, the bill is placed on the Calendar for Tuesday, February 23, for consideration.

S.B. 45, a bill to permit the use of the prison enterprise laundry operation in emergency situations, with a favorable report, as amended.

With unanimous consent, on motion of Senator Ballance, the bill is placed on the Calendar for Tuesday, February 23, for consideration.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Gaston, Iredell, and Lincoln Counties before land may be condemned or acquired by a unit of local government outside the county.

With unanimous consent, on motion of Senator Forrester, consideration of the bill is postponed until Tuesday, February 23.

S.B. 103, a bill to raise the force account limit for the City of Mooresville.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 149, a bill to make technical corrections to a 1992 Charter amendment of the Town of Oriental, and to reschedule a referendum.

The bill passes its second and third readings and is ordered sent to the House of Representative.

APPOINTMENT OF ESCORT COMMITTEE

The Chair recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Ballance, Senator Hartsell, Senator Hyde, Senator Tally, Senator Walker, Senator Sands, and Senator Marshall as the Escort Committee on the part of the Senate to serve with a like committee from the House of Representatives to greet and escort the Honorable Albert Gore, Jr., Vice-President of the United States to the Joint Session in the Hall of the House of Representatives tomorrow, Friday, February 19, at 9:30 A.M., pursuant to **H.J.R. 199**.

With unanimous consent, the President grants a leave of absence for today, February 18, to Senator Allran, due to a minor emergency in his law office in Hickory that only he can handle; to Senator Plyler, who is attending a funeral; to Senator Folger, due to a pre-scheduled court case: for tomorrow, Friday, February 19, to Senator Harris, who made an official appointment to be at home on Friday not knowing the Vice-President would be in town; to Senator Winner of Buncombe, due to a court appearance; to Senator Kerr, due to a prior commitment with the Wayne County Economic Development Committee; to Senator Winner of Mecklenburg; to Senator Sherron, due to a previous commitment; to Senator Simpson, due to personal reasons: for Monday, February 22, to Senator Winner of Buncombe.

On motion of Senator Basnight, seconded by Senator Warren, the Senate adjourns at 1:54 P.M. to meet tomorrow, Friday, February 19, at 9:00 A.M.

FIFTEENTH DAY

SENATE CHAMBER,
Friday, February 19, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, we have come here today to listen and to reflect. That's a special privilege in a world that revolves more often around what we say.

"It reminds us that in all the corporate and private prayers offered to You this week, successful communication has not been contingent so much on getting Your attention as it has been on hearing Your reply.

"You are always reaching out, speaking to us, O Lord, if we respond to the invitation to listen.

"May we find renewed energy as we return home to family and friends, to community and worship in the presence of Your Loving Care and Protection. Amen."

Senator Sands, Chairman of the **Rules and Operation of the Senate Committee**, announces the Journal of Thursday, February 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today, Friday, February 19, to Senator Cooper, due to a scheduled deposition; to Senator Folger, who is out of State; to Senator Shaw; to Senator Soles; and to Senator Allran, due to pressing appointments in his law office in Hickory.

The Chair recognizes Senator Seymour who announces that Senator Lura S. Tally has been named the Legislator of the Year by the North Carolina Wildlife Federation receiving the Governor's Conservation Achievement Award.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 23, an act to authorize the City of Monroe to pay a reward. (Ch. 2)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plyler, Perdue, Conder, Shaw, Hoyle, Seymour, Sherron, Ward, Hunt, Odom, Marshall, and Walker:
S.B. 248, a bill to require that former legislators wait two years before serving on the Board of Governors of the University of North Carolina.
Referred to **Education/Higher Education Committee.**

By Senator Martin of Pitt:
S.B. 249, a bill to provide for scholarships for dependents of firemen.
Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Soles:
S.B. 250, a bill to establish the Criminal Case Disposition Study Commission.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Odom, Albertson, Perdue, Kaplan, Cochrane, Cooper, Lee, Seymour Jordan, Gunter, Martin of Guilford, Plexico, Smith, Hunt, Gulley, Tally, Ward, Winner of Mecklenburg, Codington, Forrester, Blackmon, Carpenter, Harris, Richardson, Hartsell, Edwards, Speed, Conder, Daniel, Walker, and Marshall.
S.B. 251, a bill to abolish the spousal defense to a prosecution for rape or sexual offense.
Referred to **Judiciary I Committee**, and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Perdue and Martin of Guilford:
S.B. 252, a bill to implement a recommendation of the Government Performance Audit Committee to develop and monitor the outcome measures for major State programs.
Referred to **Government Performance Audit Select Committee.**

By Senators Perdue and Martin of Guilford:
S.B. 253, a bill to implement a recommendation of the Government Performance Audit Committee to establish and implement a State strategic planning process.
Referred to **Government Performance Audit Select Committee.**

By Senators Speed, Sherron, Albertson, Warren, and Soles:
S.B. 254, a bill to appropriate funds to the Tobacco Farm Life Museum.
Referred to **Appropriations Committee.**

By Senators Tally, Seymour, Gunter, Lee, Walker, Hoyle, Warren, Edwards, Perdue, Hunt, and Martin of Guilford.
S.B. 255, a bill to provide for the regulation of the practice of counseling and the licensure of counselors.
Pursuant to G.S. 120-149.3, the bill is ordered held in the Office of the Principal Clerk for receipt of the new licensing assessment report.

By Senators Plexico, Forrester, Richardson, Walker, Edwards, Gulley, Lee, Cooper, Tally, Conder, Martin of Guilford, Ballance, Marshall, Daniel, and Ward.
S.B. 256, a bill to lower the staff/child ratios and group size for infants and toddlers in child care.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:
S.B. 257, a bill to implement a recommendation of the Government Performance Audit Committee to provide for a peer review of the organizational and staffing capabilities and levels required to serve the General Assembly in the future.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:
S.B. 258, a bill to implement a recommendation of the Government Performance Audit Committee to provide that the Legislative Services Commission shall develop a facilities plan that defines current space needs of the General Assembly and plans for future needs for facilities and storage space.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:
S.B. 259, a bill to implement a recommendation of the Government Performance Audit Committee to provide for regular quarterly meetings of the Legislative Services Commission.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:
S.B. 260, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the capital budget process.
Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Capital Expenditures Committee.**

By Senator Martin of Guilford:
S.B. 261, a bill to implement a recommendation of the Government Performance Audit Committee to require that the Governor submit to the General Assembly and the General Assembly enact a budget that focuses on program results.
Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:
S.B. 262, a bill to implement a recommendation of the Government Performance Audit Committee to expand the single sum appropriation pilot program to other State agencies.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 263, a bill to implement a recommendation of the Government Performance Audit Committee to transfer the State Information Processing System to the Department of Administration.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 264, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Governor to study the organization of State agencies that regulate financial institutions.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 265, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate two supervisory positions in the Department of Revenue field offices.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 266, a bill to implement a recommendation of the Government Performance Audit Committee to reclassify the Deputy Secretary of Revenue as a hearing officer.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 267, a bill to implement a recommendation of the Government Performance Audit Committee that the Department of Revenue should continue to expand its interstate audit operation as planned.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 268, a bill to implement a recommendation of the Government Performance Audit Committee to phase out personalized, face-to-face taxpayer assistance and increase the number of toll-free telephone lines used for taxpayer assistance.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 269, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate nineteen Department of Revenue field offices and eight suboffices.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 270, a bill to implement a recommendation of the Government Performance Audit Committee regarding the establishment of a community college policy on the cost of education and on the tuition to be charged.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 271, a bill to implement the recommendations of the Government Performance Audit Committee relating to program planning in and organization and restructuring of the North Carolina Community College System.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 272, a bill to implement a recommendation of the Government Performance Audit Committee to maintain the current tuition level for the North Carolina Community College System.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 273, a bill to implement a recommendation of the Government Performance Audit Committee to create a moratorium on establishment of colleges and satellite campuses in the North Carolina Community College System.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 274, a bill to implement a recommendation of the Government Performance Audit Committee regarding the appointment of local community colleges board members.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 275, a bill to implement a recommendation of the Government Performance Audit Committee to establish a funding goal for the North Carolina Community College System.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 276, a bill to implement recommendations of the Government Performance Audit Committee to change the method of selecting presidents of community colleges.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 277, a bill to implement a recommendation of the Government Performance Audit Committee relating to the funding formula used for the North Carolina Community College System.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 278, a bill to implement a recommendation of the Government Performance Audit Committee to transfer to the Department of Labor major worker training programs and other labor-related functions currently established in other State departments or agencies.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 279, a bill to implement a recommendation of the Government Performance Audit Committee to transfer Department of Administration advocacy groups to the Office of the Governor and to the Department of Human Resources.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 280, a bill to implement a recommendation of the Government Performance Audit Committee to require a plan to reduce the people served in the State's mental retardation centers.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 281, a bill to implement a recommendation of the Government Performance Audit Committee to develop a multiyear pilot program to implement a single stream of funding system for the State's mental hospitals.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 282, a bill to implement a recommendation of the Government Performance Audit Committee to establish a policy to increase the use of community-based programs for the developmentally disabled and to downsize State-operated mental retardation centers.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:
S.B. 283, a bill to implement a recommendation of the Government Performance Audit Committee to require a plan to replace the State's mental health hospitals with downsized, more efficient hospitals.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:
S.B. 284, a bill to implement a recommendation of the Government Performance Audit Committee to develop a multiyear pilot program to implement a single stream of funding for the State's Alcohol Drug Abuse Treatment Centers (ADATC'S).
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:
S.B. 285, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Governor to study Butner public safety.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:
S.B. 286, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate the Department of Crime Control and Public Safety and place its divisions within the appropriate departments.
Referred to **Government Performance Audit Select Committee.**

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 115C-238.7(b)(4), the North Carolina Department of Public Instruction submits its School Site-Based Management Report.

The hour having arrived, pursuant to **H.J.R. 199**, a joint resolution inviting the Honorable Albert Gore, Jr., Vice President of the United States, to address a joint session of the House of Representatives and the Senate, the President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, there to sit in Joint Session with that Honorable Body for the purpose of receiving a message from the Honorable Albert Gore, Jr., Vice-President of the United States of America.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 199 House of Representatives

February 19, 1993

Mr. President:

Pursuant to **H.J.R. 199** "A JOINT RESOLUTION INVITING THE HONORABLE ALBERT GORE, JR., VICE PRESIDENT OF THE UNITED STATES, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE," the House of Representatives stands ready to receive the Senate in Joint Session at the appointed hour.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Senator Basnight offers a motion, duly seconded, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session, for the purpose of receiving a message from the Honorable Albert Gore, Jr., Vice-President of the United States of America, and further moves, upon dissolution of the Joint Session, to adjourn to meet Monday, February 22, at 7:00 P.M., which motions prevail. The Chair declares the Senate in recess. The Senate, preceded by its Officers, repairs to the Hall of the House of Representatives. (see Addendum)

JOINT SESSION

The Senate is received by the members of the House of Representatives standing. Speaker Blue presents the gavel to Lieutenant Governor Dennis A. Wicker, President of the Senate. The Joint Session is called to order by the President of the Senate.

The President of the Senate recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Vice-President of the United States, the Honorable Albert Gore, Jr., who approaches the Well of the House of Representatives and delivers his message. (see Appendix)

On motion of Senator Basnight, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate stands adjourned to meet Monday, February 22, at 7:00 P.M.

SIXTEENTH DAY

SENATE CHAMBER,
Monday, February 22, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, when asked why he converted to Catholicism twice during his long reign, an irreligious French king replied, 'Paris was worth the mass.'

"Situation Ethicists, like the king, are tempted to have a mask for every occasion. The danger, of course, is that one day, having grown used to all the different faces, they no longer even recognize themselves.

"We pray that the light of our true selves will so shine before other people that they may see our good works and glorify You, O God, in Heaven. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Friday, February 19, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Winner of Buncombe and to Senator Folger; to Senator Sherron, for tomorrow, February 23, who is going to Fort Worth, Texas with Governor Hunt in regards to American Airline terminal at Raleigh-Durham.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Martin of Guilford:

S.B. 287, a bill to implement a recommendation of the Government Performance Audit Committee relating to nonpolitical hiring of State employees.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 288, a bill to implement recommendations of the Government Performance Audit Committee to provide for the comprehensive training of State employees.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 289, a bill to implement a recommendation of the Government Performance Audit Committee relating to the monitoring and reporting of State employee performance pay increases to ensure nondiscriminatory pay practices.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 290, a bill to implement recommendations of the Governmental Performance Audit Committee to establish a State human resources management planning function in the Office of State Personnel.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 291, a bill to implement a recommendation of the Government Performance Audit Committee to phase out Division of Motor Vehicles law enforcement.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 292, a bill to implement recommendations of the Government Performance Audit Committee to set a retirement income goal for law enforcement personnel and revise the special separation allowance accordingly, and to reconcile the differences in postretirement benefits provided to law enforcement officers, including pension plans, 401(k) plans, and severance allowances.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 293, a bill to implement a recommendation of the Government Performance Audit Committee relating to restricting the use of State funds to pay law enforcement officer benefits to State employees who do not require law enforcement officer status.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 294, a bill to implement a recommendation of the Government Performance Audit Committee to repeal the automatic merit pay increase for Highway Patrol officers and to make merit pay for Highway Patrol officers subject to the same budgetary and personnel evaluation processes as are applicable to other State law enforcement officers.

Referred to Government Performance Audit Select Committee **and upon a favorable report, re-referred to the** Appropriations Committee.

By Senator Martin of Guilford:

S.B. 295, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate twenty positions in the Office of the Secretary of the Department of Human Resources and to streamline the office further.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 296, a bill to implement recommendations of the Government Performance Audit Committee concerning the monitoring of the State's human resources management function.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 297, a bill to implement a recommendation of the Government Performance Audit Committee to establish a human resources management function within the General Assembly.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford:

S.B. 298, a bill to implement the recommendations of the Government Performance Audit Committee to study the feasibility of streamlining the regional organizational structure for public health programs, and to reexamine the organizational placement of public health programs in the Department of Environment, Health, and Natural Resources.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 299, a bill to implement a recommendation of the Government Performance Audit Committee to transfer publication of the North Carolina Register and the North Carolina Administrative Code from the Office of Administrative Hearings to the Secretary of State.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 300, a bill to implement a recommendation of the Government Performance Audit Committee to transfer to the Administrative Office of the Courts the responsibility for providing support services for the Office of Administrative Hearings, to eliminate positions at the Office of Administrative Hearings that will no longer be needed because of the transfer of responsibility, and to move the Office of Administrative Hearings so that it is physically located with the staff of the Administrative Office of the Courts.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 301, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate the High Point Regional Office of the Office of Administrative Hearings.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 302, a bill to implement a recommendation of the Government Performance Audit Committee by directing the Office of Administrative Hearings to propose a schedule of fees to be imposed in contested cases.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 303, a bill to implement a recommendation of the Government Performance Audit Committee to equalize longevity pay schedules, except as limited by the North Carolina Constitution.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 304, a bill to implement a recommendation of the Government Performance Audit Committee to equalize longevity pay schedules, except as limited by the North Carolina Constitution but to allow employees and officers currently receiving longevity at a higher level to continue to receive it at a frozen level.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 305, a bill to implement a recommendation of the Government Performance Audit Committee to discontinue longevity pay schedules, except as limited by the North Carolina Constitution.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 306, a bill to implement a recommendation of the Government Performance Audit Committee to discontinue longevity pay schedules, but to allow employees and officers currently receiving longevity to continue to receive it at a frozen level.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 307, a bill to implement recommendations of the Government Performance Audit Committee regarding State employee performance pay and the appraisal of State employee performance.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 308, a bill to implement a recommendation of the Government Performance Audit Committee to equalize the employee benefits treatment of General Assembly temporary employees.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 309, a bill to implement recommendations of the Government Performance Audit Committee to change the manner of appointment of the State Personnel Director and of departmental personnel directors.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 310, a bill to implement recommendations of the Government Performance Audit Committee concerning the classification of State employees and to appropriate funds to implement the classification recommendations.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 311, a bill to implement the recommendations of the Government Performance Audit Committee regarding the establishment of an annual opinion survey of State employees.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 312, a bill to implement a recommendation of the Government Performance Audit Committee to establish sunset dates for all State Boards and Commissions.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 313, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate certain Assistant Secretary positions in the Department of Human Resources.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 314, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the child support system in North Carolina.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (see Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 689 of the 1991 Session Laws, the Department of Human Resources submits its Quarterly Report on Cassell v. Flaherty for the period ending December 31, 1992.

The North Carolina Department of Revenue submits its Revenue Comparative Statement of Net Collections for the months of January 1993 and 1992.

The President recognizes the following pages serving in the Senate this week:

Jason Arnold, Franklin; Wes Ball, Washington; Jason R. Burgess, Jacksonville; Jennifer Carroll, Raleigh; Andrea Rae Chamblee, Zebulon; Kelly Brooks Harlan, Charlotte; Melissa Joyce Harris, Zebulon; Tameshia Minett McFadden, Tarawa Terrace; Nicole Elaine Mitchell, Raleigh; Latanya Moore, Washington; Holle Nevius, Raleigh; Lee Elizabeth Norris, Sanford; Leah Jo Osborne, Raleigh; Amy Denise Patterson, Wilson; Amy Suzanne Putnam, Kings Mountain; Mary C. Putney, Elm City; Kim Rogers, Chocowinity; and William Edward Tillitt, Louisburg.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following joint resolution, which is read the first time and disposed of, as follows:

H.J.R. 18, a joint resolution honoring the life and memory of Luther Reginald Jeralds, distinguished State Representative and citizen of North Carolina.

On motion of Senator Sands, without objection, the joint resolution is placed before the Senate for immediate consideration.

With unanimous consent, on motion of Senator Basnight, the joint resolution and the remarks of members honoring and memorializing the life and memory of

Luther R. Jeralds, the late Representative from Cumberland County, are spread upon the Journal, as follows:

Whereas, Luther Reginald "Nick" Jeralds was born in the Town of Orrum in Robeson County on August 20, 1938, to Winnie B. Jeralds and Amy Lee McMillan Jeralds; and

Whereas, Luther Reginald "Nick" Jeralds was educated in the North Carolina public schools and St. Emma Military Academy, and was graduated from North Carolina College, now North Carolina

Central University, in 1961 with a bachelors degree in accounting; and

Whereas, after college, Luther Reginald "Nick" Jeralds joined the National Football League where he played with the Minnesota Vikings and the Dallas Texans, later known as the Kansas City Chiefs; and

Whereas, Luther Reginald "Nick" Jeralds also played with the Edmonton Eskimos, a Canadian football team for one year; and

Whereas, Luther Reginald "Nick" Jeralds was inducted into North Carolina Central University's Athletic Hall of Fame in 1987; and

Whereas, after his professional football career ended, Luther Reginald "Nick" Jeralds returned to North Carolina and became a successful realtor and executive; and

Whereas, Luther Reginald "Nick" Jeralds gave freely of his time, great energy, and many talents to virtually all aspects of his community, serving as a member of the Fayetteville Business and Professional League, the North Carolina Association of Minority Businesses, and Williams Chapel Free Will Baptist Church; and

Whereas, Luther Reginald "Nick" Jeralds received numerous awards and honors including the Distinguished Leadership and Public Service Award from North Carolina A&T University in 1988; the Service Award from Alpha Kappa Alpha Sorority in 1987; the NAACP Humanitarian Award in 1986; the Chancellor's Certificate of Merit from Fayetteville State University in 1985; and Citizen of the Year from Omega Psi Phi Fraternity in 1984; and

Whereas, Luther Reginald "Nick" Jeralds served the people of Cumberland County and the State of North Carolina for 10 years of service in the North Carolina House of Representatives; and

Whereas, during his service with the General Assembly, Luther Reginald "Nick" Jeralds served on numerous committees including the Advisory Budget Commission, Appropriations, Constitutional Amendments, Elections Laws, and State Government; and

Whereas, Luther Reginald "Nick" Jeralds served as chair of Human Resources and Military and Veteran Affairs and served as vice-chair of Legislative and Local Redistricting, Human Resources, the subcommittee on Personnel Policies, Banks and Thrift Institutions, and Constitutional Amendments; and

Whereas, Luther Reginald "Nick" Jeralds was held in high esteem by his colleagues in the General Assembly and served with distinction until his death on December 13, 1992; and

Whereas, Luther Reginald "Nick" Jeralds is survived by his widow, Jo Ann Fuller Jeralds; two sons, Adonis N. Jeralds and Adrian D. Jeralds; and a daughter, Arikka M. Jeralds;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly honors the memory of Luther Reginald "Nick" Jeralds and expresses the gratitude and appreciation of this State and its citizens for his life and devoted service to North Carolina.

Sec. 2. The General Assembly extends its deep sorrow to the family and friends of Luther Reginald "Nick" Jeralds for the loss of a beloved family man and a true friend.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Luther Reginald "Nick" Jeralds.

Sec. 4. This resolution is effective upon ratification.

February 22, 1993

By Senator Edwards:

"Thank you, Mr. President and members of the Senate. I had an opportunity to sit over in the House a few moments ago and listen to the words that came from the members of that Body, and, of course, I happened to have been a member of that Body during the time or, at least, for eight years while Representative Jeralds served. As I listened to them and listened to the high regard that they had for Representative Jeralds, and knowing that some of the members of this Body also served with him, I thought I would just suspend the reading of the resolution or ask that it be suspended and that I'll speak briefly on the resolution concerning our friend, Representative Jeralds.

"Even though Representative Jeralds was born in neighboring Robeson County, he nevertheless was brought by his family to Cumberland County while yet a child. And because of his coming there so early and spending his entire life there, Cumberland County considered him as a native son, as a distinguished and honorable person who brought honor and distinction to the County itself as to the City of Fayetteville. And, in that sense, I just thought that I need to say that he attended public schools there in Cumberland County and graduated with a great deal of honor and respect from the high school there being an outstanding athlete. Following there he went to North Carolina Central University in Durham where he starred as an athlete, and where he was known also for his doing well academically there. He did so well in his football playing that he was drafted by a major sport, I believe it was the National Football League and served with two or three of our National Football League teams.

"Coming back to Fayetteville he became a businessman. The truth of the matter is I just observed him casually for a long time. I knew him as Luther "Nick" Jeralds, businessman, but I had no really reason to be in constant contact with him until 1982 when, because of the redistricting there was a 17th District organized in Cumberland County that gave minorities an opportunity to be represented in the House of Representatives, there was a two-seat district but three of us ran and, of course, Nick and I won. It was from that time forward that I began to note him well. We became friends and beginning in 1983, we served in the House for eight years. And during that period also, his family and my family became very close. His wife, Joanne, and my wife, Luella, became friends, and the entire relationship grew until the very end."

"Now, Nick Jeralds was a serious minded person who went about his duties not with a great deal of noise, but with a great deal of dedication and commitment. Singularly having a special interest in children and more recently in health issues. We worked together on special projects. We co-sponsored really most of the bills that benefited the County and the State, and you could always tell that he had done his homework. And, because of that, we did not have too much difficulty in getting our bills through. More recently, Nick served as Co-chairman of the Select Committee in the House dealing particularly with health issues and with children issues. It also ought to be noted that during his first year, his first term, in the North Carolina House, Nick was appointed to the Advisory Budget Commission which was a significant appointment, and he served it well; and Fayetteville and North Carolina benefited by it.

"I could go on and on and talk about Nick and his work and his family, but I know others will want to talk about him. But the members of his family are here. His widow, Joanne, his son, Adonis Nicaro, we call "Sporty" who now lives in Charlotte, his son, Adrian Dominick, who now resides in Winston-Salem, and his beautiful daughter, Arica Minikki, who is a graduating senior and will be going off to college for the next session. His mother, Mrs. Amy Jeralds is here, his grandchildren, his in-laws. And, at the proper time, I hope you will recognize this.

"I believe that Nick would have me say something else that is sort of personal. I heard that the House talk about him, but there was another side of Nick, that being a pastor myself, that we had some relationships that I think are noteworthy here. I think he would want me to say it, and I said it when I gave the memorial tribute at his funeral service. About five or six years ago, Nick had a spiritual experience that changed his life. We talked about it a great deal, and I believe that what happened to him at that time

sustained him during those difficult days. As I went by to see him, we would talk about what was happening politically and in the Legislature. But before I left, always, we would talk about his spiritual experience, and he had me to know that his faith was strong even though his body was weak. And for that, naturally, I became very close to him. And so, Mr. President and members of the Senate, at the proper time if you will recognize the family, and I commend the resolution to you."

By Senator Ballance:

"Mr. President and members of the Senate, and to the family and friends of our friend, Nick Jeralds. I will be brief. I know the family has been here in Raleigh now for a couple of hours, and I know that members of the Senate were kind enough to wait around for more than a half hour just to allow the House to complete its reading of this resolution and debate of it, so I will be brief.

"I want to just say a couple of things. Ten years ago, when I first came as a member of the House, I knew Nick Jeralds before then but we became real close during that Session. In fact, we roomed together in 1983. Then when we came back in 1985, we got along very well and decided to try it again. This time, we got a house and you would be interested to know, Senator Edwards, that we brought in Reverend Sidney Locks to be our third roommate in 1985. And then later we did not room together following that. But during the, I believe, it was during the '83 Session this little story I want to tell you about.

"You know, Nick was a pretty determined fellow as his wife and family would know. Back then some of us recall there was a law on the books that said if you got a speeding ticket, you had to sign the ticket. Well, I came down here with a bill in my pocket, put it in and it passed the House flying; but when it got to the Senate, the Commissioner of Motor Vehicles didn't like it, I believe his name was Mr. Wilkerson from Little Washington, at that time, and the bill didn't pass the Senate. Well, that— one night, Nick was coming home, and he didn't quite get there, and I got a phone call from the local lock-up, and they had Nick Jeralds down there. I said, 'What's wrong, "Room"?' He said, 'Man, they gave me a ticket, but I wasn't going that fast, but then he wanted me to sign it.' I said, 'Well, did you sign it?' and he said, 'No.' I said, 'Well, I'll be down to get you out.' So, I went down and got him out of jail that night, Joanne, but he was determined in whatever he believed in, he stuck with it. Later on, the following year 1985, I came back with that same little bill in my pocket. It passed the House. Mr. Wilkerson was no longer over DMMV, and it passed the Senate. There was no opposition. And now, if you get a speeding ticket, you can sign it if you want to, but you don't have to.

"I want to tell you just one other thing about Nick. He always gave me good advice. Whenever I had an issue that I wanted to bring up before him, sometimes I didn't have to bring it up. But he gave me good advice. Time, like an ever-flowing stream, bears all its sons away. They fly, forgotten as a dream, dies at the opening of day. Now, Nick Jeralds will not be forgotten because he touched so many lives. He cared for too many people, and he worked too hard for us to forget him. Thank you very much."

By Senator Tally:

"Members of the Senate, I am sorry I can't see the members of the family. I did see some outside beforehand. But I am so proud that we had the opportunity for Nick Jeralds. He was an old friend of mine, and when he decided to run, a neighbor of his called me and said I want you to come over and give him some advice. Senator Ballance, I was giving advice at that time. I had been in the House ten years; thought I knew a great deal and was running for the Senate at that time. Of course, we all learn we don't know everything. But Nick was a wonderful person, and he sat there, and he listened to me, and he talked with me, and then he asked some very pertinent questions. And I found out that he knew a great deal already, and that he knew a lot about children. He knew a lot about health issues, and he knew a lot about housing issues. He was very interested in really coming to the General Assembly and doing something for his people and for all of us in Cumberland County.

"I value that meeting. We talked a long time. It was really a great challenge for me. I found he had a lot of courage. Even then, he would always speak his mind. He would say what he thought. He would say what he thought was best for his community. I think that Nick Jeralds is a credit to all of us, and I think that his memory will live a long time for that reason. Also, during this past year, he was learning a great deal about health care reforms, which we are all interested in and talking about now. It is now what we call 'the cutting edge.' At that time, it was just beginning, and he went out of the State on a number of meetings, and he learned a lot, and he brought back a lot of information. And I think that we will find that some of that information will come out in some of the reports and in some of the bills that we have this time.

"To his family, I want to say that we loved Nick very much, and we love you, and we hope that you will bear with us as we go ahead, and as we try to carry out the things which he would have wished us to do, and with all the courage that he had. Thank you for your support."

By Senator Richardson:

"I know that it is getting late, but I would be remiss if I didn't get up and say a few words about Nick. Joanne and my wife became very good friends since I became a Legislator and his family. And since his son, 'Sporty,' has moved to Charlotte, we have become very close. We attended the Southern Legislative Conference and other conferences, and we kind of hung out together when we go to these conferences, and Nick became very popular at the Southern Legislative Conference winding up being the Vice-Chairman of the Human Resources Committee, and I served on that Committee also. I served in the Legislature on all the Human Resources Committees that Nick served on in the House, and I served on in the Senate. One of the last pieces of legislation that I dealt with that Nick introduced on the House side was a ban beating children in day care centers. And that bill was very important to Nick as other bills dealing with children. And I began to run into a little trouble on this side with that bill with questions about the legality of how the bill was written and all. I would go back and tell Nick, and he said, 'I don't care what it takes, you just tell me who is talking against it, and I will go over there and lobby them myself.' And he did, and we passed that bill, and he was very proud of that. I am proud to say that I was a friend of Nick and his family's, and we will miss him very much, and I commend the resolution to you."

By Senator Walker:

"Mr. President and members of this Senate and members of the family, I am like Senator Richardson. I'd be remiss if I didn't speak to—having worked with Representative Jeralds on Human Resources. I don't think was have had in this General Assembly a more caring person for those people who needed help. He worked in so many different areas and as someone has said about the health care issues, those things that are coming before us and have already been before us, our Human Resources Committee this year in the sense of looking at making available medical assistance, Medicaid to people who do not have that care today, part of the access bill, he offered a bill similar to that, I think even two sessions ago. So, he was somebody who was caring, somebody who wanted to help those people who least help themselves, and I certainly feel very honored to be able to speak on this resolution."

By Senator Daniel:

"Members of the Senate and to the family and friends of Nick Jeralds. I say we miss him as you do. Nick is a fixture in this place, whether he be physically with us tonight, but we do welcome this evening to share in the celebration of his life. It's occasions like this that really bring out in each of us, particularly serving here in the General Assembly, what it is to serve in this Body and the friendships that we make. I didn't know Nick Jeralds long, but I had an occasion to serve with him in being selected to serve as a Co-chair on the Access to Health Insurance Commission.

"Senator Tally, on one of those out-of-state meetings that you spoke of, Nick and I—I had a chance to be with him down in Austin, Texas, and I learned and I started to learn a

lot about this gentleman when I began to call him a 'Gentle Giant' not just because of his athletic prowess, but because of prowess in the areas of human services. I had watched him in the years before and championed the cause of children and the corporal punishment bill, and as we sat down in Austin, Texas in an out-of-the-way place at this seminar, I found out to his credit just how much he knew about health care and health care access. We talked a lot while we were down there about the unsettling fact of those that were insured today, unless we did something about the spiraling health care costs, would not be insured tomorrow. And I want to tell you family, Nick had a vision. He had a vision in health care that in the future that this was one of the basic rights that we as a society owed to the citizens of this State and to the citizens of this Nation.

"To him, health care access wasn't just some issue to be legislated, it was a lot more personal. Admit that sick children were unable to get the best education possible to turn their little lives around; admit the disabled, the under-privileged and the unemployed. To Nick Jeralds this crisis had faces and feelings and families. Admit the case of a Mrs. Nelson whose husband died from a rare form of cancer. The insurance companies refused to provide coverage to her three children because it was the type of cancer that could possibly be inherited. It also admit the case of Mrs. Robinson whose individual health insurance cost rose from $147.00 a month to $624.00 a month because of her health care conditions. Nick and I sat night after night on the public hearings at this Health Access Insurance Commission had in Charlotte and Greensboro and in other places and heard these stories. These and many like them needed a champion for their cause and as typical, Nick stepped to the front of the line as he had become accustomed to doing.

"During his 10 years in the Legislature he was there when decisions particularly on human resource matters so this new crusade for health care access was a perfect fit for him. Just as he was becoming not only a leader in this field, but also an authority, he was taken from us. This friend to the human spirit has said goodbye, but then again, he hasn't. His works and endeavors live on. Health access has become a priority in this Session, not only in this State, but in this Nation. Senator Edwards, I remember at Nick's funeral there was read a favorite poem, one that is a favorite of mine, 'The House by the Side of the Road' by Sir Walter Frost. In it he said:

> I see from my house by the side of the road, by the side of the highway of life,
> the men who press with the aura of hope, the men who are faint with strife.
> But I turn not away from their smiles nor their tears, both parts of an infinite plan,
> Let me live in a house by the side of the road, and be a friend of man.

Members of the Senate I can tell you from the bottom of my heart, this 'Gentle Giant' was a friend of man, a friend of all mankind. And Nick, I want to thank you for everything."

By Senator Conder:

"Mr. President, members of the family, ladies and gentlemen of the Senate. I did not get to know Nick until '87 or '88, sometime back then, and he was a champion of children's issues back before they became popular. He was very instrumental in working with some of us toward getting preschool for disadvantaged three- and four-year-old children. He had a very, very sincere feeling and dedication and love for all children, not just his. Don't know Nick's family except 'Sporty.' I did meet 'Sporty' through Nick at the Coliseum in Charlotte one night; and I could tell his love and dedication to you, 'Sporty,' and I know that if he felt that way about you, he felt that way about the rest of his family. And he did not limit it to his family, he thought that much about the other children in the State of North Carolina. We miss Nick, and we thank you for sharing Nick with us and the people of the State of North Carolina, and we certainly wish you well and we wish the memory of Nick Jeralds well, as well. Thank you."

By Senator Martin of Guilford:

"Mr. President, members of the Senator, Joanne, other members of the Jeralds' family. I just want to say a few words, most of which, I think, have already been covered to some extent or another tonight. One of the things I think that impressed me more than anything else about Nick, is given the fact that he was a crusader for children's issues, adolescent pregnancy matters, and health care and these various other things we have heard tonight. The thing that is most impressive is that is was very clear from knowing him that he was genuinely sincere about what he was doing. It was not a part of a political agenda, it was not a part of a preconceived notion, but it was for the idea of making this a better world, a better community, a better State. And I think that he played a great role in making that happen. As a matter of fact, I can't help but to think back upon the agenda that was created by John Kennedy relative to the civil rights legislation, although he was assassinated prior to the time that was enacted, his spirit sort of lived the battle until the next administration when it was passed. I look at the issues we are faced with health care today, tonight, this year as being of that same category. I know that we can always look forward to Nick Jeralds leading the fight, and this is one matter where we make these changes relative to the health care system, we can look at it and say we are winning it for Nick. Thank you, and I ask your support for the resolution."

By Senator Albertson:

"A lot of good things have been said tonight about Nick Jeralds, and I can tell you that they are all true. He was somebody who loved people. He really loved people, and that has got to be what life is all about. My life is better from having known him, and I commend this resolution to you."

By Senator Basnight:

"Thank you, Mr. President and to Nick's family, to members of this Body. It was in the last days of the Session when Nick Jeralds came to my office, and we were in conflict as we all can remember with the House with differences upon the budget. There was project in that budget at the time that meant a great deal to the people of this State and most especially to Fayetteville State University, and to the Representatives that represented that area at the time and that was Nick. It was late in the night, Jim, that he sat across from me and he spoke to me as a person who cared not just for that institution and that appropriation for that facility, but he spoke on behalf of all the people of this State and he spoke in that we should not have the conflict that we were having, and that it was not good, not just for this State, but it was not good for myself for those of us in the appropriations process or any of us who served in the North Carolina General Assembly. He said that night, George, 'There are no winners when we act like children, and that's the way we act now, and change would have to occur and occur quickly, because we were the losers, we were the people who represented those very ones who sent us here to make decisions as grown people, as grown men and women.' And he said, 'Marc, it is incumbent upon you as one of those people to make certain that not just this appropriation is approved, but all that we have worked for in this Session, because without it we lose the Session, and we lose what we are about.' He said, 'Be the man that you should be, make that change and make it now, not for Nick, not for me, but for the future generations that will live in this State.' He spoke from the heart, he spoke from what hopefully all people will speak from and that is the betterment of mankind. He is a man who greatly impressed me and one that North Carolina desperately needs in the future. To the family, I say, you gave us an opportunity to share with him, and he gave the State a better way by it. I thank you for giving Nick George— Nick Jeralds the opportunity for me to get to know him as well as the rest of us."

By Lieutenant Governor Wicker:

"Members of the Senate, I would be remiss if I didn't say that Nick Jeralds was one of the finest individuals I've ever associated with. Indeed, another great oak has fallen in North Carolina."

The joint resolution passes its second (39-0) and third readings. The Chair orders the joint resolution enrolled.

The Chair recognizes the family of Luther R. Jeralds including his widow, JoAnn; his children, Adonis, Dominic, and Minikki; and his mother, Winnie B. Jeralds. The Senate acknowledges the Jeralds family with a standing ovation.

In memory of Luther R. "Nick" Jeralds, on motion of Senator Basnight, seconded by Senator Edwards, the Senate adjourns at 8:32 P.M. to meet tomorrow, Tuesday, February 23, at 1:30 P.M.

SEVENTEENTH DAY

SENATE CHAMBER,
Tuesday, February 23, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, effective legislation is like effective ministry. It brings good news to the poor, proclaims liberty to captives and new sight to the blind and sets the downtrodden free.

"Encourage us never to separate our service to others from our spirituality. When our schedules tell us we are too busy to pray; that we have too many needs to attend to; too many people to respond to; too many wounds to heal; may we seek first Your guidance. We need not be in a desert or on a mountaintop to commune with You. The greatest events in history have been recorded from the valley where service and prayer were inseparable partners. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Monday, February 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence previously granted to Senator Sherron for today is noted.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified, and sent to the Office of the Secretary of State:

H.J.R. 18, a joint resolution honoring the life and memory of Luther Reginald Jeralds, distinguished State Representative and citizen of North Carolina. (Res. 3)

INTRODUCTION OF BILLS AND RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Martin of Guilford:

S.B. 315, a bill to implement a Government Performance Audit Committee recommendation to require periodic information technology briefings for executive, judicial, and legislative officials.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 316, a bill to implement a recommendation of the Government Performance Audit Committee to require plans for continuous updates of certain information technology position descriptions.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 317, a bill to implement recommendations of the Government Performance Audit Committee to require the State Information Processing Services to plan for implementing a performance analysis and capacity planning operation.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 318, a bill to implement recommendations of the Government Performance Audit Committee to structure and organize the billing, rates, and financial strategies of the State Information Processing Services.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 319, a bill to implement a recommendation of the Government Performance Audit Committee to require the General Assembly to develop a process for mulityear funding of technology projects.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 320, a bill to implement a recommendation of the Government Performance Audit Committee to require a plan for relocating certain technical staff to the State Information Processing Services.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 321, a bill to implement recommendations of the Government Performance Audit Committee to require the State Information Processing Services to provide technical leadership in various information technologies.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 322, a bill to implement recommendations of the Government Performance Audit Committee relating to audits in ten agencies' information systems.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 323, a bill to implement a recommendation of the Government Performance Audit Committee to require State Information Processing Services to improve services to its customers.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 324, a bill to implement recommendations of the Government Performance Audit Committee to provide for uniform agency information technology policies, procedures, and standards and to encourage links agency program objectives and information technology plans.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 325, a bill to implement recommendations of the Government Performance Audit Committee to mandate a policy specifying when agencies may use information resources other than those provided by the State Information Processing Services.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 326, a bill to implement recommendations of the Government Performance Audit Committee to encourage top management oversight of information resources in State agencies.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 327, a bill to implement a Government Performance Audit Committee recommendation to require information resources disaster recovery planning in State government.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 328, a bill to implement recommendations of the Government Performance Audit Committee to implement internal management improvements at the State Information Processing Services.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 329, a bill to implement a recommendation of the Government Performance Audit Committee to require agency plans for purchasing and using personal computers and workstations.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 330, a bill to implement the recommendations of the Government Performance Audit Committee with regards to benefits provided through the Teachers' and State Employees' Comprehensive Major Medical Plan and related benefit plans.—1

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 331, a bill to implement the recommendations of the Government Performance Audit Committee with regards to benefits provided through the Teachers' and State Employees' Comprehensive Major Medical Plan and related benefit plans.—2

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 332, a bill to implement the recommendations of the Government Performance Audit Committee with regards to compensation and benefits provided by the State.—3

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Pitt:

S.B. 333, a bill to appropriate funds to the North Carolina Rural Economic Development Center, Incorporated, for job training in Eastern North Carolina.

Referred to **Appropriations Committee.**

By Senators Ward, Tally, Kaplan, Soles, Walker, Richardson, Edwards, and Lee:

S.J.R. 334, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Child and Adolescent Alcohol and other Drug Abuse Plan as policy guidance for the development of services.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Conder and Plyler:

S.B. 335, a bill to exempt Richmond County from seeking five prospective buyers before it transfers Richmond Memorial Hospital to Richmond Memorial Hospital, a nonprofit corporation.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Gaston, Iredell, and Lincoln Counties before land may be condemned or acquired by a unit of local government outside the county.

Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (45-0).

Pursuant to Rule 55, the Chair directs the Principal Clerk to change the title to read **S.B. 87**, a bill to require consent of the Board of Commissioners of Catawba, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county.

The bill, as amended, passes its second reading (45-0).

Senator Hartsell objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, February 24, for further consideration, upon third reading.

S.B. 45, a bill to permit the use of the prison enterprise laundry operation in emergency situations.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (48-0).

Senator Simpson objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, February 24, for further consideration, upon third reading.

S.B. 46, a bill to establish a pilot program designed to rehabilitate prison inmates and reduce recidivism by utilizing a course of study based on developing positive mental attitudes.

The bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee**:

S.B. 132, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Secretary of Administration to designate a minority business coordinator, with a favorable report.

S.B. 138, a bill to implement a recommendation of the Government Performance Audit Committee to require that the General Assembly update the general fund financial model each year, with a favorable report.

S.B. 142, a bill to implement a recommendation of the Government Performance Audit Committee to allow State agencies to keep the proceeds from the sale of surplus property, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.J.R. 147, a joint resolution to implement a recommendation of the Government Performance Audit Committee to put in place a follow-up process, including external review, for the implementation of the recommendations of the Government Performance Audit Committee, with a favorable report.

Pursuant to Rule 43, the joint resolution is re-referred to the **Appropriations Committee**.

S.B. 143, a bill to implement a recommendation of the Government Performance Audit Committee directing the Department of Administration to study the feasibility of consolidating State and federal surplus property functions, with a favorable report, as amended.

S.B. 140, a bill to implement a recommendation of the Government Performance Audit Committee to revise the requirement that agencies must buy all items via State term contracts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the Proposed Committee Substitute bill 4548 is placed before the Senate for immediate consideration, and on his further motion is adopted, and ordered, with unanimous consent, placed on the Calendar for tomorrow, February 24, for further consideration.

S.B. 145, a bill to implement a recommendation of the Government Performance Audit Committee directing the Secretary of Administration to update the State purchasing manual, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the Proposed Committee Substitute bill 6553, which changes the title to read **S.B. 145** (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee to authorize the Secretary of Administration to study bid protest procedures and develop innovative government procurement practices, to improve the program under which specification standards are developed for commodities purchases by the State, and to provide for the development and implementation of a management information system on purchase activity by State agencies, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford the Proposed Committee Substitute bill is adopted, and ordered, with unanimous consent, placed on the Calendar for tomorrow, February 24, for further consideration.

S.B. 146, a bill to implement a recommendation of the Government Performance Audit Committee to begin the adoption and implementation of a policy for contracting out to the private sector services traditionally performed by State employees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the Proposed Committee Substitute bill 9550 is placed before the Senate for immediate consideration, and on his further motion is adopted, and ordered, with unanimous consent, placed on the Calendar for tomorrow, February 24, for further consideration.

CALENDAR (Continued)

S.B. 45, a bill to permit the use of the prison enterprise laundry operation in emergency situations, as amended, upon third reading, placed earlier today on the Calendar for tomorrow, February 24.

On motion of Senator Simpson, the bill is taken from the Calendar for Wednesday, February 24, and with unanimous consent, returned to the Calendar for today, for further consideration upon third reading.

Senator Simpson offers Amendment No. 2 which is adopted (48-0).

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (see Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Section 208, Chapter 689, of the 1991 Session Laws, the Department of Transportation submits its Off-Premise Sign Regulatory Program Biennial Report.

Pursuant to G.S. 164-43, the North Carolina Sentencing and Policy Advisory Commission submits its Report to the 1993 Session of the General Assembly of North Carolina.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

Senator Basnight, President *Pro Tempore*, announces the following appointments:

LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

Senators Ballance, Seymour, Smith, and Soles are appointed.

JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

Senators Conder, Daniel, Hunt, Martin of Pitt, Perdue, Plyler, Richardson, Shaw, Sherron, and Warren are appointed.

On motion of Senator Basnight, seconded by Senator Hyde, the Senate adjourns at 2:14 P.M. to meet tomorrow, Wednesday, February 24, at 1:30 P.M.

EIGHTEENTH DAY

SENATE CHAMBER,
Wednesday, February 24, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

A Phillips Brooks prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, 'we do not pray today for easy lives. We pray to be stronger people. We do not pray today for tasks equal to our powers. We pray for powers equal to our tasks.' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Tuesday, February 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence to Senator Hunt for tomorrow, Thursday, February 25, and to Senator Sands who has to be in Superior Court in Rockingham County for March 1, 2, and 3.

REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee:**

S.B. 96, a bill to modify the water column leases in Article 16 of Chapter 113 of the General Statutes, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 97, a bill to amend the General Statutes to authorize the Governor to appoint a spouse of a commercial fisherman to serve on the Marine Fisheries Commission in the place of the commercial fisherman, with a favorable report.

S.B. 70, a bill to permit the inspection of ostriches and other ratites under the Meat Inspection Act, with a favorable report, as amended.

Pursuant to rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee.**

S.B. 100, a bill to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 7581 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, February 25, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plexico, Forrester, Richardson, Walker, Edwards, Gulley, Odom, Lee, Tally, Conder, Martin of Guilford, Ballance, Marshall, Hartsell, Daniel, Ward, and Albertson:

S.B. 336, a bill to mandate criminal record checks of child day care providers and spouses of child day care operators.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plexico, Cooper, Ballance, Allran, Tally, Martin of Guilford, Daniel, Lee, Conder, Hartsell, Ward, Gunter, Seymour, and Albertson:

S.J.R. 337, a joint resolution authorizing the Legislative Research Commission to continue to study ways to promote energy conservation and the use of renewable energy sources in North Carolina.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Walker:

S.B. 338, a bill to appropriate funds to provide Medicaid coverage for adopted children with special needs.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Walker:

S.B. 339, a bill to appropriate funds to provide Medicaid coverage to elderly, blind, and disabled individuals receiving assistance under the Supplemental Security Income Program, to provide Medicaid coverage to aged, blind, and disabled persons whose countable income does not exceed one hundred percent of the federal poverty level, and to implement the recommendations of the Medicaid Resources Study.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Walker:

S.B. 340, a bill to provide immunity for employees of county departments of social services.

Referred to **Judiciary II Committee.**

By Senators Walker, Blackmon, Hunt, Marshall, Seymour, Martin of Pitt, Richardson, Lee, Martin of Guilford, Gulley, Allran, Odom, Ballance, Parnell, Soles, Tally, Jordan, Carpenter, and Perdue.

S.B. 341, a bill regulating the practice of Complementary Medicine.

Pursuant to G.S. 120-149, the bill is ordered held in the Office of the Principal Clerk.

By Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Edwards, Forrester, Hoyle, Jordan, Lee, Odom, Parnell, Perdue, Plexico, Seymour, Tally, Warren, Winner of Mecklenburg, and Smith:

S.B. 342, a bill to repeal the law providing that a defendant may choose imprisonment, rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Constitution and Election Laws Committee.**

By Senators Smith, Parnell, and Hunt:

S.B. 343, a bill to amend the Motor Fuel Marketing Act.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Winner of Buncombe:

S.B. 344, a bill to remove the exclusion for war-related disabilities from the Disabilities Income Plan.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 345, a bill to implement a recommendation of the Government Performance Audit Committee to use cost-efficient delivery systems for teacher staff development.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 346, a bill to implement a recommendation of the Government Performance Audit Committee to establish a school staff development advisory group to provide recommendations regarding staff development needs to the Superintendent of Public Instruction.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 347, a bill to implement a recommendation of the Government Performance Audit Committee to direct the State Board of Education to develop a strategic plan for teacher staff development.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 348, a bill to implement a recommendation of the Government Performance Audit Committee to strengthen the internal audit function of the Department of Public Instruction.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 349, a bill to implement a recommendation of the Government Performance Audit Committee to modify the teacher certification system to improve information needed for staff management.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 350, a bill to implement a recommendation of the Government Performance Audit Committee to process applications for teacher certification only for individuals who have jobs or job offers from schools located in North Carolina.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 351, a bill to implement a recommendation of the Government Performance Audit Committee--1.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford:

S.B. 352, a bill to implement a recommendation of the Government Performance Audit Committee.--2

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford:

S.B. 353, a bill to implement a recommendation of the Government Performance Audit Committee.--3

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford:

S.B. 354, a bill to implement a recommendation of the Government Performance Audit Committee to ensure that the House and Senate Journals are produced with consistent indexes.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford:

S.B. 355, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Legislative Services Commission to fill the position of Legislative Services Officer and to clarify the roles and responsibilities of the Legislative Services Commission, the Legislative Services Officer, and the Legislative Administrative Officer.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Rules and Operation of the Senate Committee.**

By Senator Martin of Guilford:

S.B. 356, a bill to implement a recommendation of the Government Performance Audit Committee to decentralize certain program functions located in the Office of the Secretary of the Department of Human Resources.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 357, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate thirty-eight FTE positions in the Department of Human Resources that involve excess layers of management, excessively narrow spans of control, overlapping functions, and unnecessary positions.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 358, a bill to implement a recommendation of the Government Performance Audit Committee to develop a comprehensive needs assessment for all people with developmental disabilities.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 359, a bill to implement a recommendation of the Government Performance Audit Committee to expand the Medicaid Home- and Community-Based Waiver and to increase family support programs for people with disabilities.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 360, a bill to implement a recommendation of the Government Performance Audit Committee to reorganize certain misplaced organizational units in the Department of Human Resources, and to make administrative changes in the Charitable Solicitation Law.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 361, a bill to implement a recommendation of the Government Performance Audit Committee to develop a statewide managed care program to contract with existing provider networks and to evaluate the feasibility of statewide managed care programs for certain populations and regions of the State.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 362, a bill to implement a recommendation of the Government Performance Audit Committee to establish a cap on indirect care efficiency Medicaid payments for nursing homes.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 363, a bill to implement a recommendation of the Government Performance Audit Committee to implement certain selective contracting programs for Medicaid.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 364, a bill to implement a recommendation of the Government Performance Audit Committee to develop a plan to replace the current Medicaid Management Information System (MMIS).

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 365, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate the Medicaid return-on-equity payments to nursing homes.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 366, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate the administration of the State's Workers' Compensation Program and to create the State Government Workers' Compensation Office.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 367, a bill to implement a recommendation of the Government Performance Audit Committee for the adoption of rules by the State Personnel Commission regarding State law enforcement officers.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 368, a bill to implement a recommendation of the Government Performance Audit Committee to transfer some of the intergovernmental relations functions from the Department of Administration to other State agencies.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 369, a bill to implement recommendations of the Government Performance Audit Committee regarding the civilianization of certain job classes of State law enforcement officers.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 370, a bill to implement a recommendation of the Government Performance Audit Committee to reorganize the Department of Public Instruction into three major functions to provide improved coordination and service delivery.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 371, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate underutilized positions in the Department of Public Instruction.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 372, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate excess layers of management to reduce narrow spans of control in the management of the Department of Public Instruction.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 373, a bill to implement a recommendation of the Government Performance Audit Committee to reward teachers for taking courses in their content area.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 374, a bill to implement a recommendation of the Government Performance Audit Committee to reward teachers for taking courses in their content area.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 375, a bill to implement a recommendation of the Government Performance Audit Committee to reward teachers for taking courses in their content area.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 376, a bill to implement a recommendation of the Government Performance Audit Committee to require teachers to take courses in their content area.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 377, a bill to implement a recommendation of the Government Performance Audit Committee to continue to fund the Basic Education Program, as scheduled, for teachers and instructional support personnel and to redirect the remainder of the funds.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 378, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate the activities of the Department of Public Instruction's Technical Assistance Centers.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 379, a bill to implement a recommendation of the Government Performance Audit Committee to make local school administrative units accountable for performance by linking funding to performance.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 380, a bill to implement a recommendation of the Government Performance Audit Committee to improve efficiency in school operations by simplifying funding formulas and empowering local school administrative units to manage for results.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 381, a bill to implement a recommendation of the Government Performance Audit Committee to stabilize the public school accreditation and accountability process for three years.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 382, a bill to implement a recommendation of the Government Performance Audit Committee to make the Performance-based Accountability Program mandatory.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 383, a bill to implement a recommendation of the Government Performance Audit Committee to increase the minimum instructional standards set out in the Basic Education Program.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 384, a bill to implement a recommendation of the Government Performance Audit Committee to help schools implement the Performance-based Accountability Program and end-of-course and end-of-grade testing.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 385, a bill to implement a recommendation of the Government Performance Audit Committee to review the lateral entry process for school administrators.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 386, a bill to implement a recommendation of the Government Performance Audit Committee to replace current school tenure laws with laws and regulations that provide protection for administrators from arbitrary or capricious action by a supervisor.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 387, a bill to implement a recommendation of the Government Performance Audit Committee to develop procedures and policies to define the contract process and the process for reassignment and dismissal of school administrators.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 388, a bill to implement a recommendation of the Government Performance Audit Committee to amend the Constitution to change the State Board of Education

appointment process and to authorize the State Board of Education to appoint the State Superintendent of Public Instruction.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Constitution and Election Laws Committee.**

By Senator Martin of Guilford:

S.B. 389, a bill to implement a recommendation of the Government Performance Audit Committee to modify the governance structure of the State Board of Community Colleges to create a better balance between central authority and local flexibility.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.J.R. 390, a joint resolution to implement a recommendation of the Government Performance Audit Committee to propose modifications to the appointment process of the Board of Governors of the University of North Carolina to provide balanced participation of the General Assembly and the Governor.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 391, a bill to implement a recommendation of the Government Performance Audit Committee regarding the continuum of education programs.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 392, a bill to implement a recommendation of the Government Performance Audit Committee to focus State aid for students attending private colleges.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 393, a bill to implement a recommendation of the Government Performance Audit Committee for a University of North Carolina programmatic review and a plan for the continued and expanded availability of higher education for all citizens.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 394, a bill to implement a recommendation of the Government Performance Audit Committee regarding tuition and tuition policy of the University of North Carolina.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Perdue:

S.B. 395, a bill to create the Legislative Compliance Review Commission to provide for legislative review of agency compliance with audit recommendations.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Carpenter, Cochrane, Hartsell, Codington, Blackmon, Smith, and Speed:

S.B. 396, a bill to authorize the issuance of three hundred eleven million two hundred thousand dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for community colleges.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Capital Expenditures Committee.**

By Senators Forrester, Plexico, Richardson, Walker, Edwards, Codington, and Allran:

S.B. 397, a bill to require that all workers in all "nonregistered" day care that receives reimbursement from the State receive regularly updated pediatric CPR training.

Referred to **Judiciary I Committee**.

By Senators Odom and Lee:

S.B. 398, a bill to require lobbyists of the Executive Branch of State Government to register and file expense reports with the Secretary of State, to make other clarifying amendments to the lobbying law, and to make an appropriation therefor.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Odom, Plexico, Forrester, and Lee:

S. B. 399, a bill to establish a State Ethics Commission, to establish ethical standards for public officers and public employees, to require public disclosure of economic interests, to make conforming changes, to make an appropriation therefor, and to make permanent the requirement that nonprofit entities receiving State funds adopt a conflicts of interest policy.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 117, a bill relating to illegally parked vehicles, with a favorable report, as amended.

S.B. 234, a bill making a qualified exception from the Public Records Act relating to geographical information systems, with a favorable report, as amended.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county, as amended, upon third reading.

Senator Tally offers Amendment No. 2 which is adopted (45-0), and pursuant to Rule 55, the Chair directs the Principal Clerk to change the title to read **S.B. 87**, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county.

Senator Hartsell offers Amendment No. 3 further changing the title to read **S.B. 87**, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A-15 in any county subject to that section do not apply to property within the city

limits of the city that is acquiring the property. The Chair rules Amendment No. 3 to be material and adoption will change the local bill to a public bill. With unanimous consent, Senator Hartsell withdraws Amendment No. 3.

On motion of Senator Kaplan, further consideration of the bill, as amended, is postponed until Tuesday, March 2.

S.B. 132, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Secretary of Administration to designate a minority business coordinator.

The bill passes its second (47-0) and third readings is ordered sent to the House of Representatives.

S.B. 138, a bill to implement a recommendation of the Government Performance Audit Committee to require that the General Assembly update the general fund financial model each year.

Pursuant to Rule 42, on motion of Senator Daniel, the bill is re-referred to the **Appropriations Committee.**

S.B. 140 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to revise the requirement that agencies must buy all items via State term contracts.

Pursuant to Rule 42, on motion of Senator Daniel, Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 143, a bill to implement a recommendation of the Government Performance Audit Committee directing the Department of Administration to study the feasibility of consolidating State and federal surplus property functions.

Senator Martin of Guilford offers Committee Amendment No. 1.

Pursuant to Rule 42, on motion of Senator Daniel, the bill, with Committee Amendment No. 1 pending, is re-referred to the **Appropriations Committee.**

S.B. 145 (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee to authorize the Secretary of Administration to study bid protest procedures and develop innovative government procurement practices, to improve the program under which specification standards are developed for commodities purchases by the State, and to provide for the development and implementation of a management information system on purchase activity by State agencies.

Pursuant to Rule 42, on motion of Senator Daniel, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 146 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to begin the adoption and implementation of a policy for contracting out to the private sector services traditionally performed by State employees.

Pursuant to Rule 42, on motion of Senator Daniel, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

APPOINTMENTS TO COMMITTEES

The President *Pro Tempore* submits and announces changes in appointments to standing committees, as follows:

Children and Human Resources Committee: Senator Gunter is removed.

Constitution and Election Laws Committee:
Senator Allran and Senator Gunter are added.
Senator Blackmon is removed.

Economic Development Committee: Senator Warren is removed.

Insurance Committee: Senator Gunter is removed.

Local Government and Regional Affairs Committee:
Senator Blackmon is added.
Senator Allran, Senator Richardson, and Senator Winner of Mecklenburg are removed.

Pensions and Retirement Committee: Senator Warren is added.

Transportation Committee: Senator Gunter is added.

RECONSIDERATION

S.B. 132, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Secretary of Administration to designate a minority business coordinator, ordered sent to the House of Representatives earlier today.

Senator Daniel offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails, and the question becomes passage of the measure upon third reading.

Pursuant to Rule 42, on motion of Senator Daniel, the bill is re-referred to the **Appropriations Committee.**

On motion of Senator Basnight, seconded by Senator Carpenter, the Senate adjourns at 2:28 P.M. to meet tomorrow, Thursday, February 25, at 1:30 P.M.

NINETEENTH DAY

SENATE CHAMBER,
Thursday, February 25, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Creator God, we must confess that on a day when a winter storm approaches in a State where there are so few, the child in each of us comes out. Our eyes dart between the tasks before us and the heavens above.

"Allow us to work expeditiously today. Give each person here safe journey home to enjoy the beauty of Your creation with friends and family.

"Remind the adult in each of us to be wise stewards of this beautiful earth. There is no greater legacy that we can pass on to the children of generations to come. Amen."

Senator Soles, Deputy President *Pro Tempore* announces the Journal of Wednesday, February 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Plexico, due to weather conditions. Senator Hunt is noted present.

The Chair extends courtesies of the gallery to Joe H. Hege, Jr., former member of the House of Representatives from Davidson County.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 157, a bill authorizing nonresident taxpayers to claim the tax credit for child care and certain employment-related expenses, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 12, a bill to establish a grant program to strengthen family resources and appropriate funds for its implementation, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendments No. 1, No. 2, and No. 3 are adopted. The Chair orders the measure, as amended, engrossed and re-referred to the **Education/Higher Education Committee.**

By Senator Speed for the **Transportation Committee:**

S.B. 128, a bill to exempt certain transfers of vehicles from the highway use tax, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee.**

S.B. 122, a bill to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of the Optimist Club, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the Proposed Committee Substitute bill 6568 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Harris, Albertson, Carpenter, Conder, Forrester, Hoyle, Lee, Plexico, Richardson, Seymour, Tally, Walker, and Ward:

S.B. 400, a bill to implement a recommendation of the Mental Health Study Commission further continuing the Mental Health Study Commission.

Referred to **Rule and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Parnell, Sands, Ballance, Hunt, Blackmon, and Seymour:

S.B. 401, a bill to provide for structured sentencing in North Carolina.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Parnell, Sands, Ballance, Hunt, Blackmon, Hoyle, Plexico, and Seymour:

S.B. 402, a bill to provide for structured sentencing in North Carolina consistent with the standard operating capacity of the Department of Correction and local confinement facilities.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Parnell, Sands, Ballance, Hunt, Hoyle, Seymour, and Blackmon:
S.B. 403, a bill to reclassify some felonies as recommended by the North Carolina Sentencing and Policy Advisory Commission.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Parnell, Sands, Ballance, Hunt, Hoyle, Seymour, and Blackmon:
S.B. 404, a bill to classify misdemeanors as recommended by the North Carolina Sentencing and Policy Advisory Commission.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Parnell, Sands, Ballance, Hunt, Hoyle, Plexico, and Blackmon:
S.B. 405, a bill to create a State-County Criminal Justice Partnership in North Carolina.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Carpenter:
S.B. 406, a bill to appropriate funds to Industrial Opportunities, Inc., for construction of a building.
Referred to **Capital Expenditures Committee.**

By Senators Harris and Jordan:
S.B. 407, a bill to eliminate any ambiguity as to the scope of inspections of the Board of Mortuary Affairs.
Referred to **Judiciary II Committee.**

By Senator Martin of Guilford:
S.B. 408, a bill to implement a recommendation of the Government Performance Audit Committee to modify the procedures concerning final administrative decisions in contested cases heard by the Office of Administrative Hearings.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:
S.B. 409, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the Department of Public Instruction staff development unit to coordinate all staff development activities for all divisions of the department.
Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:
S.B. 410, a bill to implement recommendations of the Government Performance Audit Committee to modify powers and duties of the Information Resource Management Commission and to establish various agency information resource and telecommunications management functions.
Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:
S.B. 411, a bill to implement recommendations of the Government Performance Audit Committee concerning State government telecommunications governance, management, and operations.
Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:
S.B. 412, a bill to implement a recommendation of the Government Performance Audit Committee to initiate systematic, in-depth evaluations of program results.
Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 413, a bill to implement a recommendation of the Government Performance Audit Committee to establish an Office for Health Care within the Governor's Office.

Referred to **Government Performance Audit Select Committee.**

By Senator Martin of Guilford:

S.B. 414, a bill to implement a recommendation of the Government Performance Audit Committee to reduce the number of clerical positions in the Department of Public Instruction and to adopt a clerical to professional position ratio for the Department.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 415, a bill to implement a recommendation of the Government Performance Audit Committee regarding establishment of Challenge Grant Scholarship Funds for the North Carolina Community College System.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 416, a bill to implement a recommendation of the Government Performance Audit Committee to phase out the Alcohol Law Enforcement Division and to transfer the alcohol beverage law enforcement and regulatory functions.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Cooper and Soles:

S.B. 417, a bill to amend the Open Meetings Law.

Referred to **Judiciary II Committee.**

By Senator Cooper and Soles:

S.B. 418, a bill to amend the Public Records law.

Referred to **Judiciary II Committee.**

By Senators Hunt, Blackmon, Marshall, Seymour, Richardson, Ballance, Lee, Martin of Guilford, Soles, Perdue, Tally, Carpenter, Walker, Allran, Jordan, and Gulley:

S.B. 419, a bill regulating the practice of naturopathy.

Pursuant to G.S. 120-149, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senators Perdue, Shaw, and Conder:

S.B. 420, a bill to appropriate funds to the Board of Governors of the University of North Carolina for the Seafood Laboratory Program at North Carolina State University.

Referred to **Appropriations Committee.**

By Senators Seymour, Hunt, Shaw, Gulley, Ward, Hyde, Winner of Mecklenburg, Odom, Winner of Buncombe, Cooper, Allran, Martin of Guilford, Forrester, Richardson, Hoyle, Blackmon, and Kaplan:

S.B. 421, a bill to appropriate funds for a Grassroots Science Program by the Museum of Natural Sciences to improve State programs in science education.

Referred to **Appropriations Committee.**

By Senators Seymour, Blackmon, Hunt, Marshall, Martin of Pitt, Speed, Richardson, Ballance, Lee, Martin of Guilford, Soles, Tally, Carpenter, Walker, Perdue, Jordan, Gulley, and Allran.

S.B. 422, a bill regulating the practice of acupuncture.

Pursuant to G.S. 120-149, the bill is ordered held as filed in the Office of the Principal Clerk.

By Senators Richardson, Ballance, Edwards, Hunt, and Walker:

S.B. 423, a bill to appropriate funds to expand the Aid to Families with Dependent Children's Emergency Assistance.

Referred to **Appropriations Committee.**

By Senators Lee, Walker, Richardson, Edwards, Forrester, Allran, Gunter, Harris, Marshall, Ballance, Cochrane, Smith, Hunt, Conder, Kaplan, and Plyler:

S.J.R. 424, a joint resolution to implement a recommendation of the Mental Health Study Commission endorsing the quality improvement report for Mental Health, Developmental Disabilities, and Substance Abuse Services.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Hartsell, Cochrane, and Smith:

S.B. 425, a bill to authorize alcoholic beverage elections in cities located in two or more counties.

Referred to **Judiciary I Committee.**

By Senators Martin of Guilford, Parnell, and Sherron:

S.B. 426, a bill to appropriate funds for the construction of a new golf course in Robeson County and to allow the construction of the North Carolina Indian Cultural Center upon completion of that golf course, to extend the date by which the North Carolina Indian Cultural Center, Inc., is required to enter a lease with the State of North Carolina, and to allow the receipt of pledges to satisfy the fund-raising condition to be included in that lease.

Referred to **Capital Expenditures Committee.**

By Senator Walker:

S.J.R. 427, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Comprehensive Plan for Services and Supports for Persons with Developmental Disabilities as policy guidance for the development of services.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Walker:

S.B. 428, a bill to appropriate funds to provide Medicaid coverage for children who live in families with incomes below the federal poverty level.

Referred to **Appropriations Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of, as follows:

S.B. 103, a bill to raise the force account limit for the City of Mooresville, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, March 1.

H.B. 144, a bill to amend the Charter of the City of Greensboro with respect to contract award, leases, and settlement of claims.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 210, a bill to protect the confidentiality of hotline complaints that the auditor transmits to the General Assembly for investigation.

Referred to **Rules and Operation of the Senate Committee.**

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 3, Transferring the "Keep America Beautiful" Program from the Office of the Governor to the Department of Environment, Health, and Natural Resources.

Referred to **State Personnel and State Government Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 117, a bill relating to illegally parked vehicles.

On motion of Senator Folger, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second (39-1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 234, a bill making a qualified exception from the Public Records Act relating to geographical information systems.

On motion of Senator Cooper, consideration of the bill is postponed until Wednesday, March 3.

S.B. 97, a bill to amend the General Statutes to authorize the Governor to appoint a spouse of a commercial fisherman to serve on the Marine Fisheries Commission in the place of the commercial fisherman.

The bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 100 (Committee Substitute), a bill to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

RECOMMITTALS

Senator Daniel offers a motion that the rules be suspended and bills referred to the **Appropriations Committee** on February 24 be taken from the **Appropriations Committee** and recommitted to the **Government Performance Audit Select Committee**, which motions prevail. The Chair orders the following bills recommitted to the **Government Performance Audit Select Committee**:

S.B. 132, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Secretary of Administration to designate a minority business coordinator.

S.B. 138, a bill to implement a recommendation of the Government Performance Audit Committee to require that the General Assembly update the general fund financial model each year.

S.B. 140 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to revise the requirement that agencies must buy all items via State term contracts.

S.B. 143, a bill to implement a recommendation of the Government Performance Audit Committee directing the Department of Administration to study the feasibility of consolidating State and federal surplus property functions.

S.B. 145 (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee to authorize the Secretary of Administration to study bid protest procedures and develop innovative government procurement practices, to improve the program under which specification standards are developed for commodities purchases by the State, and to provide for the development and implementation of a management information system on purchase activity by State agencies.

S.B. 146 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to begin the adoption and implementation of a policy for contracting out to the private sector services traditionally performed by State employees.

On motion of Senator Basnight, seconded by Senator Warren, the Senate adjourns at 1:58 P.M. to meet Monday, March 1, at 8:00 P.M.

TWENTIETH DAY

SENATE CHAMBER,
Monday, March 1, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, when we say, 'Lead us not into temptation,' we are not asking that You keep us from being tested. The refiner's fire is good for character. Temptations are really tests—thats all. They are not meant to weaken us. They are events from which we might emerge stronger. Temptations are not the penalty of being human, they are the glory of being human.

"Be with us in our times of testing this week, O God, that we might emerge stronger and better people—to Your Glory. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, February 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Daniel; to Senator Hartsell, who is attending a Cabarrus County Board of Education meeting; to Senator Perdue, due to business reasons; and to Senator Gulley, who is suffering with the flu. The President announces Senator Sands, previously granted a leave of absence for tonight, is present. Senator Sands withdraws his request for a leave of absence for Tuesday and Wednesday, March 2 and March 3.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Allran, Hartsell, Forrester, Gunter, Codington, Carpenter, and Blackmon:

S.B. 429, a bill recommended by the Juvenile Law Study Commission to prohibit parents and others from permitting a minor to possess any firearm on school property.

Referred to **Judiciary I Committee.**

By Senators Allran, Hartsell, Forrester, Gunter, Carpenter, Codington, and Blackmon:

S.B. 430, a bill recommended by the Juvenile Law Study Commission to amend the law regarding the transfer of jurisdiction over a juvenile to Superior Court for trial as an adult.

Referred to **Judiciary I Committee.**

By Senators Allran, Hartsell (by request), Carpenter, Codington, and Blackmon:

S.B. 431, a bill recommended by the Juvenile Law Study Commission to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors.

Referred to **Judiciary I Committee.**

By Senators Allran, Hartsell, Forrester, Carpenter, Codington, and Blackmon:

S.B. 432, a bill recommended by the Juvenile Law Study Commission to facilitate pro se representation by parents.

Referred to **Judiciary I Committee.**

By Senators Allran, Hartsell, Forrester, Carpenter, Codington, and Blackmon:

S.B. 433, a bill recommended by the Juvenile Law Study Commission adding training schools to the commitment options when commitment of a juvenile for thirty days or less is ordered.

Referred to **Judiciary I Committee.**

By Senators Allran, Hartsell, Forrester, Carpenter, Codington, and Blackmon:

S.B. 434, a bill recommended by the Juvenile Law Study Commission to require that opportunity to be heard be provided a juvenile's guardian ad litem prior to the dismissal of the petition alleging abuse or neglect of the juvenile, to ensure the guardian ad litem's standing to represent the juvenile, and to make other changes necessary to protect the interests of the juvenile.

Referred to **Judiciary I Committee.**

By Senators Allran, Hartsell, Forrester, Gunter, Carpenter, Codington, and Blackmon:

S.B. 435, a bill recommended by the Juvenile Law Study Commission to prohibit the commercial dissemination of sadistic videos to minors.

Referred to **Judiciary I Committee.**

By Senators Allran, Hartsell, Forrester, Gunter, Carpenter, Codington, and Blackmon:

S.B. 436, a bill recommended by the Juvenile Law Study Commission to establish a pilot program under the Administrative Office of the Courts regarding juvenile court jurisdiction over juveniles between sixteen and eighteen years of age who are beyond the disciplinary control of their parents.

Referred to **Judiciary I Committee.**

By Senators Allran, Hartsell, Forrester, Carpenter, Codington, and Blackmon:

S.B. 437, a bill recommended by the Juvenile Law Study Commission to require that juvenile records be available for sentencing.

Referred to **Judiciary I Committee.**

By Senators Soles, Jordan, Codington, Carpenter, and Forrester:

S.B. 438, a bill to appropriate funds for shoreline protection at Fort Fisher.

Referred to **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of, as follows:

S.B. 10 (House Committee Substitute), a bill to modify the certificate of need law, for concurrence in the House Committee Substitute bill.
Referred to **Judiciary I Committee.**

H.B. 75 (Committee Substitute), a bill to make the rules for an intangibles tax filing extension the same as for an individual income tax filing extension.
Referred to **Finance Committee.**

The Chair directs the Reading Clerk to read:

NORTH CAROLINA
STATE BOARD OF COMMUNITY COLLEGES

February 16, 1993

The Honorable Marc Basnight, President *Pro Tempore*
North Carolina Senate
Room 2007, Legislative Building
Raleigh, NC 27601-2808

Dear Senator Basnight:

On June 30, 1993, the term of State Board member Mr. Ed High of Charlotte, who was elected by the Senate, will expire. According to GS 115D 2.1(c), Mr. High may not be elected or appointed to another term as he has served two consecutive six-year terms. In keeping with GS 115D 2.1(b)(4)b and (4)f, we request that you begin the procedure to elect a State Board member from the Senate to fill this open term beginning July 1, 1993.

Thank you very much for your attention to this very important matter.

Sincerely,
S/William F. Simpson
Chairman

Referred to **Education/Higher Education Committee.**

APPOINTMENT TO COMMITTEE

The President *Pro Tempore* announces a standing committee appointment, as follows:

Banks and Thrift Institution Committee: Senator Cochrane is appointed a member.

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (see Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 1044, Section 6.3 of the 1991 Session Laws, the Office of State Budget and Management submits its Report on the Distribution of the Reserve for Implementation of OSHA Regulations Regarding Bloodborne Pathogens.

Pursuant G.S. 143B-181.9A, the North Carolina Department of Human Resources Advisory Committee on Home and Community Care for Older Adults submits its third progress report due March 1, 1993.

CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

S.B. 103, a bill to raise the force account limit for the City of Mooresville, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (40-0) and the measure is ordered enrolled.

The President recognizes the following pages serving in the Senate this week:

Tiffany Lynn Alston, Mebane; Caroline Nowell Brooks, Raleigh; Stephen Bradley Cash, Louisburg; Joseph Creech, Mooresville; Josh Denton, New Bern; Kevin Ferree, Garner; A. Weston Fox, Hickory; Melinda Kay Garner, Burlington; Adam Griffey, Misenheimer; Ralph Elliott Holloway, Kinston; Melissa S. Jackson, Warsaw; Amy Claire Jenkins, Rocky Mount; Katherine Suzanne Kernodle, Graham; Emily Laughinghouse, Raleigh; LaRhonda McMillan, Clinton; Margaret McNairy, Kinston; Leslie Mountcastle, Hickory; Willard C. Pierson III, Raleigh; Tamika LaShan Walker, Currie; and Benjamin H. Whitley, Kinston.

On motion of Senator Basnight, seconded by Senator Johnson, the Senate adjourns at 8:23 P.M. to meet tomorrow, Tuesday, March 2, at 1:30 P.M.

TWENTY-FIRST DAY

SENATE CHAMBER,
Tuesday, March 2, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, the greatest sermons ever preached are much like the greatest laws ever written, even the best ones are hard to remember. Both are immortalized not because of their eloquence but because they raise a lump in our throats or impact our world for the greater good.

"When someone says, 'don't preach to me,' that person is paraphrasing the poet, Edgar Albert Guest, when he wrote,

I'd rather see a sermon than hear one any day;
I'd rather one should walk with me than merely tell the way.

"That's a good lesson for living, sermonizing, or lawmaking. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, March 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Gulley.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 103, an act to raise the force account limit for the City of Mooresville. (Ch. 3)

S.B. 149, an act to make technical corrections to a 1992 Charter amendment of the Town of Oriental, and to reschedule a referendum. (Ch. 4)

INTRODUCTION OF BILLS AND RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Martin of Pitt:
S.B. 439, a bill to authorize Washington County to place nonviolent misdemeanants incarcerated in the Washington County jail to work on public works without the direct supervision of the sheriff.
Referred to **Judiciary I Committee**.

By Senators Albertson, Warren, Hoyle, Parnell, Perdue, Conder, Jordan, Forrester, Hunt, Speed, Martin of Guilford, Smith, Martin of Pitt, Odom, Cochrane, Tally, Carpenter, and Codington:
S.B. 440, a bill to increase the property tax homestead exemption amount and the income eligibility threshold and to provide that social security benefits and disability benefits are not counted in determining the taxpayer's eligibility for the homestead exemption.
Referred to **Finance Committee**.

By Senators Winner of Buncombe, Lee, Walker, Cooper, Kerr, Odom, and Shaw:
S.J.R. 441, a joint resolution honoring the women's soccer program at the University of North Carolina at Chapel Hill.
Referred to **Rules and Operation of the Senate Committee**.

By Senators Cochrane, Smith, Martin of Guilford, Shaw, and Seymour:
S.B. 442, a bill to approve an annexation agreement between Davidson County, the City of High Point, and the City of Thomasville, as to territory in Davidson County.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Warren:
S.B. 443, a bill to reauthorize the Legislative Research Commission to study the issue of physical fitness among North Carolina youth.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Warren:
S.B. 444, a bill to appropriate funds for a pilot program to encourage a community/school linked physical fitness and healthful living pilot program.
Referred to **Appropriations Committee**.

By Senators Warren and Smith:
S.B. 445, a bill to prohibit the State Board of Education from setting higher class size maximums for physical education classes.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 129, a bill to establish the Cancer Coordination and Control Program and to establish the Advisory Committee on Cancer Coordination and Control to the Secretary of the Department of Environment, Health, and Natural Resources.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

H.B. 157, a bill to exempt Columbus County from certain statutory requirements in the building of a new social services facility.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Capital Expenditures Committee.**

CALENDAR

Bills on the Calendar taken up and disposed of, as follows:

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county, as amended, upon third reading.

Senator Hartsell offers Amendment No. 4, held to be material, which is adopted (49-0), constituting the first reading of the measure, which further changes the title to read **S.B. 87**, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A-15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property.

The Chair rules the measure a public bill requiring a call of the roll, and orders it placed on the Calendar for tomorrow, March 3, for further consideration upon second reading.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**.

S.B. 221, a bill to authorize a judicial official in a noncapital case to conduct a pretrial release proceeding, first appearance, or an arraignment by a two-way audio and video proceeding, with a favorable report.

S.B. 10 (House Committee Substitute), a bill to modify the certificate of need law, with an unfavorable report as to concurrence.

On motion of Senator Daniel, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate fails to concur in the House Committee Substitute bill (0-48) and the question becomes the appointment of conferees. Senator Daniel offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Daniel (Chairman), Hoyle, Winner of Mecklenburg, and Jordan as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Ward, the Senate adjourns at 1:55 P.M. to meet tomorrow, Wednesday, March 3, at 1:30 P.M.

TWENTY-SECOND DAY

SENATE CHAMBER,
Wednesday, March 3, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, in a world dictated by power, position, and networks, the Holy Scripture reminds us that those who would be greatest must also be servants!
"Move us from the head of the table to a nearby footstool, so that we might discover the extraordinary possibilities in the ordinary. That is servant leadership. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of Tuesday, March 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Gulley; and for tomorrow, Thursday, March 4, to Senator Johnson, who will be attending an out-of-state meeting and to Senator Winner of Mecklenburg.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hyde for the **Constitution and Election Laws Committee**:

S.B. 20, a bill to amend the statutes relating to the electoral college to conform them to federal requirements and State law, with a favorable report.

By Senator Parnell for the **Insurance Committee**:

S.B. 163, a bill to require the Commissioner of Insurance and the Rate Bureau to develop a proposed plan for workers' compensation carriers loss control services, with a favorable report.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

S.B. 83, a bill to allow Macon County to rename all roads within unincorporated areas of the County, with a favorable report.

S.B. 215, a bill to exchange tracts of land between the corporate limits of the Towns of Cary and Morrisville, with a favorable report, as amended.
Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.
The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee**.

By Senator Cooper for the **Judiciary II Committee**:

S.B. 8, a bill to prohibit health care providers from referring patients to health care goods or services offered by entities in which the referring provider has an ownership interest, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill RU-005 is placed before the Senate for immediate consideration, and on his further motion, is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, March 4, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Odom, Forrester, Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Hartsell, Hoyle, Hunt, Kincaid, Martin of Pitt, Martin of Guilford, Plexico, Simpson, Smith, Walker, and Winner of Buncombe:

S.B. 446, a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08 percent; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08 percent; to reduce the blood alcohol level to be considered as slight impairment from 0.11 to 0.09 percent; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; and to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Folger and Sands:

S.B. 447, a bill to provide for the transfer of funds from the City of Mount Airy's retirement plan to the Local Governmental Employees' Retirement System.

The Chair rules the measure a public bill.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Warren, Allran, Sands, Lee, and Speed:

S.B. 448, a bill to encourage schools to implement extended services programs.

Referred to **Education/Higher Education Committee.**

By Senators Warren, Lee, Speed, and Allran:

S.B. 449, a bill to appropriate funds to complete the activities of the Teacher Training Task Force, as recommended by the Teacher Training Task Force and the Joint Legislative Oversight Committee.

Referred to **Appropriations Committee.**

By Senators Warren, Lee, Speed, and Allran:

S.B. 450, a bill to appropriate funds for the Professional Standards Board for School Administrators recommended by the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee.

Referred to **Appropriations Committee.**

By Senators Warren, Lee, Ward, Speed, and Allran:

S.B. 451, a bill to implement a recommendation of the Education Leadership Task Force and the Joint Legislative Education Oversight Committee to plan for the

establishment of a school leadership academy to enhance the quality of ongoing professional development for school administrators.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Warren, Speed, Lee, Ward, and Allran:

S.B. 452, a bill to implement a recommendation of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee to establish an independent standards board for school administration and to allow that board to charge examination fees.

Pursuant to G.S. 120-149, the bill is ordered held in the Office of the Principal Clerk for receipt of a new licensing assessment report.

By Senators Codington, Blackmon, Carpenter, Hartsell, Shaw, and Forrester:

S.B. 453, a bill to repeal the requirement for health certificates for marriage license applicants.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Seymour, Martin of Guilford, Shaw, Walker, Perdue, and Marshall:

S.B. 454, a bill to appropriate funds for an adoption resources center.

Referred to **Appropriations Committee.**

By Senator Hartsell:

S.B. 455, a bill to implement a recommendation of the General Statutes Commission to require that maps recorded in the office of the register of deeds must have a surveyor's original signature and seal in order to be relied upon and that all other maps must contain a cautionary legend.

Referred to **Judiciary I Committee.**

By Senator Speed:

S.B. 456, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources for a dental hygienist position to serve Franklin, Granville, and Vance Counties.

Referred to **Appropriations Committee.**

By Senators Speed, Albertson, Carpenter, Kerr, Marshall, Parnell, Simpson, and Warren:

S.B. 457, a bill to establish statewide seasons for taking beaver and to allow the taking of depredating beaver without obtaining a permit.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

H.B. 131, a bill to extend the coverage of the curative statute for deeds omitting the order of registration.

Referred to **Judiciary II Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 234, a bill making a qualified exception from the Public Records Act relating to geographical information systems.

On motion of Senator Folger, Committee Amendment No.1 is adopted.

Senator Cooper offers Amendment No. 2 which is adopted (43-0).

Senator Seymour offers Amendment No. 3 which is adopted (47-0).

Senator Edwards offers Amendment No. 4.

On motion of Senator Cooper, further consideration of the bill, as amended, with Amendment No. 4 pending, is postponed until Tuesday, March 9.

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A-15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, March 4, for further consideration upon third reading.

S.B. 221, a bill to authorize a judicial official in a noncapital case to conduct a pretrial release proceeding, first appearance, or an arraignment by a two-way audio and video proceeding.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Blackmon, the Senate adjourns at 2:08 P.M. to meet tomorrow, Thursday, March 4, at 1:30 P.M.

TWENTY-THIRD DAY

SENATE CHAMBER,
Thursday, March 4, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Wisdom and Truth, Will Rogers once said, 'We are all ignorant...only on different subjects.'

"The Holy Scripture puts it more positively, 'We have gifts that differ according to the grace given to us.' Give us the courage, O Lord, to use our gifts of knowledge in areas where we are able. Give us the good sense to use the gift of silence in matters where we have nothing better to contribute.

"We shall all profit in such an environment. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Wednesday, March 3, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Kincaid and to Senator Perdue, whose father is having surgery in Florida; and to Senator Winner of Buncombe for Monday, March 8. Leaves of absence granted previously for today to Senator Winner of Mecklenburg and Senator Johnson are noted.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee.**

S.B. 36, a bill to allow the limited disclosure of veterinary medical records in the Department of Agriculture, with a favorable report.

S.B. 37, a bill to change the membership of the Commission on Agriculture and Seafood Awareness, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 9575, which changes the title to read **S.B. 37** (Committee Substitute), a bill to change the membership of the Agriculture and Forestry Awareness Study Commission, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the proposed Committee Substitute bill is adopted, and on his further motion placed on the Calendar for Monday, March 8, for further consideration.

By Senator Walker for the **Children and Human Resources Committee.**

S.B. 229, a bill to aid parents of low-income children needing day care to become self-sufficient without jeopardizing the very child care that is essential to this self-sufficiency and to appropriate funds, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 230, a bill to change the day care rate payment structure to encourage the provision of quality day care for all North Carolina's children in need of care and to appropriate funds, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to **Appropriations Committee.**

By Senator Winner of Buncombe for the **Finance Committee.**

S.B. 154, a bill to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax and to exempt certain mobile classrooms from sales tax, with a favorable report.

On motion of Senator Winner of Buncombe, the bill is placed on the Calendar for Tuesday, March 9, for consideration.

S.B. 183, a bill to provide that a sales tax license is void if the retailer reports no sales for eighteen months, with a favorable report.

On motion of Senator Winner of Buncombe, the bill is placed on the Calendar for Tuesday, March 9, for consideration.

S.B. 158, a bill to provide that the penalty for failure to file an inheritance tax return will be assessed and collected in the same manner as the penalty for failure to pay inheritance taxes, with a favorable report, as amended.

On motion of Senator Winner of Buncombe, the bill is placed on the Calendar for Tuesday, March 9, for consideration.

By Senator Tally for the **Environment and Natural Resources Committee.**

S.B. 55, a bill to clarify the General Statutes to include training for incinerator operators of solid waste management facilities, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Harris:
S.B. 458, a bill to provide for an at-large seat on the Kings Mountain Board of Education, instead of all the members being elected from residency districts.
Referred to **Education/Higher Education Committee.**

By Senators Warren, Speed, Lee, Ward, and Tally:
S.B. 459, a bill to implement the recommendations of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee concerning school administrator programs at the constituent University of North Carolina institutions.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Warren, Speed, Lee, Ward, and Tally:
S.B. 460, a bill to appropriate funds for the implementation of the Principal Fellows Program recommended by the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee.
Referred to **Appropriations Committee.**

By Senators Warren, Speed, Lee, Ward, and Tally:
S.B. 461, a bill to appropriate funds for the School Administrator Programs at the constituent institutions of the University of North Carolina recommended by the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee.
Referred to **Appropriations Committee.**

By Senators Warren, Lee, Speed, Ward, and Tally:
S.B. 462, a bill to implement a recommendation of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee to establish a Principal Fellows Program to encourage excellence in the recruitment of candidates for educational leadership programs.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Winner of Mecklenburg, Winner of Buncombe, Hyde, and Seymour:
S.B. 463, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop.
Referred to **Judiciary II Committee.**

By Senators Winner of Buncombe, Winner of Mecklenburg, and Hyde:
S.B. 464, a bill to change the manner of selection of the Board of Governors of the University of North Carolina.
Referred to **Education/Higher Education Committee.**

By Senator Hoyle:
S.J.R. 465, a joint resolution honoring the founders of the Town of Bessemer City on its One-Hundredth Anniversary.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Harris, Jordan, and Smith:

S.B. 466, a bill to allow the original contracting preneed licensee to retain up to ten percent of the funds when transferring trust deposits to a successor funeral establishment.

Referred to **Banks and Thrift Institutions Committee.**

Senator Hoyle offers a motion that Rule 40 be suspended to allow the introduction of the following Senate simple resolution, which motion prevails by a two-thirds majority vote.

By Senator Hoyle:

S.R. 468, a Senate simple resolution honoring the founders of the City of Bessemer City on its One-Hundredth Anniversary.

On motion of Senator Hoyle, the Senate simple resolution is placed before the Senate for immediate consideration.

On motion of Senator Hoyle, the Senate simple resolution is adopted (44-0). (The text of this resolution appears in the Appendix.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following joint resolution, which is read the first time and disposed of, as follows:

H.J.R. 246, a joint resolution honoring the founders of the Town of Aberdeen on its One-Hundredth Anniversary.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bill and resolution, which are read the first time and disposed of, as follows:

H.B. 156, a bill repealing a local act relating to the Winston-Salem Sports Commission.

Referred to **Local Government and Regional Affairs Committee.**

H.J.R. 181, a joint resolution honoring the delegates to the North Carolina Constitutional Convention of 1868 and the first county commissioners, including those of Rutherford County, elected under the Constitution of 1868 upon the 125th Anniversary of the 1868 North Carolina Constitution, which established the county commissioner form of government in North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 10
(House Committee Substitute)

House of Representatives
March 3, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Sub. to **S.B. No. 10**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CERTIFICATE OF NEED LAW, the Speaker has appointed as conferees on the

part of the House, Representatives G. Miller, Gamble, Gottovi, Cummings, J. Preston, and Dickson to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Section 136 of H.B. 1340, ratified as Chapter 900 of the 1991 Session Laws, 1992 Session, the North Carolina Department of Human Resources submits its Summary of 1992-93 Expansion Funds-Updated February 1993.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 83, a bill to allow Macon County to rename all roads within unincorporated areas of the County.

Senator Carpenter offers Amendment No. 1 which is adopted (44-0).

Pursuant to Rule 55, the Chair orders the Principal Clerk to change the title to read, **S.B. 83**, a bill to allow Macon and Cherokee Counties to rename all roads within unincorporated areas of the County.

The bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A-15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property, as amended, upon third reading.

Senator Gulley offers Amendment No. 5 which is adopted (45-0). Pursuant to Rule 55, the Chair orders the Principal Clerk to change the title to read **S.B. 87**, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Durham, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A-15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—45.

Voting in the negative: None.

Senator Sands offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails and the question becomes passage of the measure upon third reading.

The Chair rules Amendment No. 5 to be material, and its adoption constitutes the first reading of the measure.

The bill, as amended, is ordered placed on the Calendar for Monday, March 8, for further consideration upon second reading.

S.B. 8 (Committee Substitute), a bill to prohibit health care providers from referring patients to health care goods or services offered by entities in which the referring provider has an ownership interest.

The Committee Substitute bill passes its second reading (44-0).

Senator Daniel objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Tuesday, March 9, for further consideration, upon third reading.

S.B. 20, a bill to amend the statutes relating to the electoral college to conform them to federal requirements and State law.

Upon the point of order raised by Senator Sands, pursuant to Rule 42, the Chair orders the bill re-referred to the **Appropriations Committee**.

S.B. 163, a bill to require the Commissioner of Insurance and the Rate Bureau to develop a proposed plan for workers' compensation carriers loss control services.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

RE-REFERRAL

S.B. 463, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop, referred to the **Judiciary II Committee** earlier today.

Senator Cooper offers a motion that the rules be suspended and the bill be taken from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary I Committee**.

On motion of Senator Basnight, seconded by Senator Richardson, the Senate adjourns at 2:17 P.M. to meet Monday, March 8, at 8:00 P.M.

TWENTY-FOURTH DAY

SENATE CHAMBER,
Monday, March 8, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, we are grateful during these days for the Senators' and staff's hard work in helping to create and maintain justice for the people of our State.

"In our society real justice is kept alive by the creative collaboration of two great but conflicting ideals: freedom and equality. All of us come to this place leaning toward one or the other of these ideals.

"But the genius of our government is that we believe we can be both just and free, that freedom and equality are partners in the path toward justice.

"Remind us that when we have arrived at justice, that justice never precludes mercy, but makes mercy possible. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, March 4, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Tally, Senator Perdue, Senator Daniel, Senator Kaplan, and Senator Jordan. A leave of absence granted previously to Senator Winner of Buncombe for tonight is noted.

Senator Jordan is noted present for a portion of tonight's Session.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Ballance:

S.B. 467, a bill to modify the speeds upon which the Division of Motor Vehicles' license suspension authority is based.

Referred to **Judiciary I Committee.**

By Senators Richardson, Hunt, Lee, Edwards, and Daniel:

S.B. 469, a bill to appropriate funds for the ARC of North Carolina, formerly the Association for Retarded Citizens, and for the LIFEguardianship Program.

Referred to **Appropriations Committee.**

By Senator Kerr:

S.B. 470, a bill to exempt joint municipal power agencies from the State bidding laws in the construction of electric generation and transmission projects.

Referred to **Public Utilities Committee** and upon a favorable report, re-referred to the **Capital Expenditures Committee.**

By Senators Seymour, Sands, Martin of Guilford, Shaw, Folger, Lee, and Walker:

S.B. 471, a bill to appropriate funds for the construction of the Randleman Reservoir.

Referred to **Capital Expenditures Committee.**

By Senators Smith and Cochrane:

S.B. 472, a bill to appropriate funds for the Spencer Shops Historic Site.

With unanimous consent, on motion of Senator Smith, the bill is not read a first time and is ordered held as filed in the Office of the Principal Clerk.

By Senator Soles:

S.B. 473, a bill to incorporate the City of Northwest.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 33, a bill to allow the limited disclosure of veterinary medical records in the Department of Agriculture.

On motion of Senator Speed, the bill is placed on the Calendar for tonight for consideration as the first order of business.

H.B. 40, a bill to direct the Department of Public Instruction to study various issues affecting the education of and delivery of services to exceptional children.
Referred to **Education/Higher Education Committee.**

H.B. 81, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions.
Referred to **Finance Committee.**

H.B. 222, a bill to prohibit the State Board of Education from setting higher class size maximums for physical education classes.
Referred to **Education/Higher Education Committee.**

H.B. 319, a bill to extend the bear hunting season in Pasquotank and Camden Counties.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 33, a bill to allow the limited disclosure of veterinary medical records in the Department of Agriculture, placed earlier on the Calendar for tonight as the first order of business.
The bill passes its second reading (43-0).
Senator Plyler objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, March 9, for further consideration, upon third reading.

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Durham, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A-15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property, as amended, upon second reading.
The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:
Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Walker, Warren, and Winner of Mecklenburg—43.
Voting in the negative: None.
The bill, as amended, is ordered placed on the Calendar for tomorrow, March 9, for further consideration upon third reading.

S.B. 36, a bill to allow the limited disclosure of veterinary medical records in the Department of Agriculture.
On motion of Senator Speed, consideration of the bill is postponed until Monday, March 15.

S.B. 37 (Committee Substitute), a bill to change the membership of the Agriculture and Forestry Awareness Study Commission.
The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 55, a bill to clarify the General Statutes to include training for incinerator operators of solid waste management facilities.
The bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives.

The President recognizes the following pages serving in the Senate this week: Summer Faith Byrum, Lincolnton; Rebecca Elizabeth Cary, Greensboro; Nannette Cherry, Hertford; Jennifer Rena Edmonds, Kittrell; Amy Lee Goodwin, Dallas; Allyson Michelle Graham, Fayetteville; Rebekkah Horton, Kinston; Stephanie Michelle Howard, Fletcher; Rasheda Leigh Kelly, Raleigh; Shannon Koontz, Morganton; Heather Leonard, Thomasville; Joy Helen Louise Little, Salisbury; Jennifer Nance, Kinston; Ketoyia Newkirk, Kenansville; Jennifer Paris, Rutherfordton; Abby Perkins, Morganton; Jennifer Piron, Kill Devil Hills; Jennifer Saint Sing, Charlotte; Kelly Dianne Truluck, Brevard; Elizabeth Grace Ward, Elk Park; Tricia Lyn Williamson, Cary; and Krystal Wilson, Reidsville.

On motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 8:28 P.M. to meet tomorrow, Tuesday, March 9, at 1:30 P.M.

TWENTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, March 9, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, the hardest part of any journey is neither the start nor the finish but the middle miles. Your servants here have come some distance now from the enthusiastic beginning of this Session and are some time away from the satisfaction of achieving goals at the last gavel. This is the part of the Session that begins to test their mettle.

"Isaiah said, 'Those who wait for the Lord shall renew their strength, they shall mount up with wings like eagles, they shall run and not be weary, they shall walk and not faint.'

"We claim that promise, today, O Lord, for the middle miles of this journey. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Monday, March 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee.**

S.B. 99, a bill to transfer authority from the Wildlife Resources Commission to the Department of Agriculture to regulate the production and sale of commercially raised freshwater fish and freshwater crustacean species, with a favorable report, as amended.

S.B. 222, a bill to prohibit hunting from, on, or across the right-of-way of a public road or highway in Macon County during deer season, with a favorable report, as amended.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 46 (Committee Substitute), a bill to provide for postponement of certain assessments in Winston-Salem and Forsyth County.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 225, a bill to allow additional retroactive membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

Referred to **Pensions and Retirement Committee** and, upon a favorable report, re-referred to the **Appropriations Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Durham, Gaston, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A-15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property, as amended, upon third reading.

With unanimous consent, the bill is taken up out of its regular order of business.

Senator Plexico offers Amendment No. 6, held to be material, which is adopted (42-1), constituting the first reading of the measure.

Pursuant to Rule 55, the Chair orders the Principal Clerk to change the title to read **S.B. 87**, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Durham, Gaston, Graham, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A-15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property.

The bill, as amended, is ordered placed on the Calendar for tomorrow, March 10, for further consideration upon second reading.

S.B. 234, a bill making a qualified exception from the Public Records Act relating to geographical information systems, as amended, with Amendment No. 4 pending.

With unanimous consent, on motion of Senator Cooper, further consideration of the bill, as amended, with Amendment No. 4 pending, is postponed until Thursday, March 18.

S.B. 8 (Committee Substitute), a bill to prohibit health care providers from referring patients to health care goods or services offered by entities in which the referring provider has an ownership interest, upon third reading.

With unanimous consent, on motion of Senator Daniel, the Committee Substitute bill is taken up out of its regular order of business.

With unanimous consent, on motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until tomorrow, March 10.

S.B. 154, a bill to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax and to exempt certain mobile classrooms from sales tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, March 10, for further consideration, upon third reading.

S.B. 158, a bill to provide that the penalty for failure to file an inheritance tax return will be assessed and collected in the same manner as the penalty for failure to pay inheritance taxes, upon second reading.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, March 10, for further consideration, upon third reading.

S.B. 183, a bill to provide that a sales tax license is void if the retailer reports no sales for eighteen months.

The bill passes its second reading (49-0).

Senator Kaplan objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, March 10, for further consideration, upon third reading.

H.B. 33, a bill to allow the limited disclosure of veterinary medical records in the Department of Agriculture.

The bill passes its third reading and is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Daniel, the Senate adjourns at 1:59 P.M. to meet tomorrow, Wednesday, March 10, at 1:30 P.M.

TWENTY-SIXTH

SENATE CHAMBER,
Wednesday, March 10, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with excerpts from a sermon by Dr. Wayne Stacy as follows:

"Eternal God, the key Beatitude is the first, 'Blessed are the poor in spirit,' the others are elaborations of it.

"The poor in spirit are they who, stripped of self-sufficiency, self-security, and self-righteousness, have discovered the deepest truth about themselves: that they are bankrupt without you, O God.

"May we discover our own poverty of spirit today, so that we might also encounter your rich and full presence in all that we do and say. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of Tuesday, March 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Gulley.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 33, an act to allow the limited disclosure of veterinary medical records in the Department of Agriculture. (Ch. 5)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

H.B. 129, a bill to establish the Cancer Coordination and Control Program and to establish the Advisory Committee on Cancer Coordination and Control to the Secretary of the Department of Environment, Health, and Natural Resources, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 62, a bill to transfer the rail safety section from the Utilities Commission to the Department of Transportation, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 335, a bill to exempt Richmond County from seeking five prospective buyers before it transfers Richmond Memorial Hospital to Richmond Memorial Hospital, a nonprofit corporation, with a favorable report.

S.B. 442, a bill to approve an annexation agreement between Davidson County, the City of High Point, and the City of Thomasville, as to territory in Davidson County, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 144, a bill to amend the Charter of the City of Greensboro with respect to contract award, leases, and settlement of claims, with a favorable report.

H.B. 157, a bill to exempt Columbus County from certain statutory requirements in the building of a new social services facility, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

With unanimous consent, the bill, as amended, is re-referred to the **Capital Expenditures Committee.**

By Senator Hunt for the **Finance Committee:**

S.B. 70, a bill to permit the inspection of ostriches and other ratites under the Meat Inspection Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill 7593, which changes the title to read **S.B. 70** (Committee Substitute), a

bill to require the inspection of ostriches and other ratites under the Meat Inspection Act, is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the proposed Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, March 11, for further consideration.

By Senator Ballance for the **Judiciary I Committee**:

S.B. 227, a bill to ban corporal punishment from certain "nonregistered" day care that receives reimbursement from the State, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the bill, as amended, engrossed and re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Jordan:

S.B. 474, a bill to raise the funeral expense allowance in probate proceedings.

With unanimous consent, on motion of Senator Jordan, the bill is not read and is ordered held as filed in the Office of the Principal Clerk.

By Senator Winner of Buncombe:

S.B. 475, a bill to make it a crime to sell handicapped parking placards.

Referred to **Judiciary I Committee**.

By Senators Cooper and Ballance:

S.B. 476, a bill to provide protection to producers of poultry and poultry products in North Carolina.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

By Senator Daniel:

S.B. 477, a bill to make changes in the laws pertaining to health care powers of attorney.

Referred to **Judiciary I Committee**.

RE-REFERRAL

S.B. 227, a bill to ban corporal punishment from certain "nonregistered" day care that receives reimbursement from the State, referred to the **Finance Committee** earlier today.

Senator Winner of Buncombe offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Children and Human Resources Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Children and Human Resources Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 58, a bill to remove the State Auditor from the Board of Trustees of the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

Referred to **Pensions and Retirement Committee.**

H.B. 87 (Committee Substitute), a bill to provide for limited leave with pay for State employees who are certified disaster volunteers.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 160, a bill to allow certain counties to rename all roads within unincorporated areas of the county.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 222, a bill to prohibit hunting from, on, or across the right-of-way of a public road or highway in Macon County during deer season.

On motion of Senator Albertson, Committee Amendment No. 1 is adopted (45-0).

The bill, as amended, passes its second reading (48-0).

Senator Plexico objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, March 11, for further consideration, upon third reading.

S.B. 154, a bill to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax and to exempt certain mobile classrooms from sales tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 158, a bill to provide that the penalty for failure to file an inheritance tax return will be assessed and collected in the same manner as the penalty for failure to pay inheritance taxes, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Durham, Gaston, Graham, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the

county and to provide that the provisions of G.S. 153A-15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—49.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, March 11, for further consideration, upon third reading.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

S.B. 91, a bill to provide that, under the temporary budget flexibility extended to certain institutions in the University of North Carolina System, a designated portion of any retained reversions may be used for energy conservation improvements, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 93, a bill to require the local boards of education to use the energy guidelines for school design and construction and to require energy-use goals and standards in order to assure the construction of energy efficient new schools and school renovations, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee**.

CALENDAR (Continued)

S.B. 99, a bill to transfer authority from the Wildlife Resources Commission to the Department of Agriculture to regulate the production and sale of commercially raised freshwater fish and freshwater crustacean species.

With unanimous consent, on motion of Senator Perdue, consideration of the bill is postponed until tomorrow, March 11.

S.B. 8 (Committee Substitute), a bill to prohibit health care providers from referring patients to health care goods or services offered by entities in which the referring provider has an ownership interest, upon third reading.

Senator Daniel offers Amendment No. 1.

Without objection, on motion of Senator Daniel, the Committee Substitute bill is temporarily displaced, with Amendment No. 1 pending.

S.B. 183, a bill to provide that a sales tax license is void if the retailer reports no sales for eighteen months, upon third reading.

The bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

S.B. 8 (Committee Substitute), a bill to prohibit health care providers from referring patients to health care goods or services offered by entities in which the referring provider has an ownership interest, with Amendment No. 1 pending, temporarily displaced earlier, upon third reading.

On motion of Senator Daniel, further consideration of the Committee Substitute bill, with Amendment No. 1 pending, is postponed until tomorrow, March 11.

On motion of Senator Basnight, seconded by Senator Cooper, the Senate adjourns at 2:10 P.M. to meet tomorrow, Thursday, March 11, at 1:30 P.M.

TWENTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, March 11, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable Marvin M. Ward, Senator from Forsyth County.

Senator Basnight, President *Pro Tempore*, announces the Journal of Wednesday, March 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President extends courtesies of the gallery to Robert A. Wicker, President of the North Carolina State Bar, and brother of the Lieutenant Governor.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

S.B. 344, a bill to remove the exclusion for war-related disabilities from the Disabilities Income Plan, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 447, a bill to provide for the transfer of funds from the City of Mount Airy's retirement plan to the Local Governmental Employees' Retirement System, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

By Senator Parnell for the **Insurance Committee**:

S.B. 181, a bill to provide that health insurance policies shall provide for direct payment to governmental agencies providing health services, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 4556, which changes the title to read **S.B. 181** (Committee Substitute), a bill to require entities providing health benefit plans to make direct payment to governmental agencies providing health care services, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the proposed Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the calendar for Tuesday, March 16, for further consideration.

By Senator Ballance for the **Judiciary I Committee:**

S.B. 463, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop, with a favorable report, as amended.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Perdue, Jordan, Albertson, Martin of Pitt, Hoyle, Seymour, Lee, Shaw, Marshall, Gunter, Richardson, Martin of Guilford, and Carpenter:

S.B. 478, a bill to require licensure of marriage and family therapists.

Pursuant to G.S. 120-149, the bill is ordered held in the Office of the Principal Clerk for receipt of an assessment report from the Legislative Committee on New Licensing Boards.

By Senators Perdue, Albertson, Jordan, Parnell, Martin of Pitt, Hoyle, Richardson, Gunter, Forrester, Hartsell, Ballance, Smith, Edwards, Speed, Plyler, Marshall, Codington, Winner of Mecklenburg, Plexico, Warren, and Tally:

S.B. 479, a bill to establish the Senior Tar Heel Legislature.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Tally and Edwards:

S.B. 480, a bill to appropriate funds for a new Assistant County Ranger in Cumberland County.

Referred to **Appropriations Committee.**

By Senator Conder:

S.B. 481, a bill to allow investments in obligations issued, assumed, or guaranteed by the International Finance Corporation Investments.

Referred to **Banks and Thrift Institutions Committee.**

Pursuant to G.S. 120-149.3, assessment reports are received from the Legislative Committee on New Licensing Boards, and with unanimous consent on motion of Senator Sands, bills ordered held as filed in the Office of the Principal Clerk are called from the Office of the Principal Clerk, read the first time, and disposed of as follows:

S.B. 422, a bill regulating the practice of acupuncture, ordered held in the Office of the Principal Clerk on February 25.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

S.B. 341, a bill regulating the practice of Complementary Medicine, ordered held in the Office of the Principal Clerk on February 24.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

S.B. 255, a bill to provide for the regulation of the practice of counseling and the licensure of counselors, ordered held in the Office of the Principal Clerk on February 19.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

S.B. 419, a bill regulating the practice of naturopathy, ordered held in the Office of the Principal Clerk on February 25.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 41 (Committee Substitute), a bill to direct the Joint Legislative Education Oversight Committee to forward a copy of the final report of the Teacher Training Task Force to the Commission on Children with Special Needs.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 166, a bill to provide that the Yadkin County Board of Education shall be elected to staggered four-year terms.

Referred to **Education/Higher Education Committee.**

H.B. 167, a bill to provide that members of the Yadkin County Board of Education shall take office on the first Monday in August after their election.

Referred to **Education/Higher Education Committee.**

H.B. 180, a bill to provide that the members of the Wilkes County Board of Education shall take office at their first meeting in June of the year of their election.

Referred to **Education/Higher Education Committee.**

H.B. 182, a bill to modify the vote required for private sale of property by the City of Greensboro for public purposes.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 320 (Committee Substitute), a bill to repeal the prohibitions on hunting male deer on the Outer Banks of Currituck County and on bear hunting in Currituck County, and to authorize seasons for taking deer with shotguns on a portion of the Outer Banks of Currituck County and for hunting black bears in Currituck County.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to House Bill 1340, Section 135, the Department of Human Resources submits a Plan to Address the Escalating Use and Costs of Community Intermediate Care Facilities for the Mentally Retarded/Developmentally Disabled.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 335, a bill to exempt Richmond County from seeking five prospective buyers before it transfers Richmond Memorial Hospital to Richmond Memorial Hospital, a nonprofit corporation.

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

H.B. 144, a bill to amend the Charter of the City of Greensboro with respect to contract award, leases, and settlement of claims.

The bill passes its second (43-0) and third readings and is ordered enrolled.

S.B. 222, a bill to prohibit hunting from, on, or across the right-of-way of a public road or highway in Macon County during deer season, as amended, upon third reading.

Senator Carpenter offers a motion that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails (44-0), and the question becomes passage of the measure upon second reading.

Senator Carpenter offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails (41-0), and the question becomes the adoption of Amendment No. 1.

With unanimous consent, Senator Carpenter withdraws Amendment No. 1.

Senator Carpenter offers Amendment No. 2.

On motion of Senator Sands, the bill, with Amendment No. 2 pending, is re-referred to the **Judiciary I Committee**.

S.B. 87, a bill to require consent of the Board of Commissioners of Catawba, Cumberland, Durham, Gaston, Graham, Iredell, Lincoln, and Mecklenburg Counties before land may be condemned or acquired by a unit of local government outside the county and to provide that the provisions of G.S. 153A-15 in any county subject to that section do not apply to property within the city limits of the city that is acquiring the property, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

With unanimous consent, Senators Ballance and Hyde are recorded voting aye—46.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 70 (Committee Substitute), a bill to require the inspection of ostriches and other ratites under the Meat Inspection Act.

The Committee Substitute bill passes its second reading (41-0).

The Committee Substitute bill is ordered placed on the Calendar for Monday, March 15, for further consideration upon third reading.

S.B. 99, a bill to transfer authority from the Wildlife Resources Commission to the Department of Agriculture to regulate the production and sale of commercially raised freshwater fish and freshwater crustacean species.

On motion of Senator Albertson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (46-0).

The bill, as amended, is ordered placed on the Calendar for Monday, March 15, for further consideration upon third reading.

S.B. 8 (Committee Substitute), a bill to prohibit health care providers from referring patients to health care goods or services offered by entities in which the referring provider has an ownership interest, with Amendment No. 1 pending, upon third reading.

Amendment No. 1, offered by Senator Daniel, is adopted (45-0).

The Committee Substitute bill, as amended, passes its third reading (42-0) and is ordered engrossed and sent to the House of Representatives.

The President recognizes Sheila Fields from Matthews, who is serving as a page in the Senate for a portion of this week.

On motion of Senator Soles, seconded by Senator Cochrane, the Senate adjourns at 2:23 P.M. to meet Monday, March 15, at 8:00 P.M.

TWENTY-EIGHTH DAY

SENATE CHAMBER,
Monday, March 15, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, the long weekend that brought rest and refreshment to most of us also brought extreme hardship to many others in our State.

"Our prayers tonight are specifically directed to You in behalf of those regions which have been devastated by the weekend's crippling storm and to the people who have suffered because of it.

"From this warm and safe place, where it might be easier merely to cast our burdens to You, teach us anew the dual responsibility to bear one another's burdens. This will give us a fresh spirit and right attitude with which to begin the work that is before us. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, March 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Winner of Buncombe, who is snowed in; to Senator Plexico and Senator Carpenter, due to the "Blizzard of '93"; and to Senator Hartsell, who is attending a county commissioners' meeting.

The Chair extends courtesies of the floor to William W. Staton, former Senator from Lee County.

INTRODUCTION OF BILL AND RESOLUTION

A bill and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Conder, Plyler, Daniel, Martin of Pitt, Hoyle, Winner of Buncombe, Sands, Odom, Plexico, Tally, Ward, Hyde, Winner of Mecklenburg, and Blackmon:

S.J.R. 482, a joint resolution recognizing North Carolina as the NASCAR Stock Car Racing Capital of the World.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Hartsell and Soles:

S.B. 483, a bill to enact Article 4A of the Uniform Commercial Code as recommended by the General Statutes Commission.

Referred to **Judiciary II Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 23, a bill authorizing the Secretary of Administration to adopt rules distinguishing consultant services and personal services.
Referred to **State Personnel and State Government Committee.**

H.B. 143 (Committee Substitute), a bill making a qualified exception for the Cities of Greensboro and High Point and Pitt County from the Public Records Act for certain geographical information systems.
Referred to **Local Government and Regional Affairs Committee.**

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 4, Commission on Workforce Preparedness and Its Inter-Agency Coordinating Council.
Referred to **State Personnel and State Government Committee.**

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports (see Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to House Bill 1340, Section 135, the North Carolina Department of Human Resources submits A Plan to Address the Escalating Use and Costs of Community Intermediate Care Facilities for the Mentally Retarded/Developmentally Disabled.

Pursuant to G.S. 113A-35.1, the Department of Environment, Health, and Natural Resources submits its 1992 Annual Status Report on Progress Made in Protecting the New River State River.

Pursuant to G.S. 130A-310.10, the Department of Environment, Health, and Natural Resources submits its 1993 Annual Report on Inactive Hazardous Waste.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 36, a bill to allow the limited disclosure of veterinary medical records in the Department of Agriculture.
Senator Speed offers a motion that the bill be postponed indefinitely, which motion prevails. The measure lies upon the table.

S.B. 463, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop.
On motion of Senator Winner of Mecklenburg, consideration of the bill is postponed until tomorrow, March 16.

S.B. 70 (Committee Substitute), a bill to require the inspection of ostriches and other ratites under the Meat Inspection Act, upon third reading.
Senator Speed offers Amendment No. 1 which is adopted (42-0).
The Committee Substitute bill, as amended, passes its third reading (45-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 99, a bill to transfer authority from the Wildlife Resources Commission to the Department of Agriculture to regulate the production and sale of commercially raised freshwater fish and freshwater crustacean species, as amended, upon third reading.

The bill, as amended, passes its third reading (45-0) and is ordered engrossed and sent to the House of Representatives.

The President recognizes the following pages serving in the Senate this week: Leigh Angela Britt, Reidsville; Jeff Christmas, Burlington; Jamie N. Cutler, Washington; Kristen Dawn Gilliam, Louisburg; Matthew Lee Hearp, Reidsville; Eric Blanchard Hawes, Jacksonville; Jennifer Page Jeffreys, Milton; April Michelle McClain, Garner; Lindsay K. Medlin, Louisburg; Kimberly Blair Money, Thomasville; Ruth Renee' Pahnke, Wake Forest; Scott Andrew Sellers, Elon College; Christian Chloris Swiers, Wilmington; Nikki Turner, Yanceyville; Mark Tyson, Monroe; Shernita L. Williamson, Yanceyville; Toni Williamson, Reidsville; Jason Harold York, Burlington; and Milaune Elizabeth Young, Goldsboro.

On motion of Senator Basnight, seconded by Senator Lee, the Senate adjourns at 8:19 P.M. to meet tomorrow, Tuesday, March 16, at 1:30 P.M.

TWENTY-NINTH DAY

SENATE CHAMBER,
Tuesday, March 16, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, in the midst of our most difficult deliberations, sometimes we must choose between doing what is self-serving and doing what is right.

"Since choosing what is right dictates that we cannot always do what we would like, grant that we may like what we must do, knowing that truth will one day and always be vindicated and prevail over expediency.

"The Holy Scriptures encourage us to that end by stating, 'You shall know the Truth and the Truth shall set you free.' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Monday, March 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Winner of Buncombe, who is delayed by air travel; to Senator Edwards, due to sickness; and to Senator Plexico, due to the "Blizzard of '93."

ENROLLED BILL

The Enrolling Clerk reports the following bill enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 144, an act to amend the Charter of the City of Greensboro with respect to contract award, leases, and settlement of claims. (Ch. 6)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee.**

S.B. 457, a bill to establish statewide seasons for taking beaver and to allow the taking of depredating beaver without obtaining a permit, with a favorable report, as amended.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Warren, Albertson, Cochrane, Forrester, Marshall, Plyler, Sands, and Smith:
S.B. 484, a bill to appropriate funds for the North Carolina 4-H Camp Program.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:
S.B. 485, a bill to appropriate funds to the Department of Agriculture to renovate a building to house laboratories.
Referred to **Capital Expenditures Committee.**

By Senator Martin of Pitt:
S.B. 486, a bill to appropriate funds for the Eastern North Carolina Agricultural Center.
Referred to **Capital Expenditures Committee.**

By Senators Cooper and Carpenter:
S.B. 487, a bill to implement a recommendation of the Child Fatality Task Force to amend the juvenile law and other laws to protect children more effectively from abuse, neglect, and dependency.
Referred to **Judiciary I Committee.**

By Senators Cooper, Carpenter, and Forrester:
S.B. 488, a bill to require public school children to receive a health assessment before entry into kindergarten.
Referred to **Education/Higher Education Committee.**

By Senator Cooper:
S.B. 489, a bill to implement a recommendation of the Child Fatality Task Force to appropriate funds for child maltreatment evaluation and education centers.
Referred to **Appropriations Committee.**

By Senators Cooper and Carpenter:
S.B. 490, a bill to implement a recommendation of the Child Fatality Task Force to establish community child protection teams as statutory entities.
Referred to **Children and Human Resources Committee.**

By Senator Cooper:
S.B. 491, a bill to implement a recommendation of the Child Fatality Task Force to appropriate funds to provide for family preservation services in every county.
Referred to **Appropriations Committee.**

By Senators Cooper and Carpenter:
S.B. 492, a bill to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives.
Referred to **Judiciary II Committee.**

By Senator Cooper, Carpenter, and Forrester:
S.B. 493, a bill to implement a recommendation of the Child Fatality Task Force to develop joint training on child abuse and neglect investigations and criminal prosecution.
Referred to **Judiciary II Committee.**

By Senators Cooper and Carpenter:
S.B. 494, a bill to implement a recommendation of the Child Fatality Task Force to phase in a statewide multidisciplinary, multiagency child fatality review and prevention system.
Referred to **Children and Human Resources Committee.**

By Senators Cooper and Carpenter:
S.B. 495, a bill directing the State Center for Health Statistics to conduct research as recommended by the Child Fatality Task Force.
Referred to **Children and Human Resources Committee.**

By Senators Cooper and Carpenter:
S.B. 496, a bill to implement a recommendation of the Child Fatality Task Force to require the Division of Social Services convene a committee to develop a child medical and mental health evaluation plan.
Referred to **Children and Human Resources Committee.**

By Senators Cooper and Carpenter:
S.B. 497, a bill to make the presence of a child under the age of sixteen in a vehicle driven by a person convicted of driving while impaired a grossly aggravating factor in sentencing.
Referred to **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 101 (Committee Substitute), a bill to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and state-assisted facilities and to the purchase, operation, and maintenance of equipment for such facilities.
Referred to **State Personnel and State Government Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 181 (Committee Substitute), a bill to require entities providing health benefit plans to make direct payment to governmental agencies providing health care services.
On motion of Senator Sands, consideration of the Committee Substitute bill is postponed until tomorrow, March 17.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee.**

S.B. 467, a bill to modify the speeds upon which the Division of Motor Vehicles' license suspension authority is based, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 4557 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, March 17, for further consideration.

CALENDAR (Continued)

S.B. 463, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop.

On motion of Senator Winner of Mecklenburg, Committee Amendment No. 1 is adopted.

Senator Hunt offers a motion that the bill, as amended, be re-referred to the **Finance Committee**, which motion he subsequently withdraws.

Senator Hunt, Chairman of the Finance Committee, requests a fiscal note on the bill, as amended.

Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Thursday, March 18, for receipt of the fiscal note.

Senator Daniel of Caswell County offers a motion that the rules be suspended to the end that Kelly Marks, General Chairman of the Greater Greensboro Open Golf Tournament, be granted privileges of the floor, which motion prevails.

Senator Basnight, President *Pro Tempore*, appoints Senator Seymour, Senator Martin of Guilford, and Senator Shaw to escort Mr. Marks to the Well of the Senate, where he offers brief remarks and issues an invitation to the members to attend Legislator's Day at the Greater Greensboro Open on Friday, April 23. The Escort Committee escorts Mr. Marks from the Chamber.

APPOINTMENT OF SELECT COMMITTEE

Pursuant to Rule 31(a) of the Temporary Rules of the 1993 Senate, Senator Basnight, President *Pro Tempore*, announces a select committee, appoints members, and charges them as follows:

SELECT COMMITTEE ON BONDS

Senators Winner of Mecklenburg (Chair), Edwards, Hoyle, Lee, Perdue, Simpson, Warren, and Ward.

"The Select Committee shall identify the needs at the State and local level for bond monies to fund the immediate and foreseeable infrastructure requirements of the following governmental functions: education at the K-12, community college, and University levels; and provision of water and sewer services for orderly growth and economic development. The Committee also shall review the needs for instructional technology and shall determine the most appropriate method of financing those needs."

On motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns at 2:03 P.M. to meet tomorrow, Wednesday, March 17, at 1:30 P.M.

THIRTIETH DAY

SENATE CHAMBER,
Wednesday, March 17, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, conflict forces us to consider what really matters. But resolution of conflict is often a difficult dilemma.

"Scripture teaches that 'turning the other cheek' is one way to deal with conflict. When issues are trivial and outcomes don't matter as much—that works.

"But Scripture also reminds us that a few tables were overturned in the temple one day when faith was perverted and core values were endangered.

"Teach us, O Lord, when to turn the other cheek and when to overturn a few tables. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Tuesday, March 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Edwards; for today and tomorrow, Thursday, March 18, to Senator Richardson and to Senator Gulley, who is attending the funeral of his grandmother; and for tomorrow, Thursday, March 18, to Senator Kincaid.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Sands:

S.B. 498, a bill to correct two errors in the plan for merger of the public school systems in Rockingham County into one system.

Referred to **Education/Higher Education Committee.**

By Senators Albertson, Jordan, Perdue, Speed, Carpenter, and Forrester:

S.B. 499, a bill to provide for inspection and grading of farm products.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Forrester, Walker, Richardson, Lee, Codington, Hyde, Harris, Cochrane, Allran, Gunter, Kaplan, Carpenter, and Ward:

S.B. 500, a bill to require prostate-specific antigen (PSA) test coverage in health and accident insurance policies, in hospital or medical services plans, and in HMO plans.

Referred to **Insurance Committee.**

By Senators Kincaid and Simpson:

S.B. 501, a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax.

Referred to **Economic Development Committee** and upon a favorable report, re-referred to the **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 35 (Committee Substitute), a bill to change the membership of the Agriculture and Forestry Awareness Study Commission.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 173 (Committee Substitute), a bill to provide that the State shall pay interest on income tax refunds not refunded to the taxpayer within forty-five days after the return was filed or due to be filed, whichever is later.
Referred to **Finance Committee.**

H.B. 208, a bill to restore the original corporate limits of the Town of Polkville.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 181 (Committee Substitute), a bill to require entities providing health benefit plans to make direct payment to governmental agencies providing health care services.
Senator Winner of Buncombe offers Amendment No. 1 which is adopted (44-0).
The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 457, a bill to establish statewide seasons for taking beaver and to allow the taking of depredating beaver without obtaining a permit.
On motion of Senator Albertson, Committee Amendment No. 1 is adopted.
The bill, as amended, passes its second reading (45-2).
Senator Winner of Buncombe objects to the third reading of the measure. Without objection, on motion of Senator Hyde, the Chair orders the measure placed on the Calendar for Tuesday, March 23, for further consideration, upon third reading.

S.B. 467 (Committee Substitute), a bill to modify the speeds upon which the Division of Motor Vehicles' license suspension authority is based.
The Committee Substitute bill passes its second (37-10) and third readings and is ordered, without objection, on motion of Senator Ballance, sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee:**

S.B. 44, a bill directing the State Board of Education to revise the funding formula for exceptional children, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 101, a bill to authorize locals boards of education to waive the age requirements for enrollment in public schools, with a favorable report.

S.B. 218, a bill to direct the Joint Committee on Teacher Education to report to the Joint Legislative Education Oversight Committee instead of the Joint Legislative Commission on Governmental Operations, with a favorable report.

S.B. 458, a bill to provide for an at-large seat on the Kings Mountain Board of Education, instead of all the members being elected from residency districts, with a favorable report.

By Senator Speed for the **Transportation Committee**:

S.B. 161, a bill to allow all trailers to obtain multiyear license plates, to allow owners of horseless carriages to obtain multiyear license plates, to clarify the definition of semi-trailer, and to make technical and administrative changes to the laws concerning special license plates, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee.**

CONFERENCE REPORT

S. B. 10 (House Committee Substitute)

Senator Daniel, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 10** (House Committee Substitute), a bill to modify the certificate of need law, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 10, AN ACT TO MODIFY THE CERTIFICATE OF NEED LAW, House Committee Substitute Favorable 2/19/93, Fifth Edition Engrossed 2/24/93, wish to report as follows:

The Senate concurs in the House Committee Substitute Favorable 2/19/93, Fifth Edition Engrossed 2/24/93, with the following amendments:

On page 5, lines 19 through 32, by rewriting those lines to read:

"(7a) 'Diagnostic center' means a freestanding facility, program, or provider, including but not limited to, physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs, in which the total cost of all the medical diagnostic equipment utilized by the facility which cost ten thousand dollars ($10,000) or more exceeds five hundred thousand dollars ($500,000). In determining whether the medical diagnostic equipment in a diagnostic center costs more than five hundred thousand dollars ($500,000), the costs of the equipment, studies, surveys, designs, plans, working drawings, specifications, construction, installation, and other activities essential to acquiring and making operational the equipment shall be included. The capital expenditure for the equipment shall be deemed to be the fair market value of the equipment or the cost of the equipment, whichever is greater.";" and

on page 26, line 38, by rewriting that line to read:

"develop new institutional health services as defined in G.S. 131E-176(16), as amended by this act, except that"; and

on page 26, lines 40 through 42, by rewriting those lines to read: "any political subdivision of the State, or any other comparable entity who has lawfully entered into a binding legal contract to develop and offer any service that was not a new institutional health service requiring a certificate of need prior to the ratification of this act. This act shall not affect litigation pending on".

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 16th day of March, 1993.

S/George B. Daniel	S/George W. Miller, Jr.
S/David W. Hoyle	S/John R. Gamble, Jr.
S/Leslie Winner	S/Karen E. Gottovi
S/Luther H. Jordan, Jr.	S/F. M. Cummings
	S/Jean Preston
	S/Walter W. Dickson
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Daniel, the Conference Report is adopted (46-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENTS TO COMMITTEE

Senator Basnight, President *Pro Tempore*, announces additional appointments to a select committee:

SELECT COMMITTEE ON BONDS: Senators Winner of Buncombe, Forrester, Hunt, Kerr, and Sherron are appointed.

On motion of Senator Basnight, seconded by Senator Martin of Pitt, the Senate adjourns at 2:20 P.M. to meet tomorrow, Thursday, March 18, at 1:30 P.M.

THIRTY-FIRST DAY

SENATE CHAMBER,
Thursday, March 18, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Merciful God, his prayer was neither eloquent nor long-winded. The publican, standing far off and with head down, simply prayed, 'God be merciful to me a sinner.' And the parable says that he went home justified.

"Lord, as difficult as it might be, may the publican's prayer be our prayer today, 'God be merciful to me a sinner' for there is a humbling empowerment for all that we do—in admitting our humanity and being forgiven. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 17, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Leaves of absence granted previously for today to Senator Gulley, Senator Richardson, and Senator Kincaid are noted.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee:**

H.B. 58, a bill to remove the State Auditor from the Board of Trustees of the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report.

By Senator Seymour for the **Public Utilities Committee:**

S.B. 470, a bill to exempt joint municipal power agencies from the State bidding laws in the construction of electric generation and transmission projects, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Seymour, the proposed Committee Substitute bill 4560 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Capital Expenditures Committee.**

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 31, a bill to require that the Department of Human Resources study the issue of reimbursement for domiciliary care homes and recommend a specific method for rate setting, with a favorable report.

S.B. 453, a bill to repeal the requirement for health certificates for marriage license applicants, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Judiciary I Committee.**

S.B. 338, a bill to appropriate funds to provide Medicaid coverage for adopted children with special needs, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

By Senator Johnson for the **State Personnel and State Government Committee:**

H.B. 87 (Committee Substitute), a bill to provide for limited leave with pay for State employees who are certified disaster volunteers, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

Senator Plyler of Union County offers a motion the rules be suspended to the end that Christa Tyson, Miss North Carolina U.S.A., be granted privileges of the floor to address the Senate, which motion prevails.

Senator Basnight, President *Pro Tempore*, appoints Senator Plyler, Senator Conder, and Mark Tyson, brother of Ms. Tyson who is serving as a page this week, to escort Ms. Tyson to the Well of the Senate, where she offers brief remarks. The Committee escorts Ms. Tyson from the Chamber.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 10
(House Committee Substitute)

House of Representatives
March 17, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to SB. No. 10 A BILL TO BE ENTITLED AN ACT TO MODIFY THE CERTIFICATE OF NEED LAW, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Perdue, Gunter, Marshall, Winner of Mecklenburg, Tally, Seymour, Cochrane, and Plexico:

S.B. 502, a bill to appropriate funds for rape crisis and sexual assault programs throughout the State.

Referred to **Appropriations Committee.**

By Senators Perdue, Jordan, Kerr, and Plexico:

S.B. 503, a bill to provide for economic development in rural areas and depressed areas of North Carolina.

Referred to **Appropriations Committee.**

By Senator Perdue:

S.B. 504, a bill to require the Department of Commerce to prepare and update annually a Comprehensive Strategic Economic Development Plan for the State of North Carolina.

Referred to **Economic Development Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Perdue:

S.B. 505, a bill to direct the State Board of Community Colleges to study its Small Business Centers Program to determine how to provide for more effective delivery of program services.

Referred to **Education/Higher Education Committee.**

By Senators Winner of Mecklenburg, Blackmon, Odom, Carpenter, Kaplan, and Plexico:

S.B. 506, a bill to provide that an officer may make a warrantless arrest on school grounds for certain misdemeanor offenses committed on school grounds.

Referred to **Judiciary I Committee.**

By Senators Codington, Shaw, and Jordan:

S.B. 507, a bill to allow New Hanover County to regulate the operation of personal watercraft.

Referred to **Judiciary I Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 234, a bill making a qualified exception from the Public Records Act relating to geographical information systems, as amended, with Amendment No. 4 pending.

Without objection, on motion of Senator Cooper, the Chair orders the bill, as amended, temporarily displaced, with Amendment No. 4 pending.

S.B. 458, a bill to provide for an at-large seat on the Kings Mountain Board of Education, instead of all the members being elected from residency districts.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 234, a bill making a qualified exception from the Public Records Act relating to geographical information systems, as amended, with Amendment No. 4 pending, temporarily displaced earlier.

On motion of Senator Cooper, the bill, as amended, with Amendment No. 4 pending, is re-referred to the **Judiciary II Committee**.

S.B. 101, a bill to authorize locals boards of education to waive the age requirements for enrollment in public schools.

Without objection, on motion of Senator Perdue, the bill is temporarily displaced.

S.B. 218, a bill to direct the Joint Committee on Teacher Education to report to the Joint Legislative Education Oversight Committee instead of the Joint Legislative Commission on Governmental Operations.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 463, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop, as amended, with a fiscal note requested by Senator Hunt on March 16.

The Chair announces the fiscal note is received.

Senator Blackmon offers Amendment No. 2 which proposes to change the title to read **S.B. 463**, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop and to require that owners list all cosmetologists practicing in their cosmetic art shop.

Without objection, on motion of Senator Blackmon, the bill, as amended, is temporarily displaced, with Amendment No. 2 pending.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 10 (House Committee Substitute), an act to modify the certificate of need law. (Ch. 7)

CALENDAR (Continued)

S.B. 101, a bill to authorize locals boards of education to waive the age requirements for enrollment in public schools, temporarily displaced earlier.

Senator Conder offers a motion that consideration of the bill be postponed until Tuesday, March 23, which motion he subsequently withdraws and the measure is consequently temporarily displaced.

S.B. 463, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop, as amended, with Amendment No. 2 pending, temporarily displaced earlier.

Senator Conder offers a motion that further consideration of the bill, as amended, with Amendment No. 2 pending, be postponed until Tuesday, March 23, which motion he subsequently withdraws and the measure is consequently temporarily displaced.

S.B. 101, a bill to authorize locals boards of education to waive the age requirements for enrollment in public schools, temporarily displaced earlier.

Senator Sands offers Amendment No. 1.

The Chair orders the bill temporarily displaced, with Amendment No. 1 pending, for the distribution of copies of Amendment No. 1.

S.B. 463, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop, as amended, with Amendment No. 2 pending, temporarily displaced earlier.

Without objection on motion of Senator Harris, further consideration of the bill, as amended, with Amendment No. 2 pending, is postponed until Tuesday, March 23.

S.B. 101, a bill to authorize locals boards of education to waive the age requirements for enrollment in public schools, with Amendment No. 1 pending, temporarily displaced earlier.

Amendment No. 1, offered by Senator Sands, is adopted (45-0).

On motion of Senator Perdue, the bill, as amended, is recommitted to the **Education/Higher Education Committee.**

Senator Sherron, Chairman of the **Ways and Means Committee**, requests a fiscal note on the bill, as amended.

Senator Sands rises to a point of order as to the request for a fiscal note being properly before the Senate on **Senate Bill 101** recommitted earlier to the **Education/Higher Education Committee**. The Chair rules, pursuant to Rule 42.1, that the measure is in the possession of the Senate and the request by the Chairman of the **Ways and Means Committee** for a fiscal note is in order, and orders the request transmitted.

On motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns at 2:32 P.M. to meet Monday, March 22, at 8:00 P.M.

THIRTY-SECOND DAY

SENATE CHAMBER,
Monday, March 22, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God Our Father, renew our spirits and draw our hearts to You, that our work this week may not be a burden but a delight. Help us that we may serve You with the cheerfulness and gladness of children, recognizing that every moment of life is a wonderful and precious gift from You. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 18, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Daniel, Senator Edwards, Senator Conder, and Senator Jordan.

The Chair extends courtesies of the gallery to Thomas H. Suddarth, former Senator from Davidson County, whose son, Thomas H. Suddarth III, is serving as a page this week.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

Senator Cooper for the **Judiciary II Committee**:

S.B. 417, a bill to amend the Open Meetings Law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 9587, which changes the title to read **S.B. 417** (Committee Substitute), a bill to amend the open meetings laws and to amend the public records law as it relates to the Hospital Licensure Act, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the proposed Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, March 23, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Hyde:

S.B. 508, a bill to provide the same legal authority and limited liability to immigration and naturalization service agents who work with State and local officers as is accorded other federal officers.

Referred to **Judiciary II Committee**.

By Senator Conder:

S.B. 509, a bill to add the Secretary of State as a member of the Economic Development Board.

Referred to **Economic Development Committee**.

By Senator Simpson:

S.B. 510, a bill to provide for the separate election of the Mayor of Connelly Springs.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Allran, Carpenter, Codington, Cochrane, Hartsell, Shaw, Smith, Forrester, Kincaid, Blackmon, and Simpson:

S.B. 511, a bill to strengthen the DWI laws.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Carpenter:

S.B. 512, a bill to authorize Polk County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Harris and Carpenter:
S.B. 513, a bill to amend the banking laws.
Referred to **Banks and Thrift Institutions Committee.**

By Senator Hyde:
S.B. 514, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice.
Referred to **Constitution and Election Laws Committee.**

By Senator Martin of Pitt:
S.B. 515, a bill to appropriate funds to the Department of Agriculture for an automated network to improve operating efficiency and communication.
Referred to **Appropriations Committee.**

By Senators Hartsell, Smith, and Cochrane:
S.B. 516, a bill to authorize the extension of county housing authority jurisdiction to cities located in whole or in part within the county's boundaries.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Parnell:
S.B. 517, a bill to implement a structured sentencing plan for misdemeanants by redefining State and county responsibilities for the confinement of misdemeanants.
Referred to **Judiciary I Committee.**

By Senators Albertson, Warren, Parnell, Daniel, Jordan, Perdue, Soles, Martin of Pitt, Conder, Smith, and Speed.
S.B. 518, a bill to appropriate funds to the Department of Agriculture for staffing and operating support for the biological pest control laboratory.
Referred to **Appropriations Committee.**

By Senators Albertson, Warren, Parnell, Daniel, Jordan, Perdue, Soles, Martin of Pitt, Conder, and Speed.
S.B. 519, a bill to improve the enforcement of the North Carolina Liming Materials and Landplaster Act.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Agriculture, Marine Resources, and Wildlife Committee.**

By Senators Albertson, Warren, Parnell, Daniel, Jordan, Hunt, Perdue, Martin of Pitt, Soles, Winner of Buncombe, Conder, and Speed.
S.B. 520, a bill to appropriate funds to the Department of Agriculture to increase efforts to expand domestic markets for agricultural products.
Referred to **Appropriations Committee.**

By Senators Albertson, Warren, Parnell, Daniel, Jordan, Hunt, Perdue, Martin of Pitt, Soles, Conder, and Speed.
S.B. 521, a bill to appropriate funds to the Department of Agriculture for the expansion of the Pseudorabies Control Program.
Referred to **Appropriations Committee.**

By Senators Folger and Smith:
S.J.R. 522, a joint resolution honoring the life, service, and memory of John C. Kesler.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Seymour:

S.B. 523, a bill to establish a fee for the accreditation and renewal of accreditation of reinsurance companies.

Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Conder and Plyler:

S.B. 524, a bill to amend the site selection criteria for a low-level radioactive waste facility to provide that no facility be sited within ten miles of a neighboring State.

Referred to **Environment and Natural Resources Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 57 (Committee Substitute), a bill to require partnerships to furnish each partner a copy of the State "K-1" tax form.

Referred to **Finance Committee.**

H.B. 265, a bill to exempt the City of Washington from Article 12, Chapter 160A of the General Statutes in the conveyance of certain real estate to the Greater Washington Chamber of Commerce, Inc.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.R. 135

House of Representatives
March 18, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to H.R. 135, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the House of Representatives has elected the following persons to the Board of Governors of the University of North Carolina:

Minority Party Category (2)

John Allen Garwood
John F. A. V. Cecil

At-Large Category (6)

Dewey Wayne Peterson
Ellen Sheffield Newbold
Mark L. Bibbs
H. D. Reaves, Jr.
Harold H. Webb
Roderick D. (Rod) Adams

Women's Category (1)

Valeria Lynch Lee

Respectfully,
S/Denise G. Weeks
House Principal Clerk

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 31, a bill to require that the Department of Human Resources study the issue of reimbursement for domiciliary care homes and recommend a specific method for rate setting.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 58, a bill to remove the State Auditor from the Board of Trustees of the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

The bill passes its second (45-0) and third readings and is ordered enrolled.

The President recognizes the following pages serving in the Senate this week:

Dekhasta Becton, Raleigh; Jason Brown, Raleigh; Olivia Louise Burnside, Camp Lejeune; Dennis Carroll, Garner; Mary Veronica Coffey, Burlington; Grace Creech, Burlington; Audrey Denise Faucette, Burlington; Crystal Dawn Foust, Burlington; Adam Scarborough Hancock, Raleigh; Angela J. Harlan, Huntersville; William Hedrick, Wake Forest; Erika Lynn Roberson, Burlington; Bryan Wayne Sartin, Ruffin; Lyndsye Sellars, Raleigh; Aleshia Smith, Fayetteville; Thomas Henry Suddarth III, Wilmington; and Mary Katherine Williams, New Bern.

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 5, Severe Winter Storm Emergency Relief.
Referred to **Transportation Committee**.

APPOINTMENTS TO JOINT LEGISLATIVE COMMITTEE

Pursuant to G.S. 120-70.1, Senator Basnight, President *Pro Tempore*, announces appointments to the Joint Legislative Utility Review Committee, as follows: Senators Johnson (Co-Chairman); Seymour; and Smith.

On motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 8:24 P.M. to meet tomorrow, Tuesday, March 23, at 1:30 P.M.

THIRTY-THIRD DAY

SENATE CHAMBER,
Tuesday, March 23, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, former Senate Chaplain and presently Minister of Longwood Hills Baptist Church, Longwood, Florida, as follows:

"Father, it seems that there is very little good news these days that isn't bad news for someone. And a piece of legislation that helps one group often does so at the expense of another group, and sometimes this isn't altogether negative, depending on the issue and the two sides of that issue.

"But, sometimes, Father, we admit that we, as individuals, and as a people, long for news that is completely, one-hundred percent without qualification, good news, and good news for all, no matter what political, socioeconomic, or ethnic group, we belong to, or for that matter even what religious group we belong to. And that news is that You know us and love us, Father, and that when we suffer so do You. You are not an at-a-distance God, but an up-close and personal God, and these concerns discussed here today matter, not just to us, not just to North Carolina, but ultimately to You as well.

"For this truth, we give You thanks. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, March 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Jordan.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 97, an act to amend the General Statutes to authorize the Governor to appoint a spouse of a commercial fisherman to serve on the Marine Fisheries Commission in the place of the commercial fisherman. (Ch. 8)

H.B. 58, an act to remove the State Auditor from the Board of Trustees of the North Carolina Firemen's and Rescue Squad Workers' Pension Fund. (Ch. 9)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

S.B. 499, a bill to provide for inspection and grading of farm products, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

H.B. 35 (Committee Substitute), a bill to change the membership of the Agriculture and Forestry Awareness Study Commission, with a favorable report.

By Senator Sands for the **Rules and Operation of the Senate Committee:**

H.J.R. 181, a joint resolution honoring the delegates to the North Carolina Constitutional Convention of 1868 and the first county commissioners, including those of Rutherford County, elected under the Constitution of 1868 upon the 125th Anniversary of the 1868 North Carolina Constitution, which established the county commissioner form of government in North Carolina, with a favorable report.

By Senator Ballance for the **Judiciary I Committee:**

S.B. 222, a bill to prohibit hunting from, on, or across the right-of-way of a public road or highway in Macon County during deer season, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 2583 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, March 24, for further consideration.

By Senator Cooper for the **Judiciary II Committee:**

S.B. 407, a bill to eliminate any ambiguity as to the scope of inspections of the Board of Mortuary Affairs, with a favorable report, as amended.

By Senator Kaplan for the **Capital Expenditures Committee:**

H.B. 157, a bill to exempt Columbus County from certain statutory requirements in the building of a new social services facility, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Daniel:
S.B. 525, a bill to make revisions to the right to a Natural Death Act.
Referred to Judiciary II Committee.

By Senators Harris and Carpenter:
S.B. 526, a bill to change the certification period of emergency medical technicians from two years to four years.
Referred to **Children and Human Resources Committee.**

By Senators Harris, Carpenter, and Smith:
S.B. 527, a bill to provide an increase to retirees of the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, and the Legislative Retirement System.
Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Harris, Carpenter, and Smith:

S.B. 528, a bill to provide that retired members in receipt of a retirement allowance from the state-administered retirement systems shall receive retirement benefits equal to an amount not less than the accumulated contributions of the retiree at retirement.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Harris, Carpenter, and Smith:

S.B. 529, a bill to amend the vital records law to avoid unlawful duplication.

Referred to **Judiciary I Committee.**

By Senator Plyler:

S.B. 530, a bill to appropriate funds to the Department of Agriculture for medical waste incinerators.

Referred to **Appropriations Committee.**

By Senator Hyde:

S.B. 531, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice.

Referred to **Constitution and Election Laws Committee.**

By Senator Winner of Buncombe:

S.B. 532, a bill to provide that all interest expenses are deductible for inheritance tax purposes.

Referred to **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 19, a bill to clarify the law with regard to the rejection of competitive bids for goods and services.

Referred to **State Personnel and State Government Committee.**

H.B. 162, a bill concerning annexation of certain property by the Town of Clayton.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 179 (Committee Substitute), a bill to delete the requirement that certain reports on environmental issues be made to the Joint Legislative Commission on Governmental Operations.

Referred to **Environment and Natural Resources Committee.**

H.B. 27 (Committee Substitute), a bill to restrict the transportation of children under the age of twelve in the open bed or open cargo area of a vehicle.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Judiciary I Committee.**

S.B. 55 (House Committee Substitute), a bill to clarify the General Statutes to include training for incinerator operators of solid waste management facilities, for concurrence in the House Committee Substitute bill, which is recommitted to the **Environment and Natural Resources Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 417 (Committee Substitute), a bill to amend the open meetings laws and to amend the public records law as it relates to the Hospital Licensure Act.

Senator Cooper offers Amendment No. 1 which is adopted (49-0), changing the title to read **S.B. 417** (Committee Substitute), a bill to amend the open meetings laws and to amend the public records law as it relates to the Hospital Licensure Act and the Joint Municipal Electric Power and Energy Act.

Senator Gulley offers Amendment No. 2 which is adopted (48-1).

Senator Kerr offers Amendment No. 3 which is adopted (33-14).

Senator Simpson offers Amendment No. 4 which fails of adoption (19-26).

The Committee Substitute bill, as amended, passes its second (44-4) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 463, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop, as amended, with Amendment No. 2 pending.

With unanimous consent, Senator Blackmon withdraws Amendment No. 2.

Senator Blackmon offers Amendment No. 3 which is adopted (40-8), changing the title to read **S.B. 463**, a bill to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop and to require that owners list all cosmetologists practicing in their cosmetic art shop.

The bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 457, a bill to establish statewide seasons for taking beaver and to allow the taking of depredating beaver without obtaining a permit, as amended, upon third reading.

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (47-0).

The bill, as amended, passes its third reading (45-1) and is ordered engrossed and sent to the House of Representatives.

RE-REFERRALS

H.B. 210, a bill to protect the confidentiality of hotline complaints that the auditor transmits to the General Assembly for investigation, referred to **Rules and Operation of the Senate Committee** on February 25.

Senator Sands offers a motion that the rules be suspended and the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **State Personnel and State Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **State Personnel and State Government Committee.**

S.B. 20, a bill to amend the statutes relating to the electoral college to conform them to federal requirements and State law, referred to the **Appropriations Committee** on March 4.

Senator Daniel offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and recommitted to the **Constitution and Election Laws Committee**, which motion prevails with unanimous consent.

The Chair orders the bill recommitted to the **Constitution and Election Laws Committee.**

FUNERAL DELEGATION

Senator Basnight, President *Pro Tempore*, appoints Senator Marshall, Senator Richardson, and Senator Sherron as a delegation to attend the funeral of Johnnie Smith, the late mother-in-law of the Honorable Daniel T. Blue, Jr., Speaker of the House of Representatives.

On motion of Senator Basnight, seconded by Senator Gunter, the Senate adjourns at 3:26 P.M. to meet tomorrow, Wednesday, March 24, at 1:30 P.M.

THIRTY-FOURTH DAY

SENATE CHAMBER,
Wednesday, March 24, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, as the story goes, when it was time to give an offering, the poor widow came unobtrusively and dropped in two copper coins; it was all that she had to live on. This parable has as much to say about attitude as generosity.

"In today's world we prefer the headline to the byline; the bolder the print, the greater the contribution. But the widow teaches us a different ethic. Help us, like her, to make contributions to the world around us out of our poverty rather than our abundance. Then even greater works will be effected. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, March 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Marshall, who is attending the funeral of Mrs. Johnnie Smith, mother-in-law of the Honorable Daniel T. Blue, Jr., Speaker of the House of Representatives; to Senator Edwards, who is attending a funeral; to Senator Richardson and Senator Sherron; and to Senator Kaplan for today and tomorrow, March 25.

The Chair subsequently notes Senator Sherron present, and he withdraws his request for a leave of absence.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

S.B. 159, a bill to prohibit delivery of non-tax-paid special fuel into the supply tank of a motor vehicle and acquisition of non-tax-paid special fuel for use in a motor vehicle, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 7596 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, March 25, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Forrester:

S.B. 533, a bill to institute a statewide reporting system for occupational diseases, illnesses, conditions, and injuries.

Referred to **Children and Human Resources Committee.**

By Senators Walker, Cochrane, Lee, Seymour, Cooper, Winner of Mecklenburg, Ward, Cochrane, Tally, Marshall, Gunter, Smith, and Gulley:

S.B. 534, a bill to appropriate supplemental funding for the Aid to Public Libraries Fund.

Referred to **Appropriations Committee.**

By Senators Hartsell and Simpson:

S.B. 535, a bill to clarify remedies for returned checks as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee.**

By Senator Hartsell:

S.B. 536, a bill to change the date for publication of the roster of licensed general contractors and to make other conforming and technical changes as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee.**

By Senator Hartsell (by request):

S.B. 537, a bill to implement a recommendation of the General Statutes Commission to make it clear that heirs or devisees may move to compel the filing of an account in a decedent's estate and to make the personal representative or collector personally liable for the costs of a proceeding to compel the filing of the account.

Referred to **Judiciary II Committee.**

By Senators Harris and Tally:

S.B. 538, a bill to allow area mental health, developmental disabilities, and substance abuse authorities to submit local plans in accordance with an extended schedule.

Referred to **Children and Human Resources Committee.**

By Senator Ballance:

S.B. 539, a bill to clarify the Medicaid law regarding the financial responsibility of parents for children under twenty-one in medical institutions.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Smith:

S.B. 540, a bill to make technical and other changes to the Workers' Compensation Act, and to create the Special Industrial Commission Fund for the operation of the Industrial Commission and direct that a portion of the tax paid on worker's compensation premiums be paid to this Fund.

Referred to **Manufacturing and Labor Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Richardson, Edwards, Walker, Lee, Forrester, Cochrane, Ballance, and Perdue:

S.B. 541, a bill to appropriate funds for early intervention and related services.

Referred to **Appropriations Committee.**

By Senators Richardson, Walker, Edwards, Lee, Cochrane, Forrester, Ballance, and Perdue:

S.B. 542, a bill to appropriate funds for the Family Support Network's Parent to Parent Support Programs.

Referred to **Appropriations Committee.**

By Senators Ward, Harris, Walker, and Tally:

S.B. 543, a bill to authorize the certification of employee assistance programs.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Ward, Harris, Walker, and Tally:

S.B. 544, a bill to amend various statutes pertaining to early intervention services from birth to five years of age.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Edwards:

S.B. 545, a bill to delete the requirement that local boards of education file copies of their budget resolutions with the State Board of Education.

Referred to **Education/Higher Education Committee.**

By Senator Edwards:

S.B. 546, a bill to place the Superintendent of Public Instruction on the Commission on Children with Special Needs.

Referred to **Education/Higher Education Committee.**

By Senator Edwards:

S.B. 547, a bill to modify the reporting requirement regarding individual schools closed due to emergencies or other unsafe conditions.

Referred to **Education/Higher Education Committee.**

By Senator Kerr:

S.B. 548, a bill to appropriate funds for the OSHA Division of the Department of Labor.

Referred to **Appropriations Committee.**

By Senators Lee, Tally, Ward, Forrester, Smith, Harris, Walker, Edwards, and Richardson:

S.B. 549, a bill to provide that the Department of Justice may provide criminal record checks to area mental health, developmental disabilities, and substance abuse authorities and their contract agencies.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Albertson and Parnell:

S.B. 550, a bill to amend the North Carolina Commercial Fertilizer Law.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Environment and Natural Resources Committee.**

By Senator Albertson:

S.B. 551, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Duplin County weapon permits.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Winner of Buncombe:

S.B. 552, a bill to provide that no inheritance tax return need be filed if the amount of tax due is less than one hundred dollars.

Referred to **Finance Committee.**

By Senators Daniel, Cochrane, Folger, Kaplan, Kincaid, Lee, Martin of Guilford, Sands, Seymour, Shaw, Simpson, Walker, Smith, and Ward:

S.B. 553, a bill to appropriate funds to construct the Piedmont Agricultural Marketing and Processing Center in Guilford County.

Referred to **Capital Expenditures Committee.**

By Senator Daniel:

S.B. 554, a bill to permit area mental health authorities to serve as managed care providers.

Referred to **Children and Human Resources Committee.**

By Senators Tally and Edwards:

S.B. 555, a bill to appropriate funds for the Museum of the Cape Fear Historical Complex.

Referred to **Capital Expenditures Committee.**

By Senators Hoyle, Martin of Pitt, Albertson, Conder, Winner of Buncombe, Allran, and Forrester:

S.B. 556, a bill to appropriate funds to the North Carolina Housing Trust Fund.

Referred to **Appropriations Committee.**

By Senators Hoyle and Forrester:

S.B. 557, a bill to revise and consolidate the Charter of the City of Lowell.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 94, a bill to abolish the North Carolina Energy Development Authority.

Referred to **Public Utilities Committee.**

H.B. 395, a bill to clarify the law regarding the recording of certified copies of documents in the Office of the Register of Deeds.

Referred to **Judiciary II Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 222 (Committee Substitute), a bill to prohibit hunting from, on, or across the right-of-way of a public road or highway in Macon County during deer season.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 157, a bill to exempt Columbus County from certain statutory requirements in the building of a new social services facility, as amended.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 407, a bill to eliminate any ambiguity as to the scope of inspections of the Board of Mortuary Affairs.

On motion of Senator Harris, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 407**, a bill to eliminate any ambiguity as to the scope of inspections of the Board of Mortuary Sciences.

Senator Harris offers Amendment No. 2 which is adopted (45-0), further changing the title to read **S.B. 407**, a bill to eliminate any ambiguity as to the scope of inspections of the Board of Mortuary Science.

The bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 35 (Committee Substitute), a bill to change the membership of the Agriculture and Forestry Awareness Study Commission.

On motion of Senator Albertson, consideration of the Committee Substitute bill is postponed until Tuesday, March 30.

H.J.R. 181, a joint resolution honoring the delegates to the North Carolina Constitutional Convention of 1868 and the first county commissioners, including those of Rutherford County, elected under the Constitution of 1868 upon the 125th Anniversary of the 1868 North Carolina Constitution, which established the county commissioner form of government in North Carolina.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

S.B. 110, a bill to allow local school boards to request waivers for central office staff as provided by the School Improvement and Accountability Act, with a favorable report.

S.B. 124, a bill to amend the Teacher Training Task Force to add teacher members and make other clarifying changes, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.J.R. 111, a joint resolution to approve a system to develop and implement a system for building improvement reports, with a favorable report, as amended.

Pursuant to Rule 45.1, the joint resolution is placed before the Senate for immediate consideration and Committee Amendment No. 1 fails of adoption.

Pursuant to Rule 43, the Chair orders the measure re-referred to the **Rules and Operation of the Senate Committee**.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

H.B. 208, a bill to restore the original corporate limits of the Town of Polkville, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 59, a bill to prohibit the disposal of certain classes of recyclable solid waste in landfills or by incineration, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 9589 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, March 25, for further consideration.

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Section 11, Chapter 1044 of the 1991 Session Laws (Regular Session 1992) the North Carolina Department of Administration submits its North Carolina Veterans Home 1993 Study.

On motion of Senator Basnight, seconded by Senator Simpson, the Senate adjourns at 2:05 P.M. to meet tomorrow, Thursday, March 25, at 1:30 P.M.

THIRTY-FIFTH DAY

SENATE CHAMBER,
Thursday, March 25, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote from Vance Havner, as follows:

"God, our Father, mediocrity is often nurtured when we play it safe. We sacrifice what we really believe in for what we can live with. So when Your call to us is clear and a fire burns in our bones, give us the courage and conviction not to play it safe, but to risk everything! That's what faith is all about.

"Nothing is more disastrous than to study faith, analyze it, make noble resolves about faith, but never actually make the leap of faith. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for Monday, March 29, to Senator Winner of Buncombe. A leave of absence previously granted to Senator Kaplan for today is noted.

The Chair extends courtesies of the floor to Ramey Kemp, former member of the House of Representatives from Davie County.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.J.R. 181, a joint resolution honoring the delegates to the North Carolina Constitutional Convention of 1868 and the first county commissioners, including those of Rutherford County, elected under the Constitution of 1868 upon the 125th Anniversary of the 1868 North Carolina Constitution, which established the county commissioner form of government in North Carolina. (Res. 4)

REPORTS OF COMMITTEES

Standing committee reports are submitted, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee:**

S.B. 155, a bill to make technical and conforming changes to the revenue laws and related statutes, with a favorable report, as amended.

On motion of Senator Winner of Buncombe, the bill is placed on the Calendar for Tuesday, March 30, for consideration.

S.B. 128, a bill to exempt certain transfers of vehicles from the highway use tax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 9596, which changes the title to read **S.B. 128** (Committee Substitute), a bill to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, and to increase revenues to provide funds to make the reimbursement, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the proposed Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, March 30, for further consideration.

H.B. 81, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, with a favorable report.

On motion of Senator Winner of Buncombe, the bill is placed on the Calendar for Tuesday, March 30, for consideration.

By Senator Speed for the **Transportation Committee:**

S.B. 162, a bill to modify the requirements for licensure as a motor vehicle wholesaler or dealer, to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to expand the use of transporter plates, and to change the fee for transporter plates, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the proposed Committee Substitute bill 2593, which changes the title to read **S.B. 162** (Committee Substitute), a bill to modify the requirements for licensure as a motor vehicle wholesaler or dealer, to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to expand the use of transporter plates, and to change the fees for dealer plates and transporter plates, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the proposed Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to **Finance Committee.**

By Senator Plyler for the **Appropriations Committee:**

S.B. 447, a bill to provide for the transfer of funds from the City of Mount Airy's retirement plan to the Local Governmental Employees' Retirement System, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Sands:

S.B. 558, a bill to appoint persons to various public offices upon the recommendation of the Senate President *Pro Tempore*.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Marshall, Warren, and Gunter:

S.B. 559, a bill to resolve the conflict between the State and federal special education law regarding the procedure of filing a civil action.

Referred to **Judiciary I Committee.**

By Senator Conder:

S.B. 560, a bill to authorize the Division of Motor Vehicles to issue special license plates to recipients of the Distinguished Service Cross.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Jordan:

S.B. 561, a bill to amend the law regarding the composition, powers, and duties of the Commission for the Blind.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Jordan:

S.B. 562, a bill to increase the amount over which the Department of Transportation is required to solicit proposals for professional or specialized services contracts.

Referred to **Appropriations Committee.**

By Senator Folger:

S.B. 563, a bill to extend the expiration date for private contract participation by the Department of Transportation.

Referred to **Transportation Committee.**

By Senator Harris:

S.B. 564, a bill to amend the vital records law to ensure the integrity of all vital records.

Referred to **Judiciary I Committee.**

By Senators Lee and Walker:

S.B. 565, a bill to appropriate funds for a recording studio in the Town of Chapel Hill where books can be recorded for the blind.

Referred to **Capital Expenditures Committee.**

By Senator Winner of Buncombe:

S.B. 566, a bill to conform North Carolina inheritance and gift tax provisions to federal estate and gift tax provisions regarding qualified terminable interest property.

Referred to **Finance Committee.**

By Senators Lee and Walker:

S.B. 567, a bill to appropriate funds for the construction of a new farmers' market in the Town of Carrboro.

Referred to **Capital Expenditures Committee.**

By Senator Winner of Mecklenburg:

S.B. 568, a bill to amend the law regarding the definition of "neglected" juvenile.

Referred to **Judiciary I Committee.**

By Senator Winner of Mecklenburg:

S.B. 569, a bill to clarify the rule-making authority of the Medical Care Commission for nursing home regulation.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Tally, Gulley, Ward, Winner of Mecklenburg, Odom, Blackmon, Cochrane, and Kerr:

S.B. 570, a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Tally, Ward, Gulley, Winner of Mecklenburg, Odom, Blackmon, Cochrane, and Kerr:

S.B. 571, a bill to amend the Dam Safety Law of 1967 to make it more effective.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Odom, Plyler, Richardson, Daniel, Plexico, Ward, Jordan, Marshall, Folger, Blackmon, Ballance, Perdue, Parnell, Seymour, Hartsell, Walker, Harris, Speed, Carpenter, Winner of Mecklenburg, Allran, Gulley, Cooper, Soles, Lee, Edwards, Hyde, Johnson, Tally, Albertson, Winner of Buncombe, Shaw, Martin of Pitt, Hoyle, Martin of Guilford, Hunt, Conder, Forrester, Gunter, Cochrane, Smith, Codington, Sands, Warren, Kerr, Kincaid, Simpson, and Basnight:

S.B. 572, a bill to promote markets for recyclables and to promote waste reduction by the State by requiring reports published by the State to meet certain standards as to composition, by limiting the distribution of State reports, and by encouraging community colleges and nonprofit corporations that receive State funds to prepare reports according to these standards.

Referred to **State Personnel and State Government Committee**.

By Senators Odom and Hartsell:

S.B. 573, a bill to appropriate funds to the Department of Community Colleges for the diploma nursing program.

Referred to **Appropriations Committee**.

By Senator Odom:

S.B. 574, a bill to amend the Statutes relating to insurance premium financing.

Referred to **Insurance Committee**.

By Senator Conder:

S.B. 575, a bill to require the payment of outstanding fines as a condition of license renewal for domiciliary care facilities and nursing facilities.

Referred to **Children and Human Resources Committee**.

By Senators Hoyle and Martin of Pitt:

S.B. 576, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification.

Referred to **Education/Higher Education Committee**.

By Senators Hoyle and Martin of Pitt:

S.B. 577, a bill to delete the requirement that the State Board of Education inspect activity buses owned by local school administrative units.

Referred to **Education/Higher Education Committee**.

By Senators Hoyle and Martin of Pitt:

S.B. 578, a bill to increase the maximum speed for school buses to forty-five miles per hour.

Referred to **Judiciary I Committee**.

By Senators Seymour and Smith:

S.B. 579, a bill to improve the financial monitoring and regulation of employers that self-insure their workers' compensation liabilities.

Referred to **Insurance Committee**.

By Senator Seymour:

S.B. 580, a bill to establish the percentage rate for the insurance regulatory charge for taxable year 1993 and to make corresponding amendments to the Department of Insurance and Consumer Protection Funds.

Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Warren, Ballance, and Marshall:

S.B. 581, a bill to provide hospital- and home-based instructional services to children other than children with special needs and to appropriate funds for that purpose.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Hartsell, Soles, and Simpson:

S.B. 582, a bill to amend the North Carolina Business Corporation Act and to amend G.S. 54-139 relating to foreign cooperative corporations as recommended by the General Statutes Commission.

Referred to **Judiciary II Committee**.

By Senators Sands, Lee, Kaplan, Daniel, Odom, Plexico, Soles, Seymour, Walker, and Allran:

S.B. 583, a bill to assure standard infection control procedures regarding the infectious diseases that can be transmitted through the fabrication of dental prosthetic appliances by requiring the licensure of commercial dental laboratories and the registration of dental laboratory technicians.

Pursuant to G.S. 120-149, the bill is not read a first time and is ordered held in the Office of the Principal Clerk for a New Licensing Report.

By Senator Hartsell:

S.B. 584, a bill to provide fees to be charged by the Secretary of State under the revised Nonprofit Corporation Act as recommended by the General Statutes Commission.

Referred to **Finance Committee**.

By Senators Hartsell and Soles:

S.B. 585, a bill to rewrite Chapter 55A of the General Statutes relating to nonprofit corporations as recommended by the General Statutes Commission.

Referred to **Judiciary II Committee**.

RE-REFERRALS

S. B. 399, a bill to establish a State Ethics Commission, to establish ethical standards for public officers and public employees, to require public disclosure of economic interests, to make conforming changes, to make an appropriation therefor, and to make permanent the requirement that nonprofit entities receiving State funds adopt a conflicts of interest policy, referred to **Rules and Operation of the Senate Committee** on February 24.

Senator Sands offers a motion that the rules be suspended and the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

S.B. 398, a bill to require lobbyists of the Executive Branch of State Government to register and file expense reports with the Secretary of State, to make other clarifying amendments to the lobbying law, and to make an appropriation therefor, referred to **Rules and Operation of the Senate Committee** on February 24.

Senator Sands offers a motion that the rules be suspended and the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 115 (Committee Substitute), a bill to make note taking by jurors a discretionary decision of the presiding judge.

Referred to **Judiciary I Committee**.

H.B. 116 (Committee Substitute), a bill to permit the trial judge to allow jurors to take exhibits and writings into the jury room without the parties' consent.

Referred to **Judiciary I Committee**.

H.B. 198, a bill to allow Albert A. Bell and Lilly K. Bell to convey certain property to the City of New Bern.

Referred to **Local Government and Regional Affairs Committee**.

H.B. 380, a bill to authorize the Board of Adjustment of the City of New Bern to make decisions under the City's unified development ordinance by a concurring three-fifths majority vote.

Referred to **Local Government and Regional Affairs Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 440, a joint resolution inviting the Honorable James G. Exum, Jr., Chief Justice of the Supreme Court, to address a joint session of the House of Representatives and the Senate.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 59 (Committee Substitute), a bill to prohibit the disposal of certain classes of recyclable solid waste in landfills or by incineration.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 110, a bill to allow local school boards to request waivers for central office staff as provided by the School Improvement and Accountability Act.

The bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.B. 159 (Committee Substitute), a bill to prohibit delivery of non-tax-paid special fuel into the supply tank of a motor vehicle and acquisition of non-tax-paid special fuel for use in a motor vehicle.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue submits its February Comparative Statements of Net Collections for the months of February 1993 and 1992.

Senator Soles, seconded by Senator Sands, offers a motion that the Senate adjourn at 2:00 P.M. to meet Monday, March 29, at 8:00 P.M., which motions they subsequently withdraw.

WITHDRAWAL FROM COMMITTEE

H.B. 87 (Committee Substitute), a bill to provide for limited leave with pay for State employees who are certified disaster volunteers, referred to **Appropriations Committee** on March 18.

Senator Plyler offers a motion that the rules be suspended and the Committee Substitute bill be taken from the **Appropriations Committee** and placed on the Calendar for Monday, March 29, which motion he subsequently withdraws.

On motion of Senator Soles, seconded by Senator Sands, the Senate adjourns at 2:03 P.M. to meet Monday, March 29, at 8:00 P.M.

THIRTY-SIXTH DAY

SENATE CHAMBER,
Monday, March 29, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, as the Senators and staff begin yet another week of meetings and legislative decision-making, they might well ask, like the preacher in the Book of Ecclesiastes, 'What does a person gain by all the toil at which one toils under the sun?'

"May they be given renewed energy at the outset of this week's work by the understanding that what they are doing is done because it is their call from You and because the State of North Carolina needs it done.

"We pray that as a result of this kind of attitude they will enjoy their work and that their tasks will put them in closer touch with You so that what they gain may be in harmony with their own souls. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, March 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Winner of Buncombe for tonight, Monday, March 29, is noted.

The Chair grants courtesies of the floor to Thomas F. Taft, former Senator from Pitt County.

The Chair extends courtesies of the gallery, upon motion of Senator Gunter, to the Cary High School Women's Basketball 1993 4A Championship Team: Karen Curtis, Heather Early, Anna Evenhouse, Sara McEwen, Sheila Best, Kim Johnson, Shankey Thomas, Angela Warren, Natalie Card, Jamie Roberson, Joy Pearsall, and Coach Debbie Edwards.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 335, an act to exempt Richmond County from seeking five prospective buyers before it transfers Richmond Memorial Hospital to Richmond Memorial Hospital, a nonprofit corporation. (Ch. 10)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee.**

S.B. 496, a bill to implement a recommendation of the Child Fatality Task Force to require the Division of Social Services convene a committee to develop a child medical and mental health evaluation plan, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Walker, the rules are suspended, and the proposed Committee Substitute bill 3580, which changes the title to read **S.B. 496** (Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to establish an interagency committee to develop a child medical and mental health evaluation plan, is placed before the Senate for immediate consideration.

On motion of Senator Walker, the proposed Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, Tuesday, March 30, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Seymour:

S.B. 586, a bill to make technical amendments, clarifications, and corrections in various insurance and insurance-related laws.

Referred to **Insurance Committee.**

By Senator Simpson:

S.B. 587, a bill to require employers to post notice at its places of employment indicating the employer's ability to pay benefits pursuant to the Workers' Compensation Act.

Referred to **Manufacturing and Labor Committee.**

By Senator Simpson:

S.B. 588, a bill to require that nursing homes and domiciliary care facilities be charged for certain non-emergency medical services calls.

Referred to **Children and Human Resources Committee.**

By Senators Albertson and Jordan:
S.B. 589, a bill to make changes to the mandatory hunter safety course requirement to clarify its applicability and use.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senator Albertson:
S.B. 590, a bill to add to the authorized uses of designated boating funds by the Wildlife Resources Commission and to increase fees for boat certificates of number.
Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Albertson:
S.B. 591, a bill to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve-month hunting and fishing licenses, to establish short-term and season nonresident licenses for hunting game, and to provide for a free fishing day.
Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Walker:
S.B. 592, a bill to amend the General Statutes pertaining to public health remedies.
Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Walker, Richardson, Forrester, and Plexico:
S.B. 593, a bill to improve enforcement of the child day care requirements.
Referred to **Children and Human Resources Committee.**

By Senators Walker and Lee:
S.J.R. 594, a joint resolution supporting the establishment of the North Carolina Center for the Book.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Walker:
S.B. 595, a bill to clarify the requirements for registration as a sanitarian.
Referred to **Environment and Natural Resources Committee.**

By Senators Walker and Smith:
S.B. 596, a bill to appropriate funds to the Department of Cultural Resources to provide grants to public libraries for construction and renovations.
Referred to **Capital Expenditures Committee.**

By Senator Walker:
S.B. 597, a bill to clarify the food and lodging sanitation law, to amend the scope of sanitation inspections of local confinement facilities, and to repeal the requirement that principals conduct sanitation inspections.
Referred to **Environment and Natural Resources Committee.**

By Senator Walker:
S.B. 598, a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances.
Referred to **Judiciary II Committee.**

By Senators Walker and Forrester:
S.B. 599, a bill recommended by the Mental Health Study Commission to incorporate into the General Statutes the funding policies and procedures adopted by the General Assembly as the "Pioneer Funding System" and implemented through a phase-in

schedule in the forty-one area mental health, developmental disabilities, and substance abuse authorities.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Johnson:

S.B. 600, a bill to amend the Legislative Retirement System, the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, and the Consolidated Judicial Retirement System to comply with the Internal Revenue Code.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Johnson:

S.B. 601, a bill to amend the Disability Income Plan of North Carolina to pay attorneys' fees on account of social security awards, to repeal the benefit reduction on account of social security cost-of-living adjustments, to establish deadlines for making application for benefits and to make technical changes.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Johnson:

S.B. 602, a bill to provide group health insurance to businesses comprising more than twenty-five employees; to make improvements in the North Carolina Small Employer Group Health Coverage Reform Act; and to provide for uniform claim forms for health benefit plans.

Referred to **Insurance Committee.**

By Senator Johnson:

S.B. 603, a bill to make substantive changes in various insurance and insurance-related laws.

Referred to **Insurance Committee.**

By Senator Johnson:

S.B. 604, a bill to designate the Office of Administrative Hearings as the deferral agency for cases under the Americans with Disabilities Act.

Referred to **Judiciary II Committee.**

By Senator Seymour:

S.B. 605, a bill to establish a funding formula and a selection process for the inclusion of works of art in State buildings.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Capital Expenditures Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Seymour:

S.B. 606, a bill to improve the laws relating to North Carolina's monitoring of insurance company finances and the preservation of insurance company solvency and to maintain North Carolina's accreditation by the National Association of Insurance Commissioners.

Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Appropriations Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Hartsell, Seymour, Marshall, Plexico, Hunt, Cochrane, Richardson, Allran, and Codington:

S.B. 607, a bill to rewrite Chapter 48 of the General Statutes relating to adoption as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Hartsell, Johnson, and Simpson:

S.B. 608, a bill to implement a recommendation of the General Statutes Commission to enact the Uniform Statutory Rule Against Perpetuities.

Referred to **Judiciary I Committee.**

By Senators Hartsell, Simpson, and Johnson:

S.B. 609, a bill to implement a recommendation of the General Statutes Commission to place time limits on options in gross and other interest in land.

Referred to **Judiciary I Committee.**

By Senator Hartsell:

S.B. 610, a bill to implement a recommendation of the General Statutes Commission to authorize honorary trusts, trusts for pets, and trusts for cemetery lots.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

By Senator Hartsell:

S.B. 611, a bill to provide the same confidentiality of personnel records of water and sewer authorities as are provided those of cities, counties, and other units of local government.

Referred to **Judiciary II Committee.**

By Senator Hartsell:

S.B. 612, a bill to increase the maximum compensation for members of water and sewer authorities.

Referred to **Appropriations Committee.**

By Senators Richardson, Odom, and Winner of Mecklenburg:

S.B. 613, a bill to change the manner of election of the Charlotte-Mecklenburg Board of Education and the Mecklenburg County Board of Commissioners.

Referred to **Constitution and Election Laws Committee.**

By Senator Richardson:

S.B. 614, a bill to appropriate funds to implement salary adjustments for nurses employed at Department of Human Resources institutions.

Referred to **Appropriations Committee.**

By Senators Odom, Winner of Mecklenburg, Blackmon, and Richardson:

S.B. 615, a bill to make the effective date of the law increasing death benefits for teachers and State employees the date of ratification of that Act.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 616, a bill to increase the examination fee and the fees for annual renewals of all types of licenses for general contractors.

Referred to **Finance Committee.**

By Senators Seymour, Sherron, Hartsell, Daniel, Plexico, Warren, Hoyle, Cochrane, Richardson, and Smith:

S.B. 617, a bill to regulate the practice of home inspections.

Pursuant to G.S. 120-149, the bill is ordered held in the Office of the Principal Clerk for a New Licensing Report.

By Senators Tally, Plexico, Gulley, and Winner of Mecklenburg:
S.B. 618, a bill to designate expert witnesses within the Department of Labor for purposes of third-party litigation.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Cooper:
S.B. 619, a bill to allow Nash County to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance.
Referred to **Economic Development Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Speed, Albertson, Warren, Kerr, Plexico, and Soles:
S.B. 620, a bill to provide increased apicultural support at North Carolina State University and increased apicultural inspection services at the North Carolina Department of Agriculture.
Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:
S.B. 621, a bill to authorize fees for registrants under the Controlled Substances Act.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Johnson:
S.B. 622, a bill to make miscellaneous amendments to laws governing health insurance.
Referred to **Insurance Committee.**

By Senator Johnson:
S.B. 623, a bill to make improvements in the laws governing health maintenance organizations.
Referred to **Insurance Committee.**

By Senators Kerr and Tally:
S.B. 624, a bill to increase the effectiveness of public participation in and enforcement of the Mining Act of 1971.
Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

By Senator Lee:
S.B. 625, a bill to amend the General Statutes in order to allow full implementation of the flexible funding and alternative uses authorized under the Federal Intermodal Surface Transportation Efficiency Act of 1991.
Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 120 (Committee Substitute), a bill to amend the open meetings law and to amend the public records law as it relates to the Hospital Licensure Act.
Referred to **Judiciary II Committee.**

H.B. 194 (Committee Substitute), a bill to authorize a study of the administration of the State's flexible compensation program for State employees.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 389, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Mitchell County weapon permits.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 407, a bill to provide that the organizational meeting for Board of County Commissioners in the year of their election shall take place on the date their term starts.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 411, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Perquimans County weapon permits.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 412, a bill to change the method of electing the Perquimans County Board of Education to improve the opportunity for minority citizens to elect candidates of their choice.
Referred to **Education/Higher Education Committee.**

H.B. 413, a bill to change the method of electing the Perquimans County Board of Commissioners to improve the opportunity for minority citizens to elect candidates of their choice.
Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

S.B. 447, a bill to provide for the transfer of funds from the City of Mount Airy's retirement plan to the Local Governmental Employees' Retirement System.
The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

The President recognizes the following pages serving in the Senate this week: Leslie Elaine Bradbury, Southern Pines; Lance Thomas Bradner, Yanceyville; Emily Davis, Burlington; Blair Jarvis, Hatteras; Litisha Monique Jones, Wake Forest; Chris Lam, Southern Pines; Jeremy Tyler Lingenfelser, Selma; Randolph L. Luddy, Raleigh; Katrina LaChelle Madden, Yanceyville; Jeffrey LeRoy Moonie, Jr., Charlotte; Jeffrey N. Page, Clayton; Laura W. Romer, Burlington; Jeffrey Elijah Tillitt, Louisburg; Jeff Vance, Graham; Sara Emily Whitford, Raleigh; and Ryan Scott Willis, Edenton.

On motion of Senator Basnight, seconded by Senator Marshall, the Senate adjourns at 8:32 P.M. to meet tomorrow, Tuesday, March 30, at 1:30 P.M.

THIRTY-SEVENTH DAY

SENATE CHAMBER,
Tuesday, March 30, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Jerry E. McGee, President, Wingate College, as follows:

"Almighty God, in these quiet moments before the North Carolina Senate begins its important and historic work, we ask Thy divine guidance on these deliberations. We thank You for these special men and women who give so unselfishly of themselves. Help us, the citizens of North Carolina, to uplift and support them in every possible way.

"We acknowledge that the responsibilities of these Your children are indeed awesome. We pray that each elected official here will be given the wisdom, strength, sensitivity and moral conviction to make decisions beneficial to present and future generations of North Carolina citizens. Give them fidelity for the day that is past, patience and insight for the day that is present, and the spirit of prophecy to foresee the day that is to come.

"We humbly express our appreciation for the great blessing of living in a State where people care so genuinely for one another. Teach us how to love and encourage one another and to do Thy will in all that we are called upon to do. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, March 29, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILL

The Enrolling Clerk reports the following resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.J.R. 68, a joint resolution honoring the late United States Supreme Court Justice, Thurgood Marshall. (Res. 5)

REPORTS OF COMMITTEES

A bill and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Rules and Operation of the Senate Committee**:

H.J.R. 440, a joint resolution inviting the Honorable James G. Exum, Jr., Chief Justice of the Supreme Court, to address a joint session of the House of Representatives and the Senate, with an unfavorable report as to joint resolution, but favorable as to Senate Committee Substitute joint resolution.

On motion of Senator Sands, the rules are suspended, and the proposed Committee Substitute joint resolution 5093 is placed before the Senate for immediate consideration and on his further motion is adopted.

On motion of Senator Sands, the Committee Substitute joint resolution remains before the Senate for immediate consideration upon its passage, and on his further motion the measure is read in its entirety.

The Committee Substitute joint resolution passes its second (39-0) and third readings and is ordered, without objection, on motion of Senator Sands, sent to the House of Representatives, for concurrence in the Senate Committee Substitute joint resolution by special messenger.

By Senator Johnson for the **State Personnel and State Government Committee**:

H.B. 101 (Committee Substitute), a bill to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and state-assisted facilities and to the purchase, operation, and maintenance of equipment

for such facilities, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson, the rules are suspended, and the proposed Senate Committee Substitute bill 3079, which changes the title, upon concurrence, to read **H.B. 101** (Senate Committee Substitute), a bill to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and to the purchase, operation, and maintenance of equipment for such facilities, is placed before the Senate for immediate consideration.

On motion of Senator Johnson, the proposed Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, March 31, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Seymour:

S.B. 626, a bill to adopt the model act of the National Association of Insurance Commissioners for risk-based capital requirements for life and health insurance companies.

Referred to **Insurance Committee**.

By Senator Johnson:

S.B. 627, a bill to provide for the licensing and regulation of preferred provider organizations, exclusive provider panels, and other managed care operations.

Pursuant to G.S. 120-149, the bill is ordered held as filed in the Office of the Principal Clerk for a New Licensing Report.

By Senators Plyler, Conder, Daniel, Odom, and Plexico:

S.B. 628, a bill to prohibit the sale or other transfer of a crossbow or the bolts used with the crossbow unless the purchaser has a permit for the weapon.

Referred to **Judiciary I Committee**.

By Senator Hunt:

S.B. 629, a bill to make changes in the General Statutes relating to certified public accountants.

Referred to **Judiciary II Committee**.

By Senators Conder and Gunter:

S.B. 630, a bill to permit recipients of teaching fellows scholarship loans to repay their commitment to the State by teaching for three consecutive years in school systems located in low-wealth counties.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Cooper and Gunter:

S.B. 631, a bill to amend the North Carolina Practicing Psychologist Licensing Act.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Walker:

S.B. 632, a bill to implement the requirements of the 1990 amendments to the Federal Clean Air Act, to repeal the expiration of a portion of the per gallon fuel tax, and to dedicate a portion of the proceeds of the tax to implement the 1990 amendments to the Federal Clean Air Act.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Smith:
S.B. 633, a bill to provide for staggered terms for members of the Parole Commission.
Referred to **Judiciary I Committee**.

By Senator Sands:
S.B. 634, a bill to clarify the authority of local governments to collect regulatory fees.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Jordan, Warren, and Kerr:
S.B. 635, a bill to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni & Friends, Inc., a North Carolina nonprofit corporation.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Allran:
S.B. 636, a bill to clarify the limitations on fund-raising during legislative sessions.
Referred to **Judiciary II Committee**.

REPORTS OF COMMITTEE (Continued)

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee**:

S.B. 172, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate Highway Division equipment operations supervisors, with a favorable report.
On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 173, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate the "District" layer of management within the Division Highway maintenance sections, with a favorable report.
On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 174, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate eighty-five positions in the Department of Transportation, with a favorable report.
On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 175, a bill to implement a recommendation of the Government Performance Audit Committee to close Division of Motor Vehicles field offices that process fewer than the State average of drivers license applications and to increase overall productivity of the remaining offices, with a favorable report.
On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 176, a bill to implement a recommendation of the Government Performance Audit Committee that the Department of Transportation maintain its current maintenance staffing and accomplish the increased maintenance program work load through expanded use of outside contract forces, with a favorable report.
On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 177, a bill to implement a recommendation of the Government Performance Audit Committee to provide that additional construction staffing needs of the Highway Trust Fund program be met in part by increasing the proportion of outside contract forces, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 178, a bill to implement a recommendation of the Government Performance Audit Committee to limit the size of the preconstruction units and to use private engineering firms to handle more of the Highway Trust Fund preconstruction work load, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 179, a bill to implement a recommendation of the Government Performance Audit Committee to privatize the Raleigh and Charlotte State-run vehicle registration offices, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 348, a bill to implement a recommendation of the Government Performance Audit Committee to strengthen the internal audit function of the Department of Public Instruction, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 349, a bill to implement a recommendation of the Government Performance Audit Committee to modify the teacher certification system to improve information needed for staff management, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 350, a bill to implement a recommendation of the Government Performance Audit Committee to process applications for teacher certification only for individuals who have jobs or job offers from schools located in North Carolina, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 370, a bill to implement a recommendation of the Government Performance Audit Committee to reorganize the Department of Public Instruction into three major functions to provide improved coordination and service delivery, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 371, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate underutilized positions in the Department of Public Instruction, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 372, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate excess layers of management to reduce narrow spans of control in the management of the Department of Public Instruction, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 373, a bill to implement a recommendation of the Government Performance Audit Committee to reward teachers for taking courses in their content area, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 374, a bill to implement a recommendation of the Government Performance Audit Committee to reward teachers for taking courses in their content area, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 375, a bill to implement a recommendation of the Government Performance Audit Committee to reward teachers for taking courses in their content area, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 376, a bill to implement a recommendation of the Government Performance Audit Committee to require teachers to take courses in their content area, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 377, a bill to implement a recommendation of the Government Performance Audit Committee to continue to fund the Basic Education Program, as scheduled, for teachers and instructional support personnel and to redirect the remainder of the funds, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 378, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate the activities of the Department of Public Instruction's Technical Assistance Centers, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 379, a bill to implement a recommendation of the Government Performance Audit Committee to make local school administrative units accountable for performance by linking funding to performance, with a favorable report, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 380, a bill to implement a recommendation of the Government Performance Audit Committee to improve efficiency in school operations by simplifying funding formulas and empowering local school administrative units to manage for results, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 384, a bill to implement a recommendation of the Government Performance Audit Committee to help schools implement the Performance-based Accountability Program and end-of-course and end-of-grade testing, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 409, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the Department of Public Instruction staff development unit to coordinate all staff development activities for all divisions of the department, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 414, a bill to implement a recommendation of the Government Performance Audit Committee to reduce the number of clerical positions in the Department of Public Instruction and to adopt a clerical to professional position ratio for the Department, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 200, a bill to implement a recommendation of the Government Performance Audit Committee to enhance the Medicaid budget projection methodology by building a consensus among agency and legislative staff, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 201, a bill to implement a recommendation of the Government Performance Audit Committee to establish a policy of developing more creative and prioritized strategies for controlling Medicaid expenditures, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 202, a bill to implement a recommendation of the Government Performance Audit Committee to implement alternative Medicaid purchasing approaches for prescription drugs, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 203, a bill to implement a recommendation of the Government Performance Audit Committee to freeze the Medicaid prescription drug dispensing fee for the 1993-95 biennium, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 206, a bill to implement a recommendation of the Government Performance Audit Committee to place a moratorium on new certificates of need for intermediate care facilities for the mentally retarded, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 208, a bill to implement a recommendation of the Government Performance Audit Committee to implement a Diagnosis-Related Groups (DRG)-based Medicaid reimbursement system, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 209, a bill to implement a recommendation of the Government Performance Audit Committee to implement a prospective, case-mix methodology for Medicaid reimbursement for intermediate care facilities for the mentally retarded, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 211, a bill to implement a recommendation of the Government Performance Audit Committee to expand the use of Medicaid managed care options, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 212, a bill to implement a recommendation of the Government Performance Audit Committee to impose copayments for inpatient hospital and other services for Medicaid recipients, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 213, a bill to implement a recommendation of the Government Performance Audit Committee to implement a prospective peer-grouped, case mix-based Medicaid payment methodology for nursing homes, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 214, a bill to move towards a "bundled" prospective Medicaid payment methodology for outpatient hospital service, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 362, a bill to implement a recommendation of the Government Performance Audit Committee to establish a cap on indirect care efficiency Medicaid payments for nursing homes, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 363, a bill to implement a recommendation of the Government Performance Audit Committee to implement certain selective contracting programs for Medicaid, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 364, a bill to implement a recommendation of the Government Performance Audit Committee to develop a plan to replace the current Medicaid Management Information System (MMIS), with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 365, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate the Medicaid return-on-equity payments to nursing homes, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 280, a bill to implement a recommendation of the Government Performance Audit Committee to require a plan to reduce the people served in the State's mental retardation centers, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 281, a bill to implement a recommendation of the Government Performance Audit Committee to develop a multiyear pilot program to implement a single stream of funding system for the State's mental hospitals, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 282, a bill to implement a recommendation of the Government Performance Audit Committee to establish a policy to increase the use of community-based programs for the developmentally disabled and to downsize State-operated mental retardation centers, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 283, a bill to implement a recommendation of the Government Performance Audit Committee to require a plan to replace the State's mental health hospitals with downsized, more efficient hospitals, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 284, a bill to implement a recommendation of the Government Performance Audit Committee to develop a multiyear pilot program to implement a single stream of funding for the State's Alcohol Drug Abuse Treatment Centers (ADATC'S), with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 295, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate twenty positions in the Office of the Secretary of the Department of Human Resources and to streamline the office further, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 313, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate certain Assistant Secretary positions in the Department of Human Resources, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

S.B. 356, a bill to implement a recommendation of the Government Performance Audit Committee to decentralize certain program functions located in the Office of the Secretary of the Department of Human Resources, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 357, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate thirty-eight FTE positions in the Department of Human Resources that involve excess layers of management, excessively narrow spans of control, overlapping functions, and unnecessary positions, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 358, a bill to implement a recommendation of the Government Performance Audit Committee to develop a comprehensive needs assessment for all people with developmental disabilities, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 359, a bill to implement a recommendation of the Government Performance Audit Committee to expand the Medicaid Home- and Community-Based Waiver and to increase family support programs for people with disabilities, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

RE-REFERRAL

S.B. 388, a bill to implement a recommendation of the Government Performance Audit Committee to amend the Constitution to change the State Board of Education appointment process and to authorize the State Board of Education to appoint the State Superintendent of Public Instruction, referred to **Government Performance Audit Select Committee** on February 24.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Education/Higher Education Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 155, a bill to make technical and conforming changes to the revenue laws and related statute, upon second reading.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

Senator Winner of Buncombe rises to a point of order as to Amendment No. 1 being a material amendment. The Chair rules Amendment No. 1 is material and adoption constitutes the first reading of the measure. The bill, as amended, is placed on the Calendar for tomorrow, Wednesday, March 31, for further consideration upon second reading.

H.B. 81, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Wednesday, March 31, for further consideration upon third reading.

S.B. 128 (Committee Substitute), a bill to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, and to increase revenues to provide funds to make the reimbursement.

The Chair rules the Committee Substitute bill requires a call of the roll.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, March 31, for further consideration upon third reading.

S.B. 496 (Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to establish an interagency committee to develop a child medical and mental health evaluation plan.

On motion of Senator Cooper, consideration of the Committee Substitute bill is postponed until tomorrow, Wednesday, March 31.

H.B. 35 (Committee Substitute), a bill to change the membership of the Agriculture and Forestry Awareness Study Commission.

On motion of Senator Plyler, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

RE-REFERRALS

S.B. 608, a bill to implement a recommendation of the General Statutes Commission to enact the Uniform Statutory Rule Against Perpetuities, referred to **Judiciary I Committee** on March 29.

Senator Ballance offers a motion that the rules be suspended and the bill be taken from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

S.B. 609, a bill to implement a recommendation of the General Statutes Commission to place time limits on options in gross and other interest in land, referred to **Judiciary I Committee** on March 29.

Senator Ballance offers a motion that the rules be suspended and the bill be taken from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

H.B. 120 (Committee Substitute), a bill to amend the open meetings law and to amend the public records law as it relates to the Hospital Licensure Act, with an unfavorable report as to Committee Substitute bill, but favorable to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 4105, which changes the title, upon concurrence, to read **H.B. 120** (Senate Committee Substitute), a bill to amend the open meetings laws and to amend the public records law as it relates to the Hospital Licensure Act and the Joint Municipal Electric Power and Energy Act, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, Wednesday, March 31, for further consideration.

WITHDRAWAL FROM COMMITTEE

H.B. 87 (Committee Substitute), a bill to provide for limited leave with pay for State employees who are certified disaster volunteers, referred to **Appropriations Committee** on March 18.

Senator Plyler offers a motion that the rules be suspended and the Committee Substitute bill be taken from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, March 31, which motion prevails, with unanimous consent.

The Chair orders the Committee Substitute bill placed on the Calendar for tomorrow, Wednesday, March 31, for consideration.

On motion of Senator Soles, seconded by Senator Winner of Buncombe, the Senate adjourns at 2:24 P.M. to meet tomorrow, Wednesday, March 31, at 1:00 P.M.

THIRTY-EIGHTH DAY

SENATE CHAMBER,
Wednesday, March 31 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable J. Ollie Harris, Senator from Cleveland County.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, March 30, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 157, an act to exempt Columbus County from certain statutory requirements in the building of a new social services facility. (Ch. 11)

H.J.R. 440 (Senate Committee Substitute), a joint resolution inviting the Honorable James G. Exum, Jr., Chief Justice of the Supreme Court, to address a joint session of the House of Representatives and the Senate. (Res. 6)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt for the **Finance Committee:**

S.B. 566, a bill to conform North Carolina inheritance and gift tax provisions to federal estate and gift tax provisions regarding qualified terminable interest property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill 4574 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, April 1, for further consideration.

S.B. 532, a bill to provide that all interest expenses are deductible for inheritance tax purposes, with a favorable report, as amended.

S.B. 235, a bill to make the calculation for schools of fund balance available for appropriation the same as the calculation for other local governments, with a favorable report.

Bills are reported from a select committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 245, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Division of Medical Assistance and the Teachers' and State Employees' Comprehensive Major Medical Plan to assist the Department of Correction in efforts to secure automated claims processing support from a contractor, with a favorable report.

S.B. 277, a bill to implement a recommendation of the Government Performance Audit Committee relating to the funding formula used for the North Carolina Community College System, with a favorable report.

S.B. 260, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the capital budget process, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 270, a bill to implement a recommendation of the Government Performance Audit Committee regarding the establishment of a community college policy on the cost of education and on the tuition to be charged, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 275, a bill to implement a recommendation of the Government Performance Audit Committee to establish a funding goal for the North Carolina Community College System, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee.**

S.B. 368, a bill to implement a recommendation of the Government Performance Audit Committee to transfer some of the intergovernmental relations functions from the Department of Administration to other State agencies, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 415, a bill to implement a recommendation of the Government Performance Audit Committee regarding establishment of Challenge Grant Scholarship Funds for the North Carolina Community College System, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 204, a bill to implement a recommendation of the Government Performance Audit Committee to make the Certificate of Need program self-funded by increasing the CON application fees by fifty percent, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Finance Committee.**

S.B. 314, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the child support system in North Carolina, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Children and Human Resources Committee.**

S.B. 165, a bill to implement a recommendation of the Government Performance Audit Committee to have the Highway Oversight Committee conduct a comprehensive transportation financing study, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 3586, which changes the title to read **S.B. 165** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee relating to transportation, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the proposed Committee Substitute bill is adopted, and on his further motion, is re-referred to the **Appropriations Committee.**

S.B. 361, a bill to implement a recommendation of the Government Performance Audit Committee to develop a statewide managed care program to contract with existing provider networks and to evaluate the feasibility of statewide managed care programs for certain populations and regions of the State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the proposed Committee Substitute bill 8503, which changes the title to read **S.B. 361** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to evaluate the feasibility of statewide managed care programs and to expand Medicaid Carolina Access statewide and introduce elements of risk-sharing, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the proposed Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Warren and Jordan:
S.B. 637, a bill to appropriate funds for the North Carolina Geographic Alliance Network Program.
Referred to **Appropriations Committee.**

By Senators Forrester and Hoyle:
S.J.R. 638, a joint resolution honoring the late Governor Melville Broughton on the Fiftieth Anniversary of the North Carolina Center for Applied Textile Technology.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Cooper:
S.B. 639, a bill relating to practice restrictions imposed on health care workers who are infected with HIV or Hepatitis B.
Referred to **Judiciary II Committee.**

By Senator Cooper:
S.B. 640, a bill to allow the Fire and Rescue Commission to reimburse members of its certification board and to provide staff positions to administer fire and rescue certification programs.
Referred to **Appropriations Committee.**

By Senator Cooper:
S.B. 641, a bill to clarify rule making for the operation of abortion clinics and to make technical changes to G.S. 143B-165.
Referred to **Judiciary II Committee.**

By Senator Cooper:
S.B. 642, a bill to abolish the vacant office of coroner in Halifax County.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Cooper:
S.B. 643, a bill to make technical and other changes to the retaliatory employment discrimination law.
Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Cooper and Speed:
S.B. 644, a bill to appropriate funds to establish Early Intervention and Educational Resource Centers for Deaf and Hard of Hearing Children and their Families.
Referred to **Appropriations Committee.**

By Senators Cooper and Speed:
S.B. 645, a bill to appropriate funds to help provide equal access and quality human services delivery for the deaf and hard of hearing.
Referred to **Appropriations Committee.**

By Senators Cooper and Speed:
S.B. 646, a bill to appropriate funds to bring the North Carolina Schools for the Deaf up to the minimum standards outlined by the Basic Education Program and the Presidential Commission on Education for the Deaf.
Referred to **Appropriations Committee.**

By Senator Ballance:
S.B. 647, a bill to adopt the Hertford County Watermelon Festival as the North Carolina Watermelon Festival and to declare that the Festival be held annually.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Seymour:
S.B. 648, a bill to amend Chapter 86A regulating barbers.
Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Gunter and Jordan:
S.B. 649, a bill to update a local act which allows the City of Raleigh to have a subcommittee issue certificates of appropriateness.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Gunter, Perdue, and Jordan:
S.B. 650, a bill to give recipients of prospective teacher scholarship loans credit against the loan amount for working part time as teachers.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Gunter:
S.B. 651, a bill to conform the mileage allowance for presidential electors to that provided for other State officers and employees.
Referred to **Appropriations Committee.**

By Senator Sands:
S.B. 652, a bill to place the Civil Air Patrol under the State Tort Claims Act for corporate and State requested and approved missions.
Referred to **Judiciary I Committee.**

By Senator Kaplan:
S.B. 653, a bill to amend the Mining Act of 1971.
Referred to **Judiciary I Committee.**

By Senators Kaplan and Smith:
S.B. 654, a bill to repeal the excise tax on soft drinks.
Referred to **Finance Committee.**

By Senator Kaplan:
S.B. 655, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, and for other purposes.
Referred to **Capital Expenditures Committee.**

By Senator Kaplan:
S.B. 656, a bill to create a North Carolina Gaming Commission.
Pursuant to G.S. 120-149, the bill is ordered held as filed in the Office of the Principal Clerk for a New Licensing Report.

By Senator Kaplan:
S.B. 657, a bill to require job listing services to secure a bond as a condition of licensure.
Referred to **Judiciary II Committee.**

By Senator Kaplan:
S.B. 658, a bill to expand the property tax exemption for computer software.
Referred to **Finance Committee.**

By Senator Kaplan:

S.B. 659, a bill to provide that deposits on returnable aeronautic replacement parts will be treated the same way as deposits on returnable automotive, industrial, marine, and farm replacement parts for sales tax purposes.

Referred to **Finance Committee.**

By Senator Kaplan:

S.B. 660, a bill to amend the Constitution of North Carolina to provide for four-year terms for members of the legislature and limit them to three consecutive terms in a House, to limit members of the Council of State and sheriffs to three four-year terms, and to limit persons elected to Congress and to offices created by the General Assembly to twelve years in office.

Referred to **Constitution and Election Laws Committee.**

By Senators Kaplan, Winner of Buncombe, and Smith:

S.B. 661, a bill to repeal the State Privilege License Tax on most businesses subject to sales tax and on other trades and businesses and to increase the tax on entertainment from three percent to four percent.

Referred to **Finance Committee.**

By Senator Perdue:

S.B. 662, a bill to appropriate funds for the Humanities Extension Program at North Carolina State University.

Referred to **Appropriations Committee.**

By Senators Perdue, Gunter, Winner of Mecklenburg, Seymour, Cochrane, Tally, and Jordan:

S.B. 663, a bill to appropriate funds for the domestic violence programs throughout the State.

Referred to **Appropriations Committee.**

By Senators Gunter, Perdue, Johnson, Gulley, Allran, Seymour, Ballance, Edwards, Marshall, Hartsell, Speed, Hoyle, Martin of Pitt, and Jordan:

S.B. 664, a bill to permit teacher assistants and other instructional personnel who do not require a substitute to take vacation leave when students are in attendance.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Gunter, Perdue, Cochrane, Marshall, Kerr, Forrester, Gulley, Smith, Harris, Johnson, Seymour, Allran, Ballance, Edwards, Hartsell, Speed, Hoyle, Martin of Pitt, and Jordan:

S.B. 665, a bill to revise the salary schedule for noncertified public school personnel who are classified as teacher assistants.

Referred to **Appropriations Committee.**

By Senators Ward and Kaplan:

S.B. 666, a bill to exempt the Winston-Salem/Forsyth County Board of Education and the Forsyth County Commissioners "Downtown School" project from certain statutory requirements.

Referred to **Education/Higher Education Committee.**

By Senator Soles:

S.B. 667, a bill to provide for a referendum on removing Carolina Shores Village from the Town of Calabash, subject to the approval of the residents of either Districts #1 and #2 of the Town of Calabash, and allowing the residents of Carolina Shores Village to vote on whether to incorporate.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 91 (Committee Substitute), a bill to promote the source reduction of waste in State purchasing.

Referred to **State Personnel and State Government Committee.**

H.B. 405, a bill to incorporate the City of Northwest.

Referred to **Local Government and Regional Affairs Committee**, and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 416, a bill to prohibit the issuance of new shellfish cultivation leases in Core Sound.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 128 (Committee Substitute), a bill to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, and to increase revenues to provide funds to make the reimbursement, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 81, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 155, a bill to make technical and conforming changes to the revenue laws and related statutes, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, April 1, for further consideration upon third reading.

S.B. 496 (Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to establish an interagency committee to develop a child medical and mental health evaluation plan.

On motion of Senator Cooper, consideration of the Committee Substitute bill is postponed until Tuesday, April 6.

H.B. 87 (Committee Substitute), a bill to provide for limited leave with pay for State employees who are certified disaster volunteers.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 101 (Senate Committee Substitute), a bill to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and to the purchase, operation, and maintenance of equipment for such facilities.

On motion of Senator Plexico, consideration of the Senate Committee Substitute bill is postponed until tomorrow, Thursday, April 1.

H.B. 120 (Senate Committee Substitute), a bill to amend the open meetings laws and to amend the public records law as it relates to the Hospital Licensure Act and the Joint Municipal Electric Power and Energy Act.

The Senate Committee Substitute bill passes its second (42-4) and third readings and is ordered, without objection, on motion of Senator Cooper, sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

S.B. 464, a bill to change the manner of selection of the Board of Governors of the University of North Carolina, with an unfavorable report.

S.B. 498, a bill to correct two errors in the plan for merger of the public school systems in Rockingham County into one system, with a favorable report.

H.B. 180, a bill to provide that the members of the Wilkes County Board of Education shall take office at their first meeting in June of the year of their election, with a favorable report.

H.B. 166, a bill to provide that the Yadkin County Board of Education shall be elected to staggered four-year terms, with a favorable report, as amended.

H.B. 167, a bill to provide that members of the Yadkin County Board of Education shall take office on the first Monday in August after their election, with a favorable report, as amended.

On motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns at 1:47 P.M. to meet tomorrow, Thursday, April 1, at 1:30 P.M.

THIRTY-NINTH DAY

SENATE CHAMBER,
Thursday, April 1, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Wisdom, the tradition in our society on April 1st is to use in jest and good nature the term 'fool'—'April Fool.' In the spirit of that tradition, Mark Twain once said, 'Let us be thankful for the fools. But for them the rest of us could not succeed.'

"Lest we respond somewhat sanctimoniously, let us quickly confess that we have played both characters in Twain's remark and will again unless of course we seek Your Wisdom in all that we do.

"The Scripture says that being a fool for you, O God, will impact a wisdom far greater than any human wisdom we could ever attain on our own. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, March 31, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, on motion of Senator Speed the rules are suspended and Jeffrey Tillitt, serving as a page from Louisburg this week and winner of the National Childrens' Whistling Contest for 1990, 1991 and 1992, is granted the privilege of approaching the Well of the Senate where he performs by whistling "The Star Spangled Banner." The Senate acknowledges with a standing ovation. Jeffrey Tillitt resumes his post as a Senate page.

ESCORT COMMITTEE

Pursuant to **H.J.R. 440** (Senate Committee Substitute), a joint resolution inviting the Honorable James G. Exum, Jr., Chief Justice of the Supreme Court, to address a joint session of the House of Representatives and the Senate, Senator Basnight, President *Pro Tempore*, appoints Senators Soles (Chairman), Ballance, Cooper, Conder, Hartsell, and Marshall a committee on the part of the Senate to greet and escort the Honorable James G. Exum, Jr., Chief Justice of the Supreme Court of North Carolina, to the Joint Session.

The Chair orders a message sent to the House of Representatives notifying that Honorable Body of such action.

CALENDAR

S.B. 566 (Committee Substitute), a bill to conform North Carolina inheritance and gift tax provisions to federal estate and gift tax provisions regarding qualified terminable interest property, on today's Calendar, upon second reading.

With unanimous consent, on motion of Senator Winner of Buncombe, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Winner of Buncombe, consideration of the Committee Substitute bill is postponed until Tuesday, April 6.

S.B. 532, a bill to provide that all interest expenses are deductible for inheritance tax purposes, on today's Calendar.

With unanimous consent, on motion of Senator Winner of Buncombe, the bill is taken up out of its regular order of business.

On motion of Senator Winner of Buncombe, consideration of the bill is postponed until Tuesday, April 6.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 526, a bill to change the certification period of emergency medical technicians from two years to four years, with a favorable report.

S.B. 538, a bill to allow area mental health, developmental disabilities, and substance abuse authorities to submit local plans in accordance with an extended schedule, with a favorable report.

S.B. 544, a bill to amend various statutes pertaining to early intervention services from birth to five years of age, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 216, a bill to repeal the requirement that the Department of the Secretary of State report to the Joint Legislative Commission on Governmental Operations on the Business License Information Office, with a favorable report.

S.B. 217, a bill to repeal the requirement that the Department of Cultural Resources report to the Joint Legislative Commission on Governmental Operations on the operation of the State Depository Library System, with a favorable report.

CALENDAR (Continued)

S.B. 498, a bill to correct two errors in the plan for merger of the public school systems in Rockingham County into one system, on today's Calendar.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the bill is postponed until Tuesday, April 6.

H.B. 166, a bill to provide that the Yadkin County Board of Education shall be elected to staggered four-year terms, on today's Calendar.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the bill is postponed until Tuesday, April 6.

H.B. 167, a bill to provide that members of the Yadkin County Board of Education shall take office on the first Monday in August after their election, on today's Calendar.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the bill is postponed until Tuesday, April 6.

H.B. 180, a bill to provide that the members of the Wilkes County Board of Education shall take office at their first meeting in June of the year of their election, on today's Calendar.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the bill is postponed until Tuesday, April 6.

S.B. 155, a bill to make technical and conforming changes to the revenue laws and related statutes, on today's Calendar, as amended, upon third reading.

With unanimous consent, on motion of Senator Sands, the bill, as amended, is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the bill, as amended, is postponed until Tuesday, April 6.

S.B. 235, a bill to make the calculation for schools of fund balance available for appropriation the same as the calculation for other local governments, on today's Calendar.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the bill is postponed until Tuesday, April 6.

S.B. 245, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Division of Medical Assistance and the Teachers' and State Employees' Comprehensive Major Medical Plan to assist the Department of Correction in efforts to secure automated claims processing support from a contractor, on today's Calendar.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the bill is postponed until Tuesday, April 6.

S.B. 277, a bill to implement a recommendation of the Government Performance Audit Committee relating to the funding formula used for the North Carolina Community College System, on today's Calendar.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the bill is postponed until Tuesday, April 6.

H.B. 101 (Senate Committee Substitute), a bill to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and to the purchase, operation, and maintenance of equipment for such facilities, on today's Calendar.

With unanimous consent, on motion of Senator Sands, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the Senate Committee Substitute bill is postponed until Tuesday, April 6.

REPORTS OF COMMITTEES (Continued)

By Senator Harris for the **Pensions and Retirement Committee**:

S.B. 528, a bill to provide that retired members in receipt of a retirement allowance from the state-administered retirement systems shall receive retirement benefits equal to an amount not less than the accumulated contributions of the retiree at retirement, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

By Senator Cooper for the **Judiciary II Committee**:

S.B. 508, a bill to provide the same legal authority and limited liability to immigration and naturalization service agents who work with State and local officers as is accorded other federal officers, with a favorable report.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

S.B. 516, a bill to authorize the extension of county housing authority jurisdiction to cities located in whole or in part within the county's boundaries, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 53, a bill to clarify the authority that a county or city has to require participation in a recycling program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 4575 is placed before the Senate for immediate consideration, and on his further motion is adopted.
With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, April 5, for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 81, an act to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions. (Ch. 12)

H.B. 87 (Committee Substitute), an act to provide for limited leave with pay for State employees who are certified disaster volunteers. (Ch. 13)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Cooper:
S.B. 668, a bill to appropriate funds to the Nash County Cultural Center to complete renovations to its facilities.
Referred to **Appropriations Committee.**

By Senators Cooper, Gulley, Warren, Ward, Walker, Gunter, Richardson, Smith, and Kerr:
S.B. 669, a bill to appropriate funds for differentiated pay for State-paid public school employees.
Referred to **Appropriations Committee.**

By Senators Cooper, Winner of Mecklenburg, Gulley, Ward, Walker, Gunter, Warren, Smith, Perdue, Richardson, and Kerr:
S.B. 670, a bill to make differentiated pay available for all State-paid public school employees.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Warren, Jordan, Kerr, and Marshall:
S.B. 671, a bill to appropriate funds for the completion of a new Arts Center/Civic Center in Lenoir County.
Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Johnson, Sands, Soles, Harris, Smith, Codington, Odom, Ballance, Seymour, and Lee:

S.B. 672, a bill to improve the regulation of credit insurance and lower premium rates charged for credit insurance.

Referred to **Insurance Committee**.

By Senator Ballance:

S.B. 673, a bill to reinstate the protection from discharge or demotion by employers for claimants seeking compensation under the Workers' Compensation Act.

Referred to **Judiciary I Committee**.

By Senators Walker, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Winner of Buncombe, Winner of Mecklenburg, Albertson, Warren, Cooper, and Allran:

S.B. 674, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources for implementing a statewide universal immunization program.

Referred to **Appropriations Committee**.

By Senators Walker, Albertson, Allran, Cochrane, Codington, Cooper, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kincaid, Martin of Guilford, Parnell, Perdue, Plexico, Richardson, Sherron, Simpson, Smith, Speed, Tally, Winner of Buncombe, Winner of Mecklenburg, Ward, and Marshall:

S.B. 675, a bill to increase the income tax credit for child and dependent care expense for families with income below forty thousand dollars a year.

Referred to **Finance Committee**.

By Senators Walker, Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Warren, Winner of Buncombe, Winner of Mecklenburg, Ward, Daniel, Plyler, Cooper, Daniel, and Plyler:

S.B. 676, a bill to develop and establish early childhood initiatives.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Sands, Marshall, and Gunter:

S.B. 677, a bill to amend the Constitution to delete all references to the State Board of Education and to direct the General Assembly to amend the Statutes to abolish the State Board of Education.

Referred to **Constitution and Election Laws Committee**.

By Senators Carpenter and Hartsell:

S.B. 678, a bill to clarify what funds may be used to repay revenue bonds and special obligation bonds.

Referred to **Constitution and Election Laws Committee** and upon a favorable report, re-referred to the **Finance Committee**.

REPORTS OF COMMITTEE

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 132, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Secretary of Administration to designate a minority business coordinator, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 2604, which changes the title to read **S.B. 132** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee regarding purchasing and contracts, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

S.B. 171, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate the Highway Division equipment sections, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 3587 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Martin of Guilford, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 198, a bill to implement a recommendation of the Government Performance Audit Committee to transition inappropriately placed residents of intermediate care facilities for the mentally retarded to home-and community-based services, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 3589 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Martin of Guilford, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 315, a bill to implement a Government Performance Audit Committee recommendation to require periodic information technology briefings for executive, judicial, and legislative officials, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 7632, which changes the title to read **S.B. 315** (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee relating to information technology, telecommunications, purchase and contract, economic development, revenue, organization and staffing, and related general government matters, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

S.B. 318, a bill to implement recommendations of the Government Performance Audit Committee to structure and organize the billing, rates, and financial strategies of the State Information Processing Services, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 3588 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Martin of Guilford, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 360, a bill to implement a recommendation of the Government Performance Audit Committee to reorganize certain misplaced organizational units in the Department of Human Resources, and to make administrative changes in the Charitable Solicitation Law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 9606 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Martin of Guilford, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 440
(Senate Committee Substitute)

House of Representatives
April 1, 1993

Mr. President:

Pursuant to Senate Committee Substitute for House Joint Resolution 440, "A JOINT RESOLUTION INVITING THE HONORABLE JAMES G. EXUM, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE," the Speaker appoints the following members of the House of Representatives to serve with a like Committee of the Senate to escort Chief Justice Exum to the Joint Session:

Representative Milton F. Fitch, Jr.
Representative David G. Balmer
Representative Bertha M. Holt
Representative Phillip A. Baddour, Jr.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bill and resolution which are read the first time and disposed of, as follows:

H.J.R. 429, a joint resolution requesting the North Carolina Congressional Delegation to intercede with the executive branch when necessary and to propose to Congress certain amendments to those parts of the Social Security Act that affect the Medicaid program, the Employee Retirement Income Security Act of 1974, the Federal Tax Code, and other relevant acts to permit the State of North Carolina to implement a Statewide comprehensive health care reform program.

Pursuant to Rule 40(c), the joint resolution is ordered held in the Office of the Principal Clerk.

H.B. 456, a bill to authorize the conveyance of certain property owned by the City of New Bern to the Neuse River Community Development Corporation, Inc.

Referred to **Local Government and Regional Affairs Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following joint resolution which is read the first time and disposed of, as follows:

H.J.R. 591, a joint resolution honoring S. A. Holleman, the first mayor of the Town of Elon College, and the founders of the Town of Elon College on the Town's One-Hundredth Anniversary.

Referred to **Rules and Operation of the Senate Committee.**

Pursuant to **H.J.R. 440** (Senate Committee Substitute), a joint resolution inviting the Honorable James G. Exum, Jr., Chief Justice of the Supreme Court, to address a joint session of the House of Representatives and the Senate, the Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives, there to sit in Joint Session with that Honorable body for the purpose of receiving the Address of the Chief Justice.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 440
(Senate Committee Substitute)

House of Representatives
April 1, 1993

Mr. President:

Pursuant to Senate Committee Substitute for House Joint Resolution 440 "A JOINT RESOLUTION INVITING THE HONORABLE JAMES G. EXUM, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE," the House of Representatives stands ready to receive the Senate in Joint Session at the appointed hour.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Senator Basnight, seconded by Senator Speed, offers a motion that the Senate recess to meet in Joint Session with the House of Representatives for the purpose of receiving the Address of the Chief Justice, and further moves upon dissolution of the Joint Session to stand adjourned to reconvene Monday, April 5, at 7:00 P.M., which motions prevail.

Pursuant to the motions of Senator Basnight, the Senate, preceded by its Officers, repairs to the Hall of the House of Representatives, there to sit in Joint Session with that Honorable Body for the purpose of receiving the Address of the Chief Justice of the Supreme Court of North Carolina.

JOINT SESSION

The Senate is received with the Members of the House of Representatives standing and the Joint Session is called to order by the Honorable Daniel T. Blue, Jr., Speaker of the House of Representatives.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Associate Justices of the Supreme Court of North Carolina, who await his pleasure. The Speaker directs the Sergeant-at-Arms to escort the Associate Justices to the Well of the House to be seated. The Senate and the House of Representatives sitting in Joint Session receive the members of the Supreme Court standing.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Chief Judge and the Associate Judges of the North Carolina Court of Appeals who await his pleasure. The Speaker directs the

Sergeant-at-Arms to escort the Members of the Court of Appeals to the Well of the House to be seated. The Senate and the House of Representatives receive the Members of the Court of Appeals standing.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Honorable James G. Exum, Jr., Chief Justice of the Supreme Court of North Carolina. The Speaker directs the Sergeant-at-Arms to bring Escort Committees and The Chief Justice to the Well of the House. Senator Soles, Chairman of the Escort Committee, presents the Honorable James G. Exum, Jr., Chief Justice of the Supreme Court of North Carolina, to the Speaker of the House of Representatives and to the President of the Senate. The Speaker presents the Honorable James G. Exum, Jr., to the General Assembly whereupon he delivers his address. (See Appendix).

The General Assembly responds to the Address of the Chief Justice with a standing ovation.

The Speaker recognizes Senator Soles, Representative Fitch, and the Committees to escort the Chief Justice from the Hall of the House of Representatives.

On motion of Senator Basnight, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate stands adjourned to meet Monday, April 5, at 7:00 P.M.

FORTIETH DAY

SENATE CHAMBER,
Monday, April 5, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God, our Father, every day we are asked to make some very difficult decisions. Grant each of us the knowledge that it is even better to make some mistakes than to be a person of two minds who is undecided every step of the way. At least, by making a decision, we give You the opportunity to affirm or correct us.

"Finally, we don't think it to be too trivial to ask, with all sincerity, that You allow the Tar Heels to bring the NCAA Basketball Championship back home to North Carolina! Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, April 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Odom, who has a doctor's appointment; to Senator Perdue, due to personal reasons; to Senator Winner of Mecklenburg, who is observing Passover; and to Senator Kaplan, Senator Winner of Buncombe, Senator Lee, and Senator Shaw.

INTRODUCTION OF BILL

Senator Sands offers a motion that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Sands and Folger:

S.B. 699, a bill to modify the authority of Rockingham County to undertake local development activities.

On motion of Senator Sands, the bill is placed before the Senate for immediate consideration.

The bill passes its second (40-0) and third readings and, on motion of Senator Sands, is ordered, with unanimous consent, sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Standing committee reports are submitted, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 90, a bill to promote the source reduction of waste in State purchasing, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the rules are suspended, and the proposed Committee Substitute bill 9610 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 6, for further consideration.

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 60, a bill to impose an advance disposal tax on new white goods, to require each county to provide a disposal site for white goods, and to provide for the removal of chlorofluorocarbons from white goods that contain chlorofluorocarbons, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the Committee Substitute bill 2606, which changes the title to read **S.B. 60** (Committee Substitute), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Cooper for the **Judiciary II Committee:**

S.B. 125, a bill to provide that a purchase money security interest continues when the underlying agreement is modified with same creditor, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 5590, which changes the title to read **S.B. 125** (Committee Substitute), a bill to provide that a purchase money security interest continues when the underlying agreement is modified with same creditor and application of payments in a consumer credit sale is on the basis that the first payments shall be applied to the first purchase to satisfy that and other debts accordingly, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted and on his further motion is placed on the Calendar for tomorrow, Tuesday, April 6, for further consideration.

S.B. 604, a bill to designate the Office of Administrative Hearings as the deferral agency for cases under the Americans with Disabilities Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 2609 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 6, for further consideration.

A bill is reported from a select committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee**:

S.B. 188, a bill to implement a recommendation of the Government Performance Audit Committee to establish a goal of self-sufficiency by the year 2000 for the Center for Microelectronics Systems Technologies of the MCNC (Microelectronics Center of North Carolina) and for the Economic Development Program and the Institute for Biotechnology Information of the Biotechnology Center, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 3592, which changes the title to read **S.B. 188** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee regarding economic development, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

S.B. 271 (Committee Substitute), a bill to implement the recommendations of the Government Performance Audit Committee relating to program planning in, and organization and restructuring of, the North Carolina Community College System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 6598 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Martin of Guilford, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Ballance:

S.B. 679, a bill to clarify that a North Carolina court has personal jurisdiction over actions arising from direct and indirect solicitations made from out-of state and received in this State.

Referred to **Judiciary I Committee**.

By Senator Ballance:

S.B. 680, a bill to extend the period during which an employee may file a complaint with the Commissioner of Labor alleging retaliatory employment discrimination.

Referred to **Judiciary I Committee**.

By Senator Johnson:

S.B. 681, a bill to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court.

Referred to **Judiciary II Committee**.

By Senators Kincaid and Simpson:

S.B. 682, a bill to allow the Counties of Caldwell and Catawba and the Cities of Granite Falls, Hudson, Hickory, Lenoir, and Sawmills to establish the Carolina and Northwestern Railroad Authority.

Referred to **Public Utilities Committee.**

By Senators Richardson, Edwards, Lee, Ballance, Hunt, Jordan, and Martin of Guilford:

S.B. 683, a bill to create the North Carolina Citizens' Law Enforcement Review Commission and Local Citizens' Law Enforcement Review Boards to provide for citizen review of the conduct of State and local law enforcement officers.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Richardson, Odom, Blackmon, Winner of Mecklenburg, and Gunter:

S.B. 684, a bill to provide that the simulated election "Kids Voting" project may take place at the polling place and is not considered electioneering.

Referred to **Constitution and Election Laws Committee.**

By Senators Odom, Blackmon, and Richardson:

S.B. 685, a bill to clarify that streets between developed lots or within neighborhoods may not be excluded from annexation density calculations.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Odom and Blackmon:

S.B. 686, a bill to provide that a large city must provide water and sewer services within one year of the effective date of the annexation, or the area is removed from the corporate limits and ad valorem taxes refunded, and to clarify the annexation of undeveloped land by a large city.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Gulley and Lee:

S.B. 687, a bill to clarify the method by which a regional public transportation authority may purchase personal property by an installment contract that creates in the property a security interest.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Gulley and Hunt:

S.B. 688, a bill amending the Durham City Charter with respect to zoning protest petitions.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Gulley and Hunt:

S.B. 689, a bill to permit the City of Durham to provide relocation assistance payments for the value of mortgage credit certificates.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Gulley and Hunt:

S.B. 690, a bill amending the Charter of Durham to authorize the making of emergency repairs in housing code cases.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Gulley:

S.B. 691, a bill to delay the sunset on the Notice of Settlement Act.

Referred to **Judiciary II Committee.**

By Senators Warren and Martin of Pitt:

S.B. 692, a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent and providing for the use of the proceeds of the additional tax.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Cooper, Hunt, Ballance, Gulley, Warren, and Speed:

S.B. 693, a bill to appropriate funds for the collaborative effort to support new teaching professionals.

Referred to **Appropriations Committee.**

By Senators Carpenter, Hartsell, Lee, Speed, Martin of Pitt, Codington, Cochrane, Blackmon, Forrester, Smith, Albertson, and Allran:

S.B. 694, a bill to authorize local governments to issue bonds and notes constituting special obligations secured solely by sources that are not derived from the exercise of their taxing power to provide funds for certain local infrastructure needs.

Referred to **Finance Committee.**

By Senator Ballance:

S.B. 695, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources to provide life-sustaining medication for eligible persons infected with HIV.

Referred to **Appropriations Committee.**

By Senators Seymour, Warren, Marshall, Ward, Martin of Guilford, Jordan, Parnell, Speed, Hunt, Martin of Pitt, Hoyle, Richardson, Edwards, Walker, Carpenter, Smith, Sands, Soles, Cooper, Hartsell, Ballance, Cochrane, Gunter, Sherron, Tally, and Allran:

S.B. 696, a bill to promote the creation of health plan purchasing alliances to provide access to health benefits for employees of small employer groups and self-employed individuals.

Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Soles:

S.B. 697, a bill to be known as Trustee Powers Act.

Referred to **Judiciary II Committee.**

By Senator Soles:

S.B. 698, a bill to amend the Principal and Income Act of 1973.

Referred to **Judiciary II Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 83 (Committee Substitute), a bill to temporarily increase the scrap tire disposal tax, to provide for the distribution of the additional tax proceeds, and to revoke the general authority of a unit of local government or a contracting party to impose a separate scrap tire disposal fee.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 204 (Committee Substitute), a bill to exchange tracts of land between the corporate limits of the Towns of Cary and Morrisville.

Referred to **Finance Committee.**

H.B. 252, a bill to allow the Guilford County Board of Elections to establish a "Vote Early But Not Often" Program.
Referred to **Constitution and Election Laws Committee.**

H.B. 410 (Committee Substitute), a bill to merge the Beaufort County and Washington City School Administrative Units.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 420, a bill to change the name of the Resources Development Commission for Brunswick County to the Brunswick County Economic Development Commission.
Referred to **Economic Development Committee.**

H.B. 424, a bill to authorize the City of Burlington to convey certain surplus property by private sale.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 426, a bill to correct two errors in the plan for merger of the public school systems in Rockingham County into one system.
On motion of Senator Sands, the bill is placed on the Calendar for tomorrow, Tuesday, April 6.

H.B. 435, a bill to allow absentee voting in Old Fort town elections conducted by the Municipal Board of Elections.
Referred to **Constitution and Election Laws Committee.**

H.B. 492, a bill to establish a wildlife preserve and bird sanctuary in the City of Boiling Spring Lakes in Brunswick County.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 493, a bill to establish a no-wake zone in the City of Southport and to allow the City of Southport to regulate certain activites in waterways adjacent to the City.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 590, a bill to allow the incorporated volunteer fire departments of Currituck County to purchase governmental and municipal surplus property and equipment.
Referred to **Local Government and Regional Affairs Committee.**

WITHDRAWAL FROM COMMITTEE

H.J.R. 591, a joint resolution honoring S. A. Holleman, the first mayor of the Town of Elon College, and the founders of the Town of Elon College on the Town's One-Hundredth Anniversary, referred to the **Rules and Operation of the Senate Committee** on April 1.
Senator Sands offers a motion that the rules be suspended and the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails, with unanimous consent.
The Chair orders the joint resolution placed before the Senate for immediate consideration.
The joint resolution passes its second (38-0) and third readings and is ordered enrolled.

RE-REFERRALS

S.B. 240, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate North Carolina's community corrections programs,

referred to the **Government Performance Audit Select Committee** on February 18.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Appropriations Committee**.

S.B. 243, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate thirty of the State's smallest prisons, and to improve organizational functions and reduce staff in area offices of the Division of Prisons, referred to the **Government Performance Audit Select Committee** on February 18.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Appropriations Committee**.

S.B. 286, a bill to implement a recommendation of the Government Performance Audit Committee to eliminate the Department of Crime Control and Public Safety and place its divisions within the appropriate departments, referred to the **Government Performance Audit Select Committee** on February 19.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Appropriations Committee**.

S.B. 291, a bill to implement a recommendation of the Government Performance Audit Committee to phase out Division of Motor Vehicles law enforcement, referred to the **Government Performance Audit Select Committee** on February 22.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Appropriations Committee**.

S.B. 367, a bill to implement a recommendation of the Government Performance Audit Committee for the adoption of rules by the State Personnel Commission regarding State law enforcement officers, referred to the **Government Performance Audit Select Committee** on February 24.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Appropriations Committee**.

S.B. 369, a bill to implement recommendations of the Government Performance Audit Committee regarding the civilianization of certain job classes of State law enforcement officers, referred to the **Government Performance Audit Select Committee** on February 24.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Appropriations Committee**.

S.B. 416, a bill to implement a recommendation of the Government Performance Audit Committee to phase out the Alcohol Law Enforcement Division and to transfer the alcohol beverage law enforcement and regulatory functions, referred to the **Government Performance Audit Select Committee** on February 25.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Appropriations Committee**.

S.B. 190, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the Department of Commerce by eliminating unnecessary personnel and combining redundant programs, referred to the **Government Performance Audit Select Committee** on February 17.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Appropriations Committee**.

S.B. 193, a bill to implement a recommendation of the Government Performance Audit Committee to establish an Economic Development Council in the Department of Commerce to replace the current Economic Development Board, to require the Council to prepare and update annually an economic development plan for the State of North Carolina, and to require the Department of Commerce to establish a planning unit to support the Economic Development Council's ongoing role in economic and community development planning, referred to the **Government Performance Audit Select Committee** on February 17.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Appropriations Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 53 (Committee Substitute), a bill to clarify the authority that a county or city has to require participation in a recycling program.

On motion of Senator Conder, consideration of the Committee Substitute bill is postponed until tomorrow, Tuesday, April 6.

S.B. 216, a bill to repeal the requirement that the Department of the Secretary of State report to the Joint Legislative Commission on Governmental Operations on the Business License Information Office.

The bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 217, a bill to repeal the requirement that the Department of Cultural Resources report to the Joint Legislative Commission on Governmental Operations on the operation of the State Depository Library System.

The bill passes its second (39-0) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILL

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.J.R. 591, a joint resolution honoring S. A. Holleman, the first mayor of the Town of Elon College, and the founders of the Town of Elon College on the Town's One-Hundredth Anniversary. (Res. 7)

CALENDAR (Continued)

S.B. 508, a bill to provide the same legal authority and limited liability to immigration and naturalization service agents who work with State and local officers as is accorded other federal officers.

The bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 526, a bill to change the certification period of emergency medical technicians from two years to four years.

The bill passes its second (38-0) and third readings and is ordered sent to the House of Representatives.

S.B. 538, a bill to allow area mental health, developmental disabilities, and substance abuse authorities to submit local plans in accordance with an extended schedule.

The bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

The President recognizes the following pages serving in the Senate this week: Mary Minor Betts, Raleigh; Doron Boose, Raleigh; John Bullock, Roxboro; George Durham, Jr., Greensboro; J'Nai Everett, Greensboro; Joy Chantelle Fisher, Raleigh; Jamye Lynne Gunter, Cary; Joseph A. Hayworth III, High Point; Sarah Holthouser, Winston-Salem; Keith Huxley III, Raleigh; Robert W. LeGrande, Raleigh; Kathryn Harris Parnell, Charlotte; Amanda Brooke Prince, Tabor City; Magan Alexis Reiner, Winston-Salem; Michael D. Resar, Raleigh; Karim Shyllon, Cary; Maria Viverette, Cary; Brandi Kaye Warriax, Maxton; Rebeccah Catherine Weaver, Fuquay-Varina; Stacia Lynette Wood, Greensboro; and Tomica Wright, Greensboro.

On motion of Senator Basnight, seconded by Senator Gunter, the Senate adjourns at 7:49 P.M. to meet tomorrow, Tuesday, April 6, at 1:30 P.M.

FORTY-FIRST DAY

SENATE CHAMBER,
Tuesday, April 6, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Bill Haley, Pastor of Mt. Zion Baptist Church, Louisburg, as follows:

"Heavenly Father, we thank You for the great blessing and honor that You have given those here to serve our great State. May this blessing be used by leaders to do what may not always be popular, but by what is right. This day give our law-making bodies vision as they seek to make ours a better society and give them the courage to lead us to that better society. Those in authority have a great responsibility by holding the public trust.

There are many numerous problems which may plague us, but may we always remember that it is the people of our State whose lives we seek to enhance. We ask You, Lord, to give our leaders wisdom and discernment as they seek to meet the needs of the people of North Carolina. Grant us all Your Love and Your Peace. In Christ our Lord's Name. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, April 5, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Lee, Senator Perdue, and Senator Kaplan. Senator Lee is present and withdraws his request for a leave of absence.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Ballance:
S.B. 700, a bill in support of Desert Storm Veterans and other young citizens by decriminalizing certain malt beverage sales and the possession of malt beverages by certain persons.
Referred to **Judiciary I Committee.**

By Senator Johnson:
S.B. 701, a bill to authorize a fee for filing a UCC termination statement.
Referred to **Finance Committee.**

By Senator Parnell:
S.B. 702, a bill to revise the manner of election of the Town of St. Pauls.
Referred to **Constitution and Election Laws Committee.**

By Senator Jordan:
S.B. 703, a bill to expand the Pender County Board of Commissioners, to provide that each Commissioner shall be nominated and elected from a separate district, and to define the districts.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Jordan:
S.B. 704, a bill to authorize Pender County to levy a one percent local land transfer tax.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Jordan:
S.B. 705, a bill to expand the membership of the Pender County Board of Education, to provide that each member shall be elected only by the voters of a district, and to define the districts.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Codington:
S.B. 706, a bill to authorize the Town of Wrightsville Beach to provide, by ordinance, that the owner of the property served is legally responsible for water, sewer, and solid waste fees and to impose a lien against the property served in the case of nonpayment.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Codington:
S.B. 707, a bill to allow Pender County and its municipalities to specify by interlocal agreement a redistribution of local sales tax revenues not restricted by law.
Referred to **Finance Committee.**

By Senator Marshall:
S.B. 708, a bill to allow Harnett County, the City of Dunn, and the Towns of Angier, Coats, Erwin, and Lillington to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance.
Referred to **Economic Development Committee.**

By Senator Cooper:
S.B. 709, a bill to clarify the treatment of layaway arrangements for purposes of the law of escheats and abandoned property.
Referred to **Judiciary I Committee.**

By Senator Cooper:
S.B. 710, a bill to authorize Nash County to use the proceeds of its occupancy tax for economic development projects.
Referred to **Finance Committee.**

By Senators Conder and Plyler:
S.B. 711, a bill to confirm the corporate limits of the Town of Troy, and modify the laws relating to satellite annexation which apply to that Town.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 406 (Committee Substitute), a bill to authorize the establishment of an ABC store in the Town of Navassa.
Referred to **Local Government and Regional Affairs Committee.**

REMOVAL OF ENDORSEMENT

S.B. 685, a bill to clarify that streets between developed lots or within neighborhoods may not be excluded from annexation density calculations.
With unanimous consent, Senator Richardson withdraws his endorsement.

ADDITIONAL ENDORSEMENT

The following Senator requests to be recorded endorsing a bill previously introduced:

By Senator Jordan:
S.B. 696, a bill to promote the creation of health plan purchasing alliances to provide access to health benefits for employees of small employer groups and self-employed individuals.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards for the **Economic Development Committee:**

S.B. 501, a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 509, a bill to add the Secretary of State as a member of the Economic Development Board, with a favorable report.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 498, a bill to correct two errors in the plan for merger of the public school systems in Rockingham County into one system.

On motion of Senator Sands, consideration of the bill is postponed until Thursday, April 8.

H.B. 166, a bill to provide that the Yadkin County Board of Education shall be elected to staggered four-year terms.

On motion of Senator Simpson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (42-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 167, a bill to provide that members of the Yadkin County Board of Education shall take office on the first Monday in August after their election.

On motion of Senator Simpson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (41-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 180, a bill to provide that the members of the Wilkes County Board of Education shall take office at their first meeting in June of the year of their election.

The bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 426, a bill to correct two errors in the plan for merger of the public school systems in Rockingham County into one system.

The bill passes its second (42-0) and third readings and is ordered enrolled.

S.B. 155, a bill to make technical and conforming changes to the revenue laws and related statutes, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 566 (Committee Substitute), a bill to conform North Carolina inheritance and gift tax provisions to federal estate and gift tax provisions regarding qualified terminable interest property, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows.

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, April 7, for further consideration upon third reading.

H.B. 101 (Senate Committee Substitute), a bill to be entitled an act to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and to the purchase, operation, and maintenance of equipment for such facilities.

With unanimous consent, on motion of Senator Plexico, the Senate Committee Substitute bill is taken up out of its regular order of business.

Senator Plexico offers Amendment No. 1 which is adopted (45-0), changing the title to read **H.B. 101** (Senate Committee Substitute), a bill to be entitled an act to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and to the purchase, operation, and maintenance of equipment for such facilities.

The Senate Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 53 (Committee Substitute), a bill to clarify the authority that a county or city has to require participation in a recycling program.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 90 (Committee Substitute), a bill to promote the source reduction of waste in State purchasing.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 125 (Committee Substitute), a bill to provide that a purchase money security interest continues when the underlying agreement is modified with same creditor and application of payments in a consumer credit sale is on the basis that the first payments shall be applied to the first purchase to satisfy that and other debts accordingly.

On motion of Senator Winner of Buncombe, consideration of the Committee Substitute bill is postponed until tomorrow, Wednesday, April 7.

S.B. 235, a bill to make the calculation for schools of fund balance available for appropriation the same as the calculation for other local governments.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 245, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Division of Medical Assistance and the Teachers' and State Employees' Comprehensive Major Medical Plan to assist the Department of Correction in efforts to secure automated claims processing support from a contractor.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 277, a bill to implement a recommendation of the Government Performance Audit Committee relating to the funding formula used for the North Carolina Community College System.

The bill passes its second reading (44-0).

Senator Ward objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, April 7, for further consideration, upon third reading.

S.B. 496 (Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to establish an interagency committee to develop a child medical and mental health evaluation plan.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 532, a bill to provide that all interest expenses are deductible for inheritance tax purposes.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (42-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 604 (Committee Substitute), a bill to designate the Office of Administrative Hearings as the deferral agency for cases under the Americans with Disabilities Act.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 699, a bill to modify the authority of Rockingham County to undertake local development activities, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 699** (House Committee Substitute), a bill to modify the authority of Davie and Rockingham Counties to undertake local development activities,

On motion of Senator Sands, the House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, April 7.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee**:

S.B. 563, a bill to extend the expiration date for private contract participation by the Department of Transportation, with a favorable report.

On motion of Senator Basnight, seconded by Senator Plyler, the Senate adjourns at 2:32 P.M. to meet tomorrow, Wednesday, April 7, at 1:30 P.M.

FORTY-SECOND DAY

SENATE CHAMBER,
Wednesday, April 7, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, at the end of a day, if we were to document in ledger form what we have done that seems important over against all the mundane, menial tasks of that same day, the ledger would list heavily toward the latter.

"In response to the frustration of that reality, a philosopher once said, 'Almost everything we do will be insignificant. But it's very important that we do it.'

"Let us join hands in order to complete all the insignificant tasks that confront us so that much will be accomplished. Then we will understand Your words to us in parable, 'Well done good and faithful servant; you have been faithful over a little, I will set you over much...' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, April 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence to Senator Perdue for today and tomorrow, April 8.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 180, an act to provide that the members of the Wilkes County Board of Education shall take office at their first meeting in June of the year of their election. (Ch. 14)

H.B. 426, an act to correct two errors in the plan for merger of the public school systems in Rockingham County into one system. (Ch. 15)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 227, a bill to ban corporal punishment from certain "nonregistered" day care that receives reimbursement from the State, with a favorable report.

S.B. 554, a bill to permit area mental health authorities to serve as managed care providers, with a favorable report.

By Senator Seymour for the **Public Utilities Committee:**

H.B. 94, a bill to abolish the North Carolina Energy Development Authority, with a favorable report.

By Senator Winner of Buncombe for the **Finance Committee:**

S.B. 161, a bill to allow all trailers to obtain multiyear license plates, to allow owners of horseless carriages to obtain multiyear license plates, to clarify the definition of semi-trailer, and to make technical and administrative changes to the laws concerning special license plates, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 6606, which changes the title to read **S.B. 161** (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, and to make technical and administrative changes to the laws concerning special license plates, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, April 8, for further consideration.

By Senator Edwards for the **Economic Development Committee:**

S.B. 619, a bill to allow Nash County to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Edwards, the proposed Committee Substitute bill 6604, which changes the title to read **S.B. 619** (Committee Substitute), a bill to allow the City of Rocky Mount and Nash County to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance, is placed before the Senate for immediate consideration.

On motion of Senator Edwards, the Committee Substitute bill is adopted, and pursuant to Rule 43, is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Kerr:

S.B. 712, a bill to appropriate funds for Wayne Community College campus building construction.

Referred to **Capital Expenditures Committee.**

By Senator Kerr:

S.B. 713, a bill to appropriate funds for a headquarters building and an equipment storage facility in Wayne County.

Referred to **Capital Expenditures Committee.**

By Senators Kerr, Cooper, Sands, Daniel, Soles, Ballance, and Gunter:

S.B. 714, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network.

Referred to **Judiciary I Committee.**

By Senators Kerr and Allran:

S.B. 715, a bill to promote the use of printing facilities in North Carolina by providing that an out-of-state entity who contracts with a North Carolina printer is not doing business in North Carolina for tax purposes incident to printing.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Kerr:

S.B. 716, a bill to provide that a partnership may qualify for the corporate income tax credit for construction of a cogenerating power plant, to provide an alternative method to calculate the credit, and to clarify that a partnership may pass an income tax credit through to its partners.

Referred to **Public Utilities Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Kerr:

S.B. 717, a bill to appropriate funds for operating expenses of the sheltered workshop in Wayne County.

Referred to **Appropriations Committee.**

By Senator Shaw:

S.B. 718, a bill to consolidate the regulatory authority over banks, credit unions, savings and loans, and savings banks into a new Financial Institutions Regulatory Board, and to make conforming changes to the General Statutes.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Harris, Codington, and Forrester:

S.B. 719, a bill to make various amendments to the Medical Practice Act.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Harris:

S.B. 720, a bill concerning redistricting for local elections in Cleveland County.

Referred to **Constitution and Election Laws Committee.**

By Senators Harris and Hoyle:

S.B. 721, a bill to appropriate funds for the completion of the Cleveland County Area Mental Health, Developmental Disabilities, and Substance Abuse Program's building.

Referred to **Capital Expenditures Committee.**

By Senator Forrester:

S.B. 722, a bill to provide for health insurance coverage for uninsured North Carolinians.

Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Cochrane, Daniel, Folger, Kaplan, Lee, Martin of Guilford, Sands, Seymour, Shaw, Smith, Walker, and Ward:

S.B. 723, a bill to appropriate funds to the Board of Governors for construction of a film school at the North Carolina School of the Arts.

Referred to **Capital Expenditures Committee.**

By Senator Smith:

S.B. 724, a bill to establish the High Rock Lake Marine Commission.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Richardson:

S.B. 725, a bill to modify the percentage of sales that must be attributable to food and nonalcoholic beverages by restaurant permittees.

Referred to **Judiciary I Committee.**

By Senator Richardson:
S.B. 726, a bill to regulate Sunday sales and consumption of alcoholic beverages.
Referred to **Judiciary I Committee.**

By Senator Jordan:
S.B. 727, a bill to authorize Pender County to convey to the Willard Outreach Organization, Inc., certain real property at private sales.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Cochrane and Smith:
S.B. 728, a bill to carry school suspensions for acts causing injury over to the subsequent school year.
Referred to **Judiciary I Committee.**

By Senator Speed:
S.B. 729, a bill to merge the Franklin County and Franklinton City School Administrative Units.
Referred to **Education/Higher Education Committee.**

By Senator Speed:
S.B. 730, a bill to revise and consolidate the Charter of the Town of Franklinton.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

RE-REFERRAL

S.B. 709, a bill to clarify the treatment of layaway arrangements for purposes of the law of escheats and abandoned property, referred to **Judiciary I Committee** on April 6.
Senator Ballance offers a motion that the rules be suspended and the bill be taken from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.
The Chair orders the bill re-referred to the **Judiciary II Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 31 (Committee Substitute), a bill to modify the annual rental charged for water column leases.
Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 77, a bill to make conforming changes to the law providing for individual income tax adjustments and to provide that expenses paid in connection with interest earned on obligations are deductible from an individual's taxable income to the extent the interest is taxable.
Referred to **Finance Committee.**

H.B. 379 (Committee Substitute), a bill to allow Halifax County to create fire protection districts in which fire protection is funded by fees rather than taxes.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 399 (Committee Substitute), a bill to provide additional procedures for Alexander County to increase the size of rural fire protection districts.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 619, a bill to delay the sunset on the Notice of Settlement Act.
Referred to **Judiciary II Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 699 (House Committee Substitute), a bill to modify the authority of Davie and Rockingham Counties to undertake local development activities, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-47).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 566 (Committee Substitute), a bill to conform North Carolina inheritance and gift tax provisions to federal estate and gift tax provisions regarding qualified terminable interest property, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 125 (Committee Substitute), a bill to provide that a purchase money security interest continues when the underlying agreement is modified with same creditor and application of payments in a consumer credit sale is on the basis that the first payments shall be applied to the first purchase to satisfy that and other debts accordingly.

Senator Winner of Buncombe offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second (47-1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 509, a bill to add the Secretary of State as a member of the Economic Development Board.

The bill passes its second reading (47-0).

Senator Kaplan objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 8, for further consideration, upon third reading.

S.B. 563, a bill to extend the expiration date for private contract participation by the Department of Transportation.

The bill passes its second reading (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 277, a bill to implement a recommendation of the Government Performance Audit Committee relating to the funding formula used for the North Carolina Community College System, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Section 139(a), Chapter 900 of the 1991 Session Laws, the North Carolina Department of Human Resources submits its Report of the Child Protective Services Management Task Force.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 699 (House Committee Substitute), a bill to modify the authority of Davie and Rockingham Counties to undertake local development activities.

Upon the failure of the Senate to concur earlier today, Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Sands (Chairman), Folger, and Cooper as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Folger for the **Local Government and Regional Affairs Committee**:

S.B. 510, a bill to provide for the separate election of the Mayor of Connelly Springs, with a favorable report.

S.B. 551, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Duplin County weapon permits, with a favorable report.

S.B. 557, a bill to revise and consolidate the Charter of the City of Lowell, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 162, a bill concerning annexation of certain property by the Town of Clayton, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 406 (Committee Substitute), a bill to authorize the establishment of an ABC store in the Town of Navassa, with a favorable report.

S.B. 667, a bill to provide for a referendum on removing Carolina Shores Village from the Town of Calabash, subject to the approval of the residents of either Districts #1 and #2 of the Town of Calabash, and allowing the residents of Carolina Shores Village to vote on whether to incorporate, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee**.

S.B. 130, a bill to modify the distribution of the profits from the City of Monroe ABC System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 3594 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, April 8, for further consideration.

By Senator Cooper for the **Judiciary II Committee**:

S.B. 108, a bill to amend the statute of repose for products liability actions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 5596, which changes the title to read **S.B. 108** (Committee Substitute), a bill to amend the statute of repose for products liability actions and to recodify the statute of repose for actions against registered land surveyors, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, April 8, for further consideration.

S.B. 109, a bill requiring certain detail in the decisions and reports of the OSHA Review Board, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 3606 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, April 8, for further consideration.

RE-REFERRAL

S.B. 631, a bill to amend the North Carolina Practicing Psychologist Licensing Act, referred to **Children and Human Resources Committee** on March 30.

Senator Walker offers a motion that the rules be suspended and the bill be taken from the **Children and Human Resources Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

On motion of Senator Basnight, seconded by Senator Carpenter, the Senate adjourns at 2:16 P.M. to meet tomorrow, Thursday, April 8, at 1:30 P.M.

FORTY-THIRD DAY

SENATE CHAMBER,
Thursday, April 8, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, salvation history, that is what this Holy Week is all about. We celebrate it in different ways, from synagogues and grand cathedrals to one room country churches, from Passover to a hill called Golgotha and an empty tomb. It is a time when we remember how You rescued us from evil, death, from bondage to our own humanity.

"That You saved us is a gift, not some sort of achievement on our part. We can make ourselves moral. We can even make ourselves religious. But we can't make ourselves love.

"'We love,' John says, 'because You first loved us.' To Your Glory and our salvation, we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, April 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Edwards, and to Senator Allran, due to personal reasons. Senator Perdue, previously granted a leave of absence, is noted present.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

S.B. 600, a bill to amend the Legislative Retirement System, the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, and the Consolidated Judicial Retirement System to comply with the Internal Revenue Code, with a favorable report.

The bill, ordered sequentially referred to the **Appropriations Committee** on March 29, is, on motion of Senator Harris, placed on the Calendar for Tuesday, April 13, for consideration.

S.B. 615, a bill to make the effective date of the law increasing death benefits for teachers and State employees the date of ratification of that Act, with a favorable report.

Pursuant to Rule 43, the bill is referred to the **Appropriations Committee.**

By Senator Parnell for the **Insurance Committee**:

S.B. 7, a bill to require the Commissioner of Insurance to develop and require uniform forms for the submission of claims under an accident or health insurance policy, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the Committee Substitute bill 3611, which changes the title to read, **S.B. 7** (Committee Substitute), a bill to require the Commissioner of Insurance to develop and require uniform forms for the submission of claims under health benefit plans, to establish fees for copies of medical records, and to require written notice of claim denial, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, April 12, for further consideration.

S.B. 500, a bill to require prostate-specific antigen (PSA) test coverage in health and accident insurance policies, in hospital or medical services plans, and in HMO plans, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 7648 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, April 12, for further consideration.

S.B. 574, a bill to amend the Statutes relating to insurance premium financing, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 5604 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, April 12, for further consideration.

By Senator Cooper for the **Judiciary II Committee:**

S.B. 592, a bill to amend the General Statutes pertaining to public health remedies, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee.**

By Senator Kaplan for the **Capital Expenditures Committee:**

S.B. 470 (Committee Substitute), a bill to exempt joint municipal power agencies from the State bidding laws in the construction of electric generation and transmission projects, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Shaw and Carpenter:

S.B. 731, a bill to allow evidence of a lack of seat belt usage to be admitted in a criminal or civil proceeding.

Referred to **Judiciary I Committee.**

By Senator Seymour:

S.B. 732, a bill to conform State gas pipeline penalty standards to the newly enacted amendments to the Federal Natural Gas Pipeline Safety Act of 1968.

Referred to **Public Utilities Committee.**

Senator Sands offers a motion that the remaining bills filed for introduction today, be read the first time and referred to committee upon the completion of today's Calendar, which motion prevails.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 61, a bill to amend Chapter 146 - State Lands, to modify references to Governor and Council of State to read Council of State, consistent with Article III of the North Carolina Constitution.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 207, a bill to expand the Bostian Heights Fire District in Rowan County.

Referred to **Local Government and Regional Affairs Committee.**

REPORTS OF COMMITTEES

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 252, a bill to implement a recommendation of the Government Performance Audit Committee to develop and monitor the outcome measures for major State programs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill A624, which changes the title to read **S.B. 252** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to develop and monitor the outcome measures for major State programs, to establish and implement a State strategic planning process, and to require that the Governor submit to the General Assembly and the General Assembly enact a budget that focuses on program results, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

S.B. 412, a bill to implement a recommendation of the Government Performance Audit Committee to initiate systematic, in-depth evaluations of program results, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 9634, which changes the title to read **S.B. 412** (Committee Substitute), a bill to create a Legislative Audit Subcommittee of the Joint Legislative Commission on Governmental Operations, to provide for program evaluation, to provide a limited number of exempt positions for performance audit staff, and to provide funds for contractual audit and expert services, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

S.B. 262, a bill to implement a recommendation of the Government Performance Audit Committee to expand the single sum appropriation pilot program to other State agencies, with a favorable report.

On motion of Senator Martin of Guilford, the bill is referred to the **Appropriations Committee.**

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue, Chairman, for Senator Warren, Vice Chairman, for the **Education/Higher Education Committee:**

S.B. 233, a bill to exempt teachers enrolled in courses to complete State Board of Education certification requirements from the twelve-month durational requirements of the University of North Carolina residency test, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 12, a bill to establish a grant program to strengthen family resources and appropriate funds for its implementation, as amended by the **Children and Human Resources Committee**, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendments No. 4 and No. 5 are adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

S.B. 28, a bill to amend the Constitution to change the composition of the State Board of Education, to make the Superintendent of Public Instruction an appointee of the State

Board of Education, and to make corresponding statutory changes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 6608 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Constitution and Election Laws Committee.**

S.B. 248, a bill to require that former legislators wait two years before serving on the Board of Governors of the University of North Carolina, with a favorable report.

S.B. 451, a bill to implement a recommendation of the Education Leadership Task Force and the Joint Legislative Education Oversight Committee to plan for the establishment of a school leadership academy to enhance the quality of ongoing professional development for school administrators, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 546, a bill to place the Superintendent of Public Instruction on the Commission on Children with Special Needs, with a favorable report.

H.B. 412, a bill to change the method of electing the Perquimans County Board of Education to improve the opportunity for minority citizens to elect candidates of their choice, with a favorable report.

RECOMMITALS

S.B. 367, a bill to implement a recommendation of the Government Performance Audit Committee for the adoption of rules by the State Personnel Commission regarding State law enforcement officers, referred to the **Appropriations Committee** on April 5.

Senator Martin of Guilford offers a motion the the rules be suspended and the bill be taken from the **Appropriations Committee** and recommitted to the **Government Performance Audit Select Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill recommitted to the **Government Performance Audit Select Committee.**

S.B. 369, a bill to implement recommendations of the Government Performance Audit Committee regarding the civilianization of certain job classes of State law enforcement officers, referred to the **Appropriations Committee** on April 5.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and recommitted to the **Government Performance Select Committee,** which motion prevails, with unanimous consent.

The Chair orders the bill recommitted to the **Government Performance Audit Select Committee.**

S.B. 190, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the Department of Commerce by eliminating unnecessary personnel and combining redundant programs, referred to the **Appropriations Committee** on April 5.

Senator Martin of Guilford offers a motion the the rules be suspended and the bill be taken from the **Appropriations Committee** and recommitted to the **Government Performance Audit Select Committee,** which motion prevails, with unanimous consent.

The Chair orders the bill recommitted to the **Government Performance Audit Select Committee.**

S.B. 193, a bill to implement a recommendation of the Government Performance Audit Committee to establish an Economic Development Council in the Department of

Commerce to replace the current Economic Development Board, to require the Council to prepare and update annually an economic development plan for the State of North Carolina, and to require the Department of Commerce to establish a planning unit to support the Economic Development Council's ongoing role in economic and community development planning, referred to the **Appropriations Committee** on April 5.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and recommitted to the **Government Performance Audit Select Committee,** which motion prevails, with unanimous consent.

The Chair orders the bill recommitted to the **Government Performance Audit Select Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 498, a bill to correct two errors in the plan for merger of the public school systems in Rockingham County into one system.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, the bill is re-referred to the **Rules and Operation of the Senate Committee.**

S.B. 130 (Committee Substitute), a bill to modify the distribution of the profits from the City of Monroe ABC System.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 510, a bill to provide for the separate election of the Mayor of Connelly Springs.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 551, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Duplin County weapon permits.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 406 (Committee Substitute), a bill to authorize the establishment of an ABC store in the Town of Navassa.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, and to make technical and administrative changes to the laws concerning special license plates, upon second reading.

Without objection, on motion of Senator Kerr, the Committee Substitute bill is temporarily displaced.

S.B. 108 (Committee Substitute), a bill to amend the statute of repose for products liability actions and to recodify the statute of repose for actions against registered land surveyors.

On motion of Senator Plyler, consideration of the Committee Substitute bill is postponed until Wednesday, April 14.

S.B. 109 (Committee Substitute), a bill requiring certain detail in the decisions and reports of the OSHA Review Board.

On motion of Senator Plyler, consideration of the Committee Substitute bill is postponed until Wednesday, April 14.

S.B. 227, a bill to ban corporal punishment from certain "nonregistered" day care that receives reimbursement from the State, as amended.

Senator Richardson offers Amendment No. 2 which is adopted (37-0).

The bill, as amended, passes its second (44-2) and third readings and is ordered engrossed and sent to the House of Representatives.

INTRODUCTION OF BILL

Senator Basnight offers a motion that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Daniel:

S.B. 810, a bill to transfer Caswell and Person Counties to newly created Judicial and Prosecutorial Districts 9A and to appropriate funds.

Referred to **Appropriations Committee.**

CALENDAR (Continued)

S.B. 554, a bill to permit area mental health authorities to serve as managed care providers.

On motion of Senator Daniel, consideration of the bill is postponed until Tuesday, April 13.

H.B. 94, a bill to abolish the North Carolina Energy Development Authority.

The bill passes its second (46-0) and third readings and is ordered enrolled.

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, and to make technical and administrative changes to the laws concerning special license plates, temporarily displaced earlier, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, April 12, for further consideration upon third reading.

S.B. 509, a bill to add the Secretary of State as a member of the Economic Development Board, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

Pursuant to G.S. 120-70.50, Senator Basnight, President *Pro Tempore*, appoints the following Senators to the Joint Legislative Highway Oversight Committee:

Senator Lee, Co-Chairman

Senators Hunt, Marshall, Martin of Pitt, Plexico, Simpson, Smith, and Speed.

INTRODUCTION OF BILLS (Continued)

Pursuant to the motion prevailing earlier today, bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Sherron, Cochrane, Seymour, Carpenter, and Speed:

S.B. 733, a bill to establish a North Carolina Park Authority, to establish a Park Fund of North Carolina for land acquisition and capital projects at State parks and city and county parks, and to fund the Park Fund of North Carolina primarily from the deed stamp tax.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron, Cochrane, Seymour, Carpenter, and Speed:

S.B. 734, a bill to require the Department of Environment, Health, and Natural Resources to pilot the collection of entrance fees at certain State parks.

Referred to **Finance Committee.**

By Senators Sherron, Cochrane, Seymour, Carpenter, and Speed:

S.B. 735, a bill to amend the Natural and Scenic Rivers Act to strengthen the protection of rivers and the rivers designation process and to require approval by the Department of Environment, Health, and Natural Resources of county land-use controls prior to designation of rivers.

Referred to **State Personnel and State Government Committee.**

By Senators Sherron, Carpenter, and Blackmon:

S.B. 736, a bill to establish the North Carolina Partnership for Quality Growth.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron, Carpenter, and Blackmon:

S.B. 737, a bill to appropriate funds to the North Carolina Partnership for Quality Growth for operations and support.

Referred to **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 738, a bill to increase the qualification requirements and authorize an increase in fees for persons holding real estate licenses as recommended by the North Carolina Real Estate Commission and to change the title of real estate salesman to real estate salesperson.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Sherron and Carpenter:

S.B. 739, a bill to establish a study commission on certain certificates of participation.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 740, a bill to authorize the Secretary of Administration to develop a term contract for the purchase of personal computer equipment, and to require purchases of personal computer equipment to be reported to the Department of Administration.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 741, a bill to create the Joint Legislative Information Technology Oversight Committee.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 742, a bill to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 743, a bill to prohibit the Employment Security Commission from establishing a data processing center separate from the State Information Processing Services Data Center.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 744, a bill to amend various statutes to delete obsolete references to warrants issued by the State Auditor, to make technical corrections in references to the State Auditor's oversight, and to repeal Chapter 112 of the General Statutes Confederate Homes and Pensions.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 745, a bill to appropriate funds to the Department of Agriculture for food program expansion.

Referred to **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 746, a bill to clarify the law with regard to the rejection of competitive bids for goods and services.

Referred to **State Personnel and State Government Committee.**

By Senators Sherron and Carpenter:

S.B. 747, a bill to appropriate funds to the Office of the State Controller to support the Information Resources Management Commission.

Referred to **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 748, a bill to amend the Land Records Management Program to provide that the Secretary of State appoint the members of the Advisory Committee and to include a member of the North Carolina Property Mappers' Association on the Advisory Committee.

Referred to **State Personnel and State Government Committee.**

By Senators Sherron and Carpenter:

S.B. 749, a bill to modify the laws administered by the Office of the State Controller in operating a central payroll system.

Referred to **Finance Committee.**

By Senators Sherron and Carpenter:

S.B. 750, a bill to allow public and State hospitals to donate surplus medical equipment to nonprofit corporations or government agencies which will distribute the property to hospitals and health agencies in other countries.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Sherron, Carpenter, and Martin of Pitt:

S.B. 751, a bill to amend the law for the North Carolina Capital Planning Commission to allow for a meeting to be called by five members of the Commission.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron, Carpenter, and Martin of Pitt:

S.B. 752, a bill to temporarily exempt certain State real property records from public inspection and examination.

Referred to **Judiciary II Committee.**

By Senators Sherron, Carpenter, and Martin of Pitt:

S.B. 753, a bill to abolish the North Carolina Energy Development Authority.

Referred to **State Personnel and State Government Committee.**

By Senators Sherron, Carpenter, and Martin of Pitt:

S.B. 754, a bill to amend the laws governing the acquisition, disposition, and management of State real property.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron, Carpenter, and Martin of Pitt:

S.B. 755, a bill to temporarily exempt certain public real property records from public inspection and examination.

Referred to **Judiciary II Committee.**

By Senators Sherron, Carpenter, and Martin of Pitt:

S.B. 756, a bill to authorize the Legislative Research Commission to continue the study of the State Real Property Transfers Study Commission.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 757, a bill to modify the benefit restrictions for reemployed retirees in the Local Governmental Employees' Retirement System, in the Teachers' and State Employees' Retirement System, and in the Consolidated Judicial Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Carpenter:

S.B. 758, a bill to allow the filing of an affidavit by the Secretary of Transportation or by an officer of the railroad to state an intention to preserve a railroad easement for future transportation purposes and negate the presumption of abandonment.

Referred to **Transportation Committee.**

By Senators Sherron and Carpenter:

S.B. 759, a bill to make employees personally liable for costs associated with State contracts entered into in violation of purchase and contract laws and rules.

Referred to **Judiciary II Committee.**

By Senators Sherron and Carpenter:

S.B. 760, a bill to prohibit purchasing agents in all State agencies from accepting gifts and favors from vendors.

Referred to **Judiciary I Committee.**

By Senators Sherron and Carpenter:
S.B. 761, a bill to require the Governor's Coordinating Committee on the Americans with Disabilities Act to report quarterly to the Joint Legislative Commission on Governmental Operations.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Sherron and Carpenter:
S.B. 762, a bill to appropriate funds for a new multipurpose exhibit building at the State Fair.
Referred to **Appropriations Committee.**

By Senators Sherron and Carpenter:
S.B. 763, a bill to provide that the minimum size requirements for taxation of a farm at use value apply to the combined area of all tracts in the farm unit.
Referred to **Finance Committee.**

By Senators Sherron and Carpenter:
S.B. 764, a bill to remove the deadline on applications for refunds from the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System for cooperative agricultural extension service employees.
Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Carpenter:
S.B. 765, a bill to provide that social hosts providing alcoholic beverages to adult guests shall not be liable for damages to or caused by those adult guests.
Referred to **Judiciary II Committee.**

By Senators Sherron, Carpenter, and Martin of Pitt:
S.B. 766, a bill to amend Chapter 146 - State Lands, to modify references to Governor and Council of State to read Council of State, consistent with Article III of the North Carolina Constitution.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Odom, Richardson, and Blackmon:
S.B. 767, a bill to modify the authority of Mecklenburg County and the City of Charlotte to undertake local development activities.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Local Government and Regional Affairs Committee.**

By Senators Odom, Richardson, Blackmon, and Winner of Mecklenburg:
S.B. 768, a bill to allow the City of Charlotte to enter into a joint development project.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Odom:
S.B. 769, a bill to exempt the Towns of Cornelius, Davidson, and Huntersville from certain zoning notice requirements.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Daniel, Perdue, Gunter, Richardson, Hyde, Soles, Seymour, Kaplan, Ward, Speed, Jordan, Tally, Winner of Mecklenburg, Lee, Plexico, Gulley, Albertson, Warren, Ballance, Marshall, Hunt, Edwards, Hartsell, Martin of Pitt, Martin of Guilford, Walker, and Cochrane:
S.B. 770, a bill to remove barriers in the Teachers' and State Employees' Comprehensive Major Medical Plan so as to provide reimbursement to registered nurses providing services within the scope of their practice.
Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Daniel, Perdue, Gunter, Richardson, Hyde, Soles, Seymour, Ward, Speed, Jordan, Kaplan, Winner of Mecklenburg, Lee, Plexico, Tally, Albertson, Warren, Gulley, Edwards, Ballance, Hunt, Martin of Guilford, Marshall, Martin of Pitt, Hartsell, and Walker:

S.B. 771, a bill to remove barriers in insurance policies and plans to provide for reimbursement to registered nurses providing services within the scope of their practice.

Referred to **Insurance Committee.**

By Senators Gulley and Hunt:

S.B. 772, a bill clarifying the authority of the City of Durham to permit the closing of unopened streets, the retention of utility easements, and the division of right-of-way in typical street closings, and establishing procedures for appeals of street closings.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Gulley and Hunt:

S.B. 773, a bill amending the Charter of the City of Durham concerning the effective dates of ordinances annexing territory to the City and annexations by petition.

Referred to **Local Government and Regional Affair Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Gulley and Hunt:

S.B. 774, a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the City Manager the authority to make, approve, award, and execute service contracts and make contracts for the purchase of apparatus, supplies, equipment and material.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Albertson:

S.B. 775, a bill to provide that for the purpose of appropriations for franchise tax sharing with municipalities, the two plants adjacent to the corporate limits of the Town of Wallace shall be considered inside the Town of Wallace.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Warren:

S.B. 776, a bill to direct the Department of Human Resources to study the need for additional education programs for physician extenders.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Warren:

S.B. 777, a bill to revise the Charter of the Town of Grifton to allow the Town to exercise extraterritorial land-use jurisdiction within two miles of the Town's corporate limits.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Marshall, Ballance, Sands, and Winner of Mecklenburg:

S.B. 778, a bill to provide that either spouse may direct a lender to cease making advances on an equity line of credit secured by real property owned by the spouses as joint tenants or tenants by the entirety.

Referred to **Judiciary I Committee.**

By Senators Conder, Hunt, Lee, Plyler, Walker, Gulley, Gunter, Sands, Warren, Ballance, Marshall, Smith, and Shaw:

S.B. 779, a bill to delay the siting process under Chapter 104G of the North Carolina General Statutes by the North Carolina Low-Level Radioactive Waste Management Authority until an independent investigator reports to the Joint Select Committee on Low-Level Radioactive Waste on the status of low-level radioactive waste.

Referred to **Environment and Natural Resources Committee.**

By Senators Kaplan, Daniel, Odom, Conder, Marshall, Sherron, Soles, Folger, Ballance, Martin of Pitt, Plyler, Winner of Buncombe, Plexico, Ward, Hunt, Lee, Smith, Hoyle, Warren, and Sands:

S.B. 780, a bill to permit the organization and operation of limited liability companies.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Winner of Mecklenburg and Gulley:

S.B. 781, a bill to appropriate funds to the North Carolina Legal Education Assistance Foundation for its loan repayment assistance program for North Carolina public service attorneys.

Referred to **Appropriations Committee.**

By Senators Winner of Mecklenburg, Blackmon, Richardson, and Odom:

S.B. 782, a bill to amend the Charlotte City Charter to raise the threshold below which the City Manager may approve the acquisition or sale of real property when the property is being acquired or sold for the purpose of increasing the supply of affordable housing available to low or moderate income persons.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Winner of Mecklenburg:

S.B. 783, a bill to appropriate funds for educational technology for public schools and community colleges.

Referred to **Appropriations Committee.**

By Senator Carpenter:

S.B. 784, a bill to appropriate funds to the Division of Parks and Recreation of the Department of Environment, Health, and Natural Resources for a grant-in-aid to the Fort Butler Parks Authority, Incorporated, to conduct supplementary master planning, feasibility and marketing studies, and local economic impact and environmental studies on the creation of a State resort park at Fort Butler in Cherokee County.

Referred to **Appropriations Committee.**

By Senator Cooper:

S.B. 785, a bill to increase the membership of the North Carolina Sheriffs' Education and Training Standards Commission and to establish ten districts for the appointment of Commission members.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Kaplan and Odom:

S.B. 786, a bill to provide for refunds to commercial airlines of the gasoline and oil inspection fee paid on jet fuel.

Referred to **Finance Committee.**

By Senator Kerr:

S.B. 787, a bill to impose a penalty for failure to comply with ESC tax reporting requirements, to allow for garnishment for unpaid unemployment insurance contributions, and to clarify the law with respect to overpayments collected from certain claimants.

Referred to **Manufacturing and Labor Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Walker and Tally:

S.B. 788, a bill to appropriate funds for the Division of Youth Services' Community-Based Alternative Services.

Referred to **Appropriations Committee.**

By Senator Plyler:

S.B. 789, a bill to revise the boundaries of the Town of Oakboro.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

On motion of Senator Basnight, seconded by Senator Ballance, the Senate Adjourns at 2:22 P.M. to meet Monday, April 12, at 8:00 P.M.

FORTY-FOURTH DAY

SENATE CHAMBER,
Monday, April 12, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, paraphrased and copied from a prayer by Peter Marshall, as follows:

"O Lord, as this Session of the General Assembly moves forward, let us never be afraid of a new idea or unreceptive to a new thought, lest we pull down the shades of our minds and exclude Your Holy Light. When confronted by tough decisions, help us to remember that we do not have to explain all we know or understand all we believe.

"Give us the grace of humility and the spirit of an open mind, the courage to persist in the face of difficulties, and a steady confidence in the power of truth. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, April 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Johnson, who is attending the Southeastern Compact Meeting on Low-Level Radioactive Waste; to Senator Plexico, who is in England attending the funeral of his father-in-law; to Senator Daniel, who is out of town; and to Senator Kaplan.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 94, an act to abolish the North Carolina Energy Development Authority. (Ch. 16)

H.B. 406 (Committee Substitute), an act to authorize the establishment of an ABC store in the Town of Navassa. (Ch. 17)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee:**

S.B. 598, a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 3615 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 13, for further consideration.

By Senator Kerr for the **Manufacturing and Labor Committee:**

S.B. 71, a bill to extend the time for applying for an initial exemption concerning fire sprinkler contractors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed committee Substitute bill 3617 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 13, for further consideration.

Senator Sands offers a motion that bills filed for introduction tonight be read the first time and referred to committee upon the completion of tonight's Calendar, which motion prevails.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 699
(House Committee Substitute)

House of Representatives
April 8, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 699**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORITY OF DAVIE AND ROCKINGHAM COUNTIES TO UNDERTAKE LOCAL DEVELOPMENT ACTIVITIES, the Speaker has appointed as conferees on the part of the House, Representative Hackney, Chair; Representative Cole, Representative Fitch, Representative Mavretic, Representative Howard, and Representative Bowman to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 491, a bill to repeal the act creating a revolving loan fund for Robeson County from the proceeds of certain past-due tax receipts.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 516, a bill to allow Alleghany County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

Referred to **Economic Development Committee.**

H.B. 517, a bill to expand the Alleghany County Board of Commissioners from three to five members.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 520, a bill amending the Charter of the City of Durham to authorize the giving of notice of special meetings of the City Council or any other public body of the City by means of facsimile transmission or electronic mail.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 528, a bill to create the offense of third degree trespass in Iredell County.
Referred to **Judiciary I Committee.**

H.B. 586, a bill to abolish the vacant office of Coroner in Halifax County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 600, a bill to prohibit hunting from the rights-of-way of public roads in Madison County.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 131D-3 and 131D-4, the Department of Human Resources submits its Annual Cost and Revenue Report for Domiciliary Care Facilities for the Calendar Year 1992.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 412, a bill to change the method of electing the Perquimans County Board of Education to improve the opportunity for minority citizens to elect candidates of their choice.
The bill passes its second (39-0) and third readings and is ordered enrolled.

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, and to make technical and administrative changes to the laws concerning special license plates, upon third reading.
On motion of Senator Kerr, consideration of the Committee Substitute bill is postponed until tomorrow, Tuesday, April 13.

S.B. 7 (Committee Substitute), a bill to require the Commissioner of Insurance to develop and require uniform forms for the submission of claims under health benefit plans, to establish fees for copies of medical records, and to require written notice of claim denial.
On motion of Senator Conder, consideration of the Committee Substitute bill is postponed until tomorrow, Tuesday, April 13.

S.B. 248, a bill to require that former legislators wait two years before serving on the Board of Governors of the University of North Carolina.
The bill passes its second (40-2) and third readings and is ordered sent to the House of Representatives.

S.B. 470 (Committee Substitute), a bill to exempt joint municipal power agencies from the State bidding laws in the construction of electric generation and transmission projects.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 500 (Committee Substitute), a bill to require prostate-specific antigen (PSA) test coverage in health and accident insurance policies, in hospital or medical services plans, and in HMO plans.

Senator Sands, Chairman of the **Rules and Operation of the Senate Committee**, requests a fiscal note on the Committee Substitute bill.

Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Wednesday, April 14, for receipt of the fiscal note.

RE-REFERRALS

S.B. 14, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for certain of the constituent or affiliated institutions of the University of North Carolina, for capital improvements for community colleges, and for public school buildings for Grades K through Twelve, referred to **Education/Higher Education Committee** on January 28.

Senator Perdue offers a motion that the rules be suspended and the bill be taken from the **Education/Higher Education Committee** and re-referred to the **Select Committee on Bonds**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Select Committee on Bonds.**

S.B. 783, a bill to appropriate funds for educational technology for public schools and community colleges, referred to **Appropriations Committee** on April 8.

Senator Plyler offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and re-referred to the **Select Committee on Bonds**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Select Committee on Bonds.**

S.B. 65, a bill to authorize the issuance of one hundred twenty million dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds through grants, revolving loans, and loans to local government units for water supply systems, wastewater collection systems, and wastewater treatment works, referred to **Finance Committee** on February 4.

Senator Winner of Buncombe offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Select Committee on Bonds**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Select Committee on Bonds.**

S.B. 396, a bill to authorize the issuance of three hundred eleven million two hundred thousand dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for community colleges, referred to **Finance Committee** on February 24.

Senator Winner of Buncombe offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Select Committee on Bonds**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Select Committee on Bonds.**

S.B. 391, a bill to implement a recommendation of the Government Performance Audit Committee regarding the continuum of education programs, referred to **Government Performance Audit Select Committee** on February 24.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Education/Higher Education Committee.**

CALENDAR (Continued)

The Chair grants a leave of absence to Senator Perdue for the remainder of tonight's Session.

S.B. 546, a bill to place the Superintendent of Public Instruction on the Commission on Children with Special Needs

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

S.B. 574 (Committee Substitute), a bill to amend the Statutes relating to insurance premium financing.

The Committee Substitute bill passes its second (36-2) and third readings and is ordered sent to the House of Representatives.

Senator Ballance rises to a point of personal privilege to acknowledge today, April 12, as the Anniversary of the Halifax Resolves, adopted April 12, 1776, which was the first official action by a colony calling for independence from Great Britain by authorizing North Carolina's Delegates to the Continental Congress to vote for independence. (See Appendix)

The President recognizes the following pages serving in the Senate this week: Windy Marie Albright, Goldsboro; Nicki Andrews, Raleigh; Victoria Leigh Bailey, Raleigh; Helen Hughes Banzet, Stoneville; Kelly Monique Bullock, Whiteville; Robyn Cone, Spring Hope; Frederick Ellis Frazier, Jr., Wilmington; Margaret Amy Garrison, Raeford; Leigh Ann Henion, Hertford; Brandon Jared Hickman, Wilmington; Holly Lea Hovis, Dallas; Richard Jackson, Mount Airy; Natalie Lynd King, Raleigh; Patrick Derring Long, Mount Airy, Johnalyn DeVette Lyles, Kinston; Daniel Hopkins Monroe III, Elon College; Frankie H. Pollock, Jr., Wilmington, Jonathan Blake Raley, Hatteras; Kathryn Carlton Setzer, Salisbury; Dana Smith, Ayden; John Earnhart Teague, Elizabeth City; Paula Carol Thompson, Goldsboro; Michael David Tolley, Monroe; John William Ussery, Jr., Hilton Head Island, SC; and Aimee Eugenia Weathersby, Winterville.

INTRODUCTION OF BILLS AND RESOLUTION

Pursuant to the motion prevailing earlier tonight, bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Seymour:

S.B. 790, a bill to increase the amount of alcoholic beverages a person may purchase and possess without a permit.

Referred to **Economic Development Committee.**

By Senator Sands:

S.B. 791, a bill to provide that in collecting the Rockingham County occupancy tax, the County may use the collection methods available for property taxes.

Referred to **Finance Committee.**

By Senator Sands:

S.B. 792, a bill to allow the City of Eden to negotiate annexation contracts.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Winner of Mecklenburg, Richardson, Odom, Blackmon, Gulley, Conder, Marshall, Ballance, and Lee:

S.B. 793, a bill to make it a misdemeanor for a person under eighteen years of age to possess or carry a handgun and to make it a misdemeanor to sell or transfer any handgun to a person who is under eighteen years of age.

Referred to **Judiciary I Committee.**

By Senator Codington:
S.B. 794, a bill to allow the Town of Wrightsville Beach to exercise the power of eminent domain for purposes of engaging in beach erosion control and flood and hurricane protection works.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Simpson:
S.B. 795, a bill to make election day a holiday for all children enrolled in the Burke County schools.
Referred to **Education/Higher Education Committee.**

By Senator Odom:
S.B. 796, a bill to extend the statute of limitations for civil actions brought by the State to enforce the laws against bid rigging on government contracts.
Referred to **Judiciary II Committee.**

By Senator Richardson:
S.B. 797, a bill to modify the hours of sales of alcoholic beverages in Mecklenburg County.
Referred to **Economic Development Committee.**

By Senator Jordan:
S.B. 798, a bill concerning election of the Wilmington City Council.
Referred to **Constitution and Election Laws Committee.**

By Senator Jordan:
S.B. 799, a bill to provide that a person, after a finding of probable cause or indictment for committing certain sex offenses and a finding of probable cause of transmission of the aids virus, shall be tested for aids upon the request of the victim.
Referred to **Judiciary I Committee.**

By Senator Jordan:
S.B. 800, a bill concerning election of the New Hanover County Board of Education.
Referred to **Constitution and Election Laws Committee.**

By Senator Jordan:
S.B. 801, a bill concerning election of the New Hanover County Board of Commissioners.
Referred to **Constitution and Election Laws Committee.**

By Senators Marshall and Kerr:
S.B. 802, a bill to make technical and other changes to the employment security laws.
Referred to **Manufacturing and Labor Committee.**

By Senator Johnson:
S.B. 803, a bill to clarify the laws relating to the State's jurisdiction over providers of health care benefits.
Referred to **Insurance Committee.**

By Senators Conder and Plyler:
S.B. 804, a bill to exempt the Town of Troy from certain zoning notice requirements.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Conder:
S.B. 805, a bill to appropriate funds for a fine arts classroom building at the Richmond Community College.
Referred to **Appropriations Committee.**

By Senators Richardson, Winner of Mecklenburg, and Odom:
S.B. 806, a bill to provide that voter registration shall be the sole criteria for allocating voting machines among precincts.
Referred to **Constitution and Election Laws Committee.**

By Senators Lee and Walker:
S.B. 807, a bill to rewrite the Orange County civil rights authorizing legislation.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Lee and Walker:
S.B. 808, a bill to provide additional local revenue options in Chatham and Orange Counties.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Lee and Walker:
S.B. 809, a bill to make sundry amendments relating to local governments in Orange and Chatham Counties.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Gulley and Kerr:
S.B. 811, a bill to make changes to the employment security law to conform to federal law.
Referred to **Manufacturing and Labor Committee.**

By Senator Plexico:
S.B. 812, a bill to amend the law regarding the Supplemental Retirement Fund for Firefighters in the City of Hendersonville.
Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Odom, Winner of Mecklenburg, Gulley, Blackmon, and Richardson:
S.B. 813, a bill to establish a Low-Income Energy Assistance Fund using interest on customer utility deposits.
Referred to **Public Utilities Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Daniel, Plyler, and Conder:
S.B. 814, a bill to create the Repairs and Renovations Reserve.
Referred to **Appropriations Committee.**

By Senators Daniel, Plyler, and Conder:
S.B. 815, a bill to restore the June thirtieth pay date for all State-paid employees.
Referred to **Appropriations Committee.**

By Senators Ballance and Jordan:
S.B. 816, a bill to provide that government agencies shall confer with labor organizations regarding employment proposals.
Referred to **Manufacturing and Labor Committee.**

By Senator Sands:
S.B. 817, a bill to exempt Rockingham County from certain zoning notice requirements.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Gunter, Johnson, Walker, Edwards, Seymour, Ballance, Plexico, Forrester, Cochrane, Perdue, Warren, and Smith:

S.B. 818, a bill to require that noncertificated public school employees be hired on a continuing contract.

Referred to **Education/Higher Education Committee.**

By Senator Gunter:

S.B. 819, a bill to clarify the law relating to acquisition by the Town of Cary of street right-of-way outside the corporate limits.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Gunter:

S.B. 820, a bill to allow the Town of Cary to levy a motor vehicle tax of up to ten dollars.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Tally, Gulley, Ward, Cochrane, and Odom:

S.B. 821, a bill to amend the current procedure for the registration of water withdrawals to make the procedure more effective, to provide more useful information, and to impose a late payment fee for late registrations.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Winner of Mecklenburg and Richardson:

S.B. 822, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public transportation.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Sands:

S.R. 823, a Senate simple resolution adopting the permanent rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

On motion of Senator Basnight, seconded by Senator Seymour and Senator Hunt, the Senate adjourns at 8:50 P.M., commemorating the Anniversary of the Halifax Resolves in memory of the late Julian R. Allsbrook, former Senator from Halifax County, to meet tomorrow, Tuesday, April 13, at 1:30 P.M.

FORTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, April 13, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, this is a place of great power, but powerful people usually must suffer in silence. They often make important decisions alone. They grieve alone, sometimes they

weep alone. Our culture does not permit people of power to admit weakness or vulnerability.

"This prayer is for those in our large family who may be hurting in silence. May they remember and find strength and healing in Your Words, 'My grace is sufficient for you,' for power is made perfect in weakness. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, April 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Johnson, Senator Plexico, and Senator Simpson.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 99, an act to transfer authority from the Wildlife Resources Commission to the Department of Agriculture to regulate the production and sale of commercially raised freshwater fish and freshwater crustacean species. (Ch. 18)

H.B. 166, an act to provide that the Yadkin County Board of Education shall be elected to staggered four-year terms. (Ch. 19)

H.B. 167, an act to provide that members of the Yadkin County Board of Education shall take office on the first Monday in August after their election. (Ch. 20)

H.B. 412, an act to change the method of electing the Perquimans County Board of Education to improve the opportunity for minority citizens to elect candidates of their choice. (Ch. 21)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee**:

S.B. 64, a bill to create a rail council within the Department of Transportation and to broaden the authority of the Board of Transportation, with a favorable report.

S.B. 560, a bill to authorize the Division of Motor Vehicles to issue special license plates to recipients of the Distinguished Service Cross, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 687, a bill to clarify the method by which a regional public transportation authority may purchase personal property by an installment contract that creates in the property a security interest, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Edwards for the **Economic Development Committee:**

H.B. 420, a bill to change the name of the Resources Development Commission for Brunswick County to the Brunswick County Economic Development Commission, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Daniel and Plyler:

S.B. 824, a bill to authorize the issuance of nine hundred million dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) public school facilities for counties that have the greatest critical school building needs, (2) the Clean Water Revolving Loan and Grant Fund, (3) loans to local government units for solid waste management, public school facilities and equipment, and community college equipment, (4) capital improvements for community colleges, and (5) capital improvements for the University of North Carolina.

Referred to **Capital Expenditures Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Perdue:

S.B. 825, a bill to prohibit hunting from roads in a portion of Craven County.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Perdue:

S.B. 826, a bill to appropriate funds for travel and tourism advertising and promotion.

Referred to **Appropriations Committee.**

By Senator Perdue:

S.B. 827, a bill to appropriate funds for the University of North Carolina School of Medicine's Statewide Infection Control Program.

Referred to **Appropriations Committee.**

By Senator Perdue:

S.B. 828, a bill to appropriate funds for construction of the new North Carolina State Museum of Natural Sciences.

Referred to **Appropriations Committee.**

By Senator Perdue:

S.B. 829, a bill to transfer the North Carolina State Museum of Natural Sciences and its Advisory Commission from the Department of Agriculture to the Department of Cultural Resources and to conform various statutory references to that Museum.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **State Personnel and State Government Committee.**

By Senator Winner of Buncombe:

S.B. 830, a bill to provide that mailing lists of alumni need not be purged.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Winner of Buncombe:

S.B. 831, a bill to provide for truth in sentencing for the North Carolina Criminal Justice System.

Referred to **Judiciary I Committee.**

By Senator Winner of Buncombe:

S.B. 832, a bill to provide a timetable within which the Department of Revenue must hold administrative hearings and render decisions.

Referred to **Finance Committee.**

By Senator Gulley:
S.B. 833, a bill to provide for the certification of property mappers.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Hyde:
S.B. 834, a bill to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure.
Referred to **Judiciary II Committee.**

By Senators Hunt, Ballance, Jordan, Lee, Martin of Guilford, Richardson, and Edwards:
S.B. 835, a bill to study minority and women-owned business participation in the State's overall procurement, contract, and construction programs.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Hunt, Martin of Guilford, Jordan, Edwards, Gulley, and Warren:
S.B. 836, a bill to waive the fee for special identification cards for homeless and indigent persons.
Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Hunt and Gulley:
S.B. 837, a bill to allow the County of Durham to permit the inclusion of disadvantaged business enterprise requirements in specifications for contracts.
Referred to **State Personnel and State Government Committee.**

By Senators Hunt and Gulley:
S.B. 838, a bill to amending the Charter of the City of Durham to permit the inclusion of disadvantaged business enterprise requirements in specifications for contracts.
Referred to **State Personnel and State Government Committee.**

By Senator Cooper:
S.B. 839, a bill to clarify the exemption of motor vehicles from the three-day right to cancel provisions of off-premises sales to the existing exemption under the Retail Installment Sales Act.
Referred to **Judiciary II Committee.**

By Senator Cooper:
S.B. 840, a bill to authorize the Commissioner to extend the time within which the parties must complete discovery and the time within which the Commissioner must hold a hearing and render a determination in contested cases under the Motor Vehicles Dealers and Manufacturers Licensing Law.
Referred to **Judiciary II Committee.**

By Senator Cooper:
S.B. 841, a bill to clarify the warranty reimbursement rights of motor vehicle dealers.
Referred to **Judiciary II Committee.**

By Senators Cooper and Walker:
S.B. 842, a bill for the appointment of temporary managers for long-term care facilities and domiciliary homes.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

RE-REFERRAL

S.B. 255, a bill to provide for the regulation of the practice of counseling and the licensure of counselors, referred to **Judiciary I Committee** on March 11.

Senator Ballance offers a motion that the rules be suspended and the bill be taken from the **Judiciary I Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Children and Human Resources Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 163 (House Committee Substitute), a bill to require the Commissioner of Insurance and the Rate Bureau to develop a proposed plan for workers' compensation carriers loss control services, for concurrence in the House Committee Substitute bill.

Referred to **Insurance Committee.**

H.B. 186, a bill to require that publicly funded job training programs include health and safety training.

Referred to **Manufacturing and Labor Committee.**

H.B. 214, a bill to abolish the spousal defense to a prosecution for rape or sexual offense.

Referred to **Judiciary I Committee.**

H.B. 230 (Committee Substitute), a bill recommended by the Juvenile Law Study Commission to require that opportunity to be heard be provided a juvenile's guardian ad litem prior to the dismissal of the petition alleging abuse or neglect of the juvenile, to ensure the guardian ad litem's standing to represent the juvenile, and to make other changes necessary to protect the interests of the juvenile.

Referred to **Judiciary I Committee.**

H.B. 409, a bill to expand the Hildebran Town Board from three to five members.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 423, a bill deannexing a certain tract of property from the City of Burlington.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 430, a bill to increase the maximum vehicle tax that can be levied in the City of Greenville.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 486, a bill to place restrictions on the use of personal watercraft such as jet skis and water bikes.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Judiciary I Committee.**

H.B. 630 (Committee Substitute), a bill to update the controlled substances schedules in Article 5 of Chapter 90 of the General Statutes.

Referred to **Judiciary I Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, and to make technical and administrative changes to the laws concerning special license plates, upon third reading.

On motion of Senator Kerr, consideration of the Committee Substitute bill is postponed until tomorrow, Wednesday, April 14.

S.B. 7 (Committee Substitute), a bill to require the Commissioner of Insurance to develop and require uniform forms for the submission of claims under health benefit plans, to establish fees for copies of medical records, and to require written notice of claim denial.

Without objection, on motion of Senator Plyler, the Committee Substitute bill is temporarily displaced.

S.B. 71 (Committee Substitute), a bill to extend the time for applying for an initial exemption concerning fire sprinkler contractors.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 554, a bill to permit area mental health authorities to serve as managed care providers.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 7 (Committee Substitute), a bill to require the Commissioner of Insurance to develop and require uniform forms for the submission of claims under health benefit plans, to establish fees for copies of medical records, and to require written notice of claim denial, temporarily displaced earlier.

On motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until Tuesday, April 20, for receipt of an actuarial note.

S.B. 598 (Committee Substitute), a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances.

Following debate, on motion of Senator Cooper, the Committee Substitute bill is recommitted to the **Judiciary II Committee.**

S.B. 600, a bill to amend the Legislative Retirement System, the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, and the Consolidated Judicial Retirement System to comply with the Internal Revenue Code.

On motion of Senator Harris, consideration of the bill is postponed until Monday, April 19.

On motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns at 2:16 P.M. to meet tomorrow, Wednesday, April 14, at 1:30 P.M.

FORTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, April 14, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, like it or not, each day we must deal honestly with things as they are. That should not diminish in us a strong hope that things may yet be even better than they are.

"Let that be the goal toward which the Senators and staff work today and in the days ahead. Give us faith to believe in the possibility of change. Encourage each of us to do all we can to change the bad to good and the good to better, until You are satisfied with our labors. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, April 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Plexico, Senator Simpson, and to Senator Edwards due to professional reasons.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 463, an act to provide that space within a cosmetic art shop rented by an independent contractor is not a separate cosmetic art shop and to require that owners list all cosmetologists practicing in their cosmetic art shop. (Ch. 22)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 539, a bill to clarify the Medicaid law regarding the financial responsibility of parents for children under twenty-one in medical institutions, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 575, a bill to require the payment of outstanding fines as a condition of license renewal for domiciliary care facilities and nursing facilities, with a favorable report, as amended.

By Senator Parnell for the **Insurance Committee:**

S.B. 523, a bill to establish a fee for the accreditation and renewal of accreditation of reinsurance companies, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Seymour for the **Public Utilities Committee:**

S.B. 716, a bill to provide that a partnership may qualify for the corporate income tax credit for construction of a cogenerating power plant, to provide an alternative method to calculate the credit, and to clarify that a partnership may pass an income tax credit through to its partners, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Ballance for the **Judiciary I Committee:**

S.B. 578, a bill to increase the maximum speed for school buses to forty-five miles per hour, with a favorable report, as amended.

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 635, a bill to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni & Friends, Inc., a North Carolina nonprofit corporation, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted, which changes the title to read **S.B. 635**, a bill to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni and Friends, Inc., a North Carolina nonprofit corporation.

The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee.**

S.B. 649, a bill to update a local act which allows the City of Raleigh to have a subcommittee issue certificates of appropriateness, with a favorable report.

S.B. 688, a bill amending the Durham City Charter with respect to zoning protest petitions, with a favorable report.

S.B. 689, a bill to permit the City of Durham to provide relocation assistance payments for the value of mortgage credit certificates, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 690, a bill amending the Charter of Durham to authorize the making of emergency repairs in housing code cases, with a favorable report.

S.B. 692, a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent and providing for the use of the proceeds of the additional tax, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 711, a bill to confirm the corporate limits of the Town of Troy, and modify the laws relating to satellite annexation which apply to that Town, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Sands for the **Rules and Operation of the Senate Committee:**

S.J.R. 441, a joint resolution honoring the women's soccer program at the University of North Carolina at Chapel Hill, with a favorable report.

On motion of Senator Sands, the joint resolution is placed on the Calendar for Monday, April 26, as Special Order of Business No. 1.

S.J.R. 522, a joint resolution honoring the life, service, and memory of John C. Kesler, with a favorable report.

On motion of Senator Sands, the joint resolution is placed on the Calendar for today, Wednesday, April 14, as Special Order of Business No. 1.

S.R. 823, a Senate simple resolution adopting the permanent rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina, with an unfavorable report as to Senate simple resolution, but favorable as to Committee Substitute simple resolution.

On motion of Senator Sands, the rules are suspended, and the proposed Committee Substitute simple resolution 4592 is submitted.

With unanimous consent, the proposed Committee Substitute simple resolution is placed on the Calendar for tomorrow, Thursday, April 15, for consideration upon its adoption.

RECOMMITTANCE

S.B. 243, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate thirty of the State's smallest prisons, and to improve organizational functions and reduce staff in area offices of the Division of Prisons, referred to the **Appropriations Committee** on April 5.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and recommitted to the **Government Performance Audit Select Committee**.

Senator Sands rises to a point of order as to the precedent established for only the Chairman of the Committee to which a measure has been referred to offer a motion for the suspension of rules for the purpose of sequential referral. The Chair sustains the point of order and declares the motion of Senator Martin of Guilford out of order.

Senator Plyler offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and recommitted to the **Government Performance Audit Select Committee**, which motion prevails with unanimous consent.

The Chair orders the bill recommitted to the **Government Performance Audit Select Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 689, a bill to permit the City of Durham to provide relocation assistance payments for the value of mortgage credit certificates, sequentially referred to the **Finance Committee** earlier today, April 14.

Senator Winner of Buncombe offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and placed on the Calendar for tomorrow, Thursday, April 15, which motion prevails with unanimous consent.

The Chair orders the bill placed on the Calendar for tomorrow, Thursday, April 15.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Warren, Hoyle, Marshall, Edwards, Hunt, Lee, and Ballance:

S.B. 843, a bill to restore the provision for purchase of out-of-state service in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Lee and Walker:

S.B. 844, a bill to appropriate funds for improvements at the Old Chapel Hill Cemetery.

Referred to **Appropriations Committee.**

By Senator Lee:
S.B. 845, a bill to amend the statutes governing the practice of dentistry with respect to dental hygienists.
Referred to **Judiciary I Committee.**

By Senator Parnell:
S.B. 846, a bill to increase the amount that may be in controversy in small claims court.
Referred to **Judiciary II Committee.**

By Senator Parnell:
S.B. 847, a bill to extend the North Carolina Sentencing and Policy Advisory Commission.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Albertson, Perdue, Jordan, Cochrane, and Forrester:
S.B. 848, a bill to give the Board of Pharmacy authority to regulate medical equipment intended for use in an individual's home.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Albertson and Speed:
S.B. 849, a bill to provide for a voluntary program for the certification of organically produced agricultural products.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senators Plyler and Conder:
S.B. 850, a bill to appropriate funds to the Stanly County Airport Authority for airport expansion.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:
S.B. 851, a bill to abolish the vacant Office of Coroner in Scotland County.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Kerr, Basnight, Cochrane, Conder, Daniel, Harris, Hoyle, Hunt, Kincaid, Parnell, Plyler, Shaw, Sherron, Soles, Marshall, Carpenter, Warren, Codington, Forrester, Albertson, Blackmon, Martin of Pitt, and Seymour:
S.B. 852, a bill to provide for the reduction of the State unemployment insurance tax rate under certain circumstances.
Referred to **Finance Committee.**

By Senators Kerr, Warren, Albertson, Codington, Cooper, Martin of Pitt, Perdue, Speed, Jordan, Kincaid, and Carpenter:
S.B. 853, a bill to authorize counties that will derive economic benefits from the North Carolina Global Transpark to form a Global Transpark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone.
Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Sands:
S.B. 854, a bill to permit the issuance and purchasing of group health insurance coverage for public school students.
Referred to **Insurance Committee.**

By Senator Sands:

S.B. 855, a bill to exempt Stokes County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Sands:

S.B. 856, a bill to allow the City of Reidsville to change its electoral system.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Kaplan:

S.B. 857, a bill to provide that esthetic services are not regulated by the State Board of Cosmetic Art Examiners.

Referred to **Children and Human Resources Committee.**

By Senators Sands, Daniel, Martin of Guilford, Folger, Seymour, Shaw, Ward, Kaplan, Walker, Lee, and Cochrane:

S.B. 858, a bill to appropriate funds for a legislative planning grant for the reopening of Chinqua-Penn.

Referred to **Appropriations Committee.**

By Senator Sands:

S.B. 859, a bill to amend the Charter of the City of Reidsville to alter the size and method of electing the City Council.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Sands:

S.B. 860, a bill to clarify the Public Records Law with respect to criminal investigative records.

Referred to **Judiciary I Committee.**

By Senators Warren, Kerr, and Jordan:

S.B. 861, a bill to allow shampooing by unlicensed shampooers in Jones and Lenoir Counties.

Referred to **Children and Human Resources Committee.**

By Senators Warren and Martin of Pitt:

S.B. 862, a bill to allow Pitt County to rename all roads within unincorporated areas of the County.

Referred to **Transportation Committee.**

By Senators Gunter, Perdue, Gulley, Lee, Smith, Warren, Forrester, Speed, and Marshall:

S.B. 863, a bill to direct the State Board of Education to consider children with special needs when it adopts rules setting graduation standards, and to direct the State Board of Education to suspend the application of any graduation standards adopted in the past two years to children with special needs until it reevaluates the rules based on a study of graduation standards and these children.

Referred to **Education/Higher Education Committee.**

By Senators Sherron and Blackmon:

S.B. 864, a bill to require that specifications for public building contracts include fire sprinkler design and to include fire sprinkler contractors as separate responsible contractors.

Referred to **State Personnel and State Government Committee.**

By Senators Speed, Albertson, Plyler, Lee, and Warren:

S.B. 865, a bill to provide that information on rabies vaccination certificates is not public.

Referred to **Judiciary II Committee.**

By Senators Speed, Albertson, Sands, Lee, and Warren:

S.B. 866, a bill to appropriate funds for a rotating program to survey agricultural production in specialty crops and production inputs.

Referred to **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and a resolution which are read the first time and disposed of, as follows:

H.B. 6 (Committee Substitute No. 2), a bill to make it unlawful to obstruct the legislative inquiry process, to interfere with contracts of the legislative branch, and to exclude violators from government procurement programs.

Referred to **Judiciary I Committee.**

H.B. 163, a bill to modify the definition of a "subdivision" for the purpose of subdivision regulation in Robeson County.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 436 (Committee Substitute), a bill to allow New Hanover County and the Town of Cape Carteret to regulate the operation of personal watercraft.

Referred to **Judiciary I Committee.**

H.B. 461, a bill to revise and consolidate the Charter of the City of Lowell.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 508, a bill to change the certification period of emergency medical technicians from two years to four years.

Referred to **Children and Human Resources Committee.**

H.B. 602, a bill to establish the Trauma System Act of 1993.

Referred to **Children and Human Resources Committee.**

H.B. 627, a bill to improve enforcement of the child day care requirements.

Referred to **Children and Human Resources Committee.**

H.J.R. 680, a joint resolution honoring the late Governor Melville Broughton on the Fiftieth Anniversary of the North Carolina Center for Applied Textile Technology.

Referred to **Rules and Operation of the Senate Committee.**

EXECUTIVE ORDER

An Executive Order is presented to the Senate, read, and referred to committee, as follows: (See Appendix)

Executive Order Number 6, Entrepreneurial Development Board.

Referred to **State Personnel and State Government Committee.**

CONFERENCE REPORT

S.B. 699
(House Committee Substitute)

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 699** (House Committee Substitute), a bill to modify the authority of Davie and Rockingham Counties to undertake local development activities, which proposes to change the title upon concurrence from **S.B. 699**, a bill to modify the authority of Rockingham County to undertake local development activities, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 699 (Second Edition), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORITY OF DAVIE AND ROCKINGHAM COUNTIES TO UNDERTAKE LOCAL DEVELOPMENT ACTIVITIES, wish to report as follows:

The Senate concurs in House Committee Substitute for Senate Bill 699 (Second Edition) with the following amendment:

on page 4, line 11, by rewriting that line to read:
"Sec. 3. This act is effective upon ratification."

And the House concurs in this amendment.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 12th day of April, 1993.

S/A. P. Sands	S/Joe Hackney
S/Fred Folger, Jr.	S/Milton F. Fitch, Jr.
S/Roy A. Cooper, III	S/Josephus L. Mavretic
	S/Julia C. Howard
	S/J. Fred Bowman
	S/Nelson Cole
Conferees for the Senate	*Conferees for the House of Representatives*

With unanimous consent, on motion of Senator Sands, the Conference Report is placed on the Calendar for today for adoption.

RE-REFERRAL

S.B. 607, a bill to rewrite Chapter 48 of the General Statutes relating to adoption as recommended by the General Statutes Commission, referred to the **Judiciary I Committee** on March 29.

Senator Ballance offers a motion that the rules be suspended and the bill be taken from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt for the **Finance Committee:**

S.B. 442, a bill to approve an annexation agreement between Davidson County, the City of High Point, and the City of Thomasville, as to territory in Davidson County, with a favorable report.

S.B. 658, a bill to expand the property tax exemption for computer software, with a favorable report.

H.B. 204 (Committee Substitute), a bill to exchange tracts of land between the corporate limits of the Towns of Cary and Morrisville, with a favorable report.

H.B. 208, a bill to restore the original corporate limits of the Town of Polkville, with a favorable report.

S.B. 162 (Committee Substitute), a bill to modify the requirements for licensure as a motor vehicle wholesaler or dealer, to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to expand the use of transporter plates, and to change the fees for dealer plates and transporter plates, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill 8510, which changes the title to read **S.B. 162** (Committee Substitute No. 2), a bill to modify the requirements for licensure as a motor vehicle wholesaler or dealer, to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, and to change the fees for dealer plates and transporter plates, is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, April 15, for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

S.J.R. 522, a joint resolution honoring the life, service, and memory of John C. Kesler.

The hour having arrived for the consideration of special order of business, No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S.J.R. 522**, a joint resolution honoring the life, service, and memory of John C. Kesler.

With unanimous consent, on motion of Senator Folger, the joint resolution is read in its entirety.

The joint resolution passes its second (46-0) and third readings and is ordered, on motion of Senator Smith, without objection, sent to the House of Representatives by special messenger.

The Chair extends courtesies of the gallery to the family of the late John C. Kesler, former Senator from Rowan County, as follows: Frances Kesler Driscoll, his daughter, and Patrick and Susan Driscoll, his grandchildren.

S.B. 699 (House Committee Substitute), a bill to modify the authority of Davie and Rockingham Counties to undertake local development activities, Conference Report, for adoption, submitted earlier today.

On motion of Senator Sands, the Senate adopts the Conference Report (44-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action to the end that when the House of Representatives takes a similar action we will order the measure enrolled.

H.B. 420, a bill to change the name of the Resources Development Commission for Brunswick County to the Brunswick County Economic Development Commission.

The bill passes its second (45-0) and third readings and is ordered enrolled.

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, and to make technical and administrative changes to the laws concerning special license plates, upon third reading.

Senator Kerr offers Amendment No. 1, held to be material, which is adopted (46-0), constituting the first reading of the measure and changing the title to read **S.B. 161** (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, to authorize the Division of Motor Vehicles to issue specialized registration plates depicting various State attractions in North Carolina and to provide for the disposition of income from these plates, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of the Special Olympics and to provide for the disposition of income from these plates, and to make technical and administrative changes to the laws concerning special license plates.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, April 15, for further consideration upon second reading.

S.B. 64, a bill to create a rail council within the Department of Transportation and to broaden the authority of the Board of Transportation.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

S.B. 422, a bill regulating the practice of acupuncture, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 9644 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR (Continued)

S.B. 108 (Committee Substitute), a bill to amend the statute of repose for products liability actions and to recodify the statute of repose for actions against registered land surveyors.

The Committee Substitute bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives.

S.B. 109 (Committee Substitute), a bill requiring certain detail in the decisions and reports of the OSHA Review Board.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 500 (Committee Substitute), a bill to require prostate-specific antigen (PSA) test coverage in health and accident insurance policies, in hospital or medical services plans, and in HMO plans.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Kerr, the Senate adjourns at 2:30 P.M. to meet tomorrow, Thursday, April 15, at 1:30 P.M.

FORTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, April 15, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, as we seek Your Blessing today, remind us that we cannot deceive You, though we may deceive ourselves. We should not devise our own plans, draft our own schemes and then have the nerve to ask You to bless them, for we know there are some things You will not and cannot bless. Unless Your Blessing accompanies what we do, we waste our time.

"Guide us in what we propose, so that You can bless us in what we produce. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, April 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Plyler, due to personal reasons; to Senator Simpson, who is having minor surgery; and to Senator Plexico.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 37 (Committee Substitute), an act to change the membership of the Agriculture and Forestry Awareness Study Commission. (Ch. 23)

H.B. 420, an act to change the name of the Resources Development Commission for Brunswick County to the Brunswick County Economic Development Commission. (Ch. 24)

S.J.R. 522, a joint resolution honoring the life, service, and memory of John C. Kesler. (Res. 8)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

S.B. 55 (House Committee Substitute), a bill to clarify the General Statutes to include training for incinerator operators of solid waste management facilities, with a favorable report as to concurrence.

By Senator Cooper for the **Judiciary II Committee:**

S.B. 611, a bill to provide the same confidentiality of personnel records of water and sewer authorities as are provided those of cities, counties, and other units of local government, with a favorable report.

By Senator Edwards for the **Economic Development Committee:**

S.B. 708, a bill to allow Harnett County, the City of Dunn, and the Towns of Angier, Coats, Erwin, and Lillington to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Edwards, the rules are suspended, and the proposed Committee Substitute bill 5608, which changes the title to read **S.B. 708** (Committee Substitute), a bill to allow Harnett, Lee, Nash and Polk Counties and the Cities of Angier, Broadway, Coats, Dunn, Erwin, Lillington, Monroe, Rocky Mount and Sanford to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance, is placed before the Senate for immediate consideration.

On motion of Senator Edwards, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, April 19, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Jordan:

S.B. 867, a bill to provide that membership on county boards of health shall include licensed chiropractors.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Soles:

S.B. 868, a bill to provide for the liquidation of assets of certain dissolved corporations without requiring court involvement.

Referred to **Judiciary II Committee.**

By Senators Plyler and Conder:

S.B. 869, a bill to implement a master application system for business licenses and to appropriate funds to the Department of the Secretary of State to implement the master application system.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Plyler:
S.B. 870, a bill to fund the Milk Sanitation Inspection Program.
Referred to **Appropriations Committee.**

By Senators Odom, Ward, and Tally:
S.B. 871, a bill to authorize cities and towns to license contractors engaged in the business of making improvements to buildings and structures and to increase the collectibility of municipal privilege license taxes.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Carpenter, Conder, Lee, Codington, Walker, Ward, Harris, and Martin of Pitt:
S.B. 872, a bill to provide that family care homes shall be treated as residences for purposes in addition to zoning.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Winner of Mecklenburg, Sherron, Gunter, Johnson, Marshall, Ballance, Walker, Lee, Cooper, Richardson, Seymour, Perdue, Gulley, Daniel, Tally, and Winner of Buncombe:
S.B. 873, a bill to protect a person's access to health care facilities.
Referred to **Judiciary I Committee.**

By Senators Winner of Mecklenburg, Marshall, Gunter, and Daniel:
S.B. 874, a bill to make changes in the laws pertaining to alimony, as recommended by the family law section of the North Carolina Bar Association.
Referred to **Judiciary I Committee.**

By Senators Tally, Ward, Codington, Marshall, Cochrane, Parnell, Smith, and Kaplan:
S.B. 875, a bill to regulate interbasin transfers.
Referred to **Environment and Natural Resources Committee.**

By Senators Daniel, Warren, Plyler, Conder, Hoyle, Hunt, Sherron, Odom, Winner of Mecklenburg, Ward, Tally, Blackmon, Codington, Carpenter, Hartsell, Kincaid, Martin of Guilford, Perdue, Jordan, Parnell, Albertson, Martin of Pitt, Sands, Cooper, Winner of Buncombe, Lee, Seymour, Richardson, Kerr, Gunter, Allran, Walker, Soles, Forrester, Ballance, Marshall, Cochrane, Harris, Folger, Smith, Kaplan, and Speed:
S.B. 876, a bill to amend the Regional Reciprocal Banking Act and to provide for nationwide interstate banking.
Referred to **Judiciary I Committee.**

By Senator Speed:
S.B. 877, a bill to amend Chapter 20 of the General Statutes regarding interstate carriers.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Perdue, Daniel, Warren, Gulley, Gunter, Winner of Buncombe, Speed, Seymour, Forrester, Kerr, Cooper, Ballance, Sands, Jordan, Richardson, Hyde, Martin of Guilford, Lee, Odom, Martin of Pitt, Smith, Hoyle, Plyler, Soles, and Conder:
S.B. 878, a bill to create the North Carolina Education Standards and Accountability Commission.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Cooper and Gunter:

S.B. 879, a bill to require school principals to report certain crimes on school property to law enforcement.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Judiciary II Committee**.

By Senator Cooper:

S.B. 880, a bill to enable local boards of education to expel from school those students whose continued presence in school constitutes a clear threat to the safety and health of other students or employees.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Judiciary II Committee**.

COMMITTEE REPORTS (Continued)

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner of Mecklenburg for the **Select Committee on Bonds:**

S.B. 14, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for certain of the constituent or affiliated institutions of the University of North Carolina, for capital improvements for community colleges, and for public school buildings for Grades K through Twelve, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Mecklenburg, the rules are suspended, and the proposed Committee Substitute bill 7663, which changes the title to read **S.B. 14** (Committee Substitute), a bill to authorize the issuance of nine hundred eighty-nine million dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) capital improvements for community colleges, (3) public school facilities for counties, (4) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (5) grants and loans to local government units for solid waste management, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Mecklenburg, the Committee Substitute bill is adopted and on her further motion, is re-referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

H.J.R. 680, a joint resolution honoring the late Governor Melville Broughton on the Fiftieth Anniversary of the North Carolina Center for Applied Textile Technology, referred to **Rules and Operation of the Senate Committee** on April 14.

Senator Sands offers a motion that the rules be suspended and the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for Monday, April 19, as special order of business No. 1, which motion prevails with unanimous consent.

The Chair orders the joint resolution placed on the Calendar for Monday, April 19, as Special Order No. 1.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 699
(House Committee Substitute)

House of Representatives
April 14, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 699**, A BILL TO BE ENTITLED AN ACT MODIFY THE AUTHORITY OF DAVIE AND ROCKINGHAM COUNTIES TO UNDERTAKE LOCAL DEVELOPMENT ACTIVITIES to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The President orders the House Committee Substitute bill enrolled.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 216 (Committee Substitute), a bill to authorize, under certain conditions, magistrates to issue domestic violence restraining orders and to make conforming changes to the General Statutes.
Referred to **Judiciary I Committee.**

H.B. 318 (Committee Substitute), a bill to adopt the Hertford County Watermelon Festival and the Fair Bluff Watermelon Festival as the official North Carolina Watermelon Festivals.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 452, a bill to clarify the requirements of the General Statutes pertaining to immunizations.
Referred to **Children and Human Resources Committee.**

H.B. 509, a bill to raise the inheritance tax filing threshold.
Referred to **Finance Committee.**

H.B. 547 (Committee Substitute), a bill to clarify that the North Carolina Seafood Industrial Park Authority may charge fees for its services or for the use of its facilities.
Referred to **Finance Committee.**

H.B. 587, a bill to clarify the rule-making authority of the Medical Care Commission for nursing home regulation.
Referred to **Judiciary II Committee.**

COMMITTEE REPORTS (Continued)

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

S.B. 621, a bill to authorize fees for registrants under the Controlled Substances Act, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 680, a bill to extend the period during which an employee may file a complaint with the Commissioner of Labor alleging retaliatory employment discrimination, with a favorable report.

On motion of Senator Ballance, the bill is placed on the Calendar for Wednesday, April 21, for consideration.

S.B. 714, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network, with a favorable report.

RE-REFERRALS

S.B. 345, a bill to implement a recommendation of the Government Performance Audit Committee to use cost-efficient delivery systems for teacher staff development, referred to the **Government Performance Audit Select Committee** on February 24.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Education/Higher Education Committee**.

S.B. 346, a bill to implement a recommendation of the Government Performance Audit Committee to establish a school staff development advisory group to provide recommendations regarding staff development needs to the Superintendent of Public Instruction, referred to the **Government Performance Audit Select Committee** on February 24.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Education/Higher Education Committee**.

S.B. 347, a bill to implement a recommendation of the Government Performance Audit Committee to direct the State Board of Education to develop a strategic plan for teacher staff development, referred to the **Government Performance Audit Select Committee** on February 24.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Education/Higher Education Committee**.

S.B. 385, a bill to implement a recommendation of the Government Performance Audit Committee to review the lateral entry process for school administrators, referred to the **Government Performance Audit Select Committee** on February 24.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Education/Higher Education Committee**.

S.B. 386, a bill to implement a recommendation of the Government Performance Audit Committee to replace current school tenure laws with laws and regulations that provide protection for administrators from arbitrary or capricious action by a supervisor, referred to the **Government Performance Audit Select Committee** on February 24.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Education/Higher Education Committee**.

S.B. 387, a bill to implement a recommendation of the Government Performance Audit Committee to develop procedures and policies to define the contract process and the process for reassignment and dismissal of school administrators referred to the **Government Performance Audit Select Committee** on February 24.

Senator Martin of Guilford offers a motion that the rules be suspended and the bill be taken from the **Government Performance Audit Select Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill re-referred to the **Education/Higher Education Committee**.

COMMITTEE REPORTS (Continued)

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Warren for the **Banks and Thrift Institutions Committee:**

S.B. 481, a bill to allow investments in obligations issued, assumed, or guaranteed by the International Finance Corporation Investments, with a favorable report, as amended.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.R. 823 (Proposed Committee Substitute), a Senate simple resolution adopting the permanent rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina, for adoption.

Without objection, on motion of Senator Sands, the Committee Substitute Senate simple resolution is temporarily displaced.

S.B. 442, a bill to approve an annexation agreement between Davidson County, the City of High Point, and the City of Thomasville, as to territory in Davidson County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, April 19, for further consideration upon third reading.

S.B. 690, a bill amending the Charter of Durham to authorize the making of emergency repairs in housing code cases, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, April 19, for further consideration upon third reading.

H.B. 204 (Committee Substitute), a bill to exchange tracts of land between the corporate limits of the Towns of Cary and Morrisville, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, April 19, for further consideration upon third reading.

H.B. 208, a bill to restore the original corporate limits of the Town of Polkville, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, April 19, for further consideration upon third reading.

S.B. 649, a bill to update a local act which allows the City of Raleigh to have a subcommittee issue certificates of appropriateness.

Without objection, on motion of Senator Gunter, the bill is temporarily displaced.

S.B. 688, a bill amending the Durham City Charter with respect to zoning protest petitions.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 689, a bill to permit the City of Durham to provide relocation assistance payments for the value of mortgage credit certificates.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 649, a bill to update a local act which allows the City of Raleigh to have a subcommittee issue certificates of appropriateness, temporarily displaced earlier.

On motion of Senator Gunter, consideration of the bill is postponed until Monday, April 19.

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, to authorize the Division of Motor Vehicles to issue specialized registration plates depicting various State attractions in North Carolina and to provide for the disposition of income from these plates, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of the Special Olympics and to provide for the disposition of income from these plates, and to make technical and administrative changes to the laws concerning special license plates, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, April 19, for further consideration upon third reading.

S.B. 162 (Committee Substitute No. 2), a bill to modify the requirements for licensure as a motor vehicle wholesaler or dealer, to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, and to change the fees for dealer plates and transporter plates, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for Monday, April 19, for further consideration upon third reading.

COMMITTEE REPORTS (Continued)

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

H.B. 410 (Committee Substitute), a bill to merge the Beaufort County and Washington City School Administrative Units, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 408, a bill to implement a recommendation of the Government Performance Audit Committee to modify the procedures concerning final administrative decisions in contested cases heard by the Office of Administrative Hearings, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Judiciary II Committee.**

CALENDAR (Continued)

S.B. 575, a bill to require the payment of outstanding fines as a condition of license renewal for domiciliary care facilities and nursing facilities.

On motion of Senator Walker, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 578, a bill to increase the maximum speed for school buses to forty-five miles per hour.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (44-1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 658, a bill to expand the property tax exemption for computer software.

The bill passes its second reading (41-3).

Senator Shaw objects to the third reading of the measure. Without objection, on motion of Senator Kaplan, the measure is placed on the Calendar for Tuesday, April 20, for further consideration upon third reading.

S.R. 823 (Proposed Committee Substitute), a Senate simple resolution adopting the permanent rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina, for adoption, temporarily displaced earlier.

On motion of Senator Sands, consideration of the Committee Substitute Senate simple resolution is postponed until Monday, April 19, and on his further motion is placed for a special order of business, No. 2.

On motion of Senator Basnight, seconded by Senator Harris, the Senate adjourns at 2:41 P.M. to meet Monday, April 19, at 7:00 P.M.

FORTY-EIGHTH DAY

SENATE CHAMBER,
Monday, April 19, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, Edgar Guest once wrote, 'They started to sing as they tackled the thing that couldn't be done and they did it!'

"At the risk of making a joyful noise, let our unison song be 'Guide us Oh Thou Great Jehovah,...' for we can do all things through You, our Strength and our Redeemer.

"Then we, too, can tackle the things they said couldn't by done and do them. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, April 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Hartsell, who is attending a meeting of the commissioners.

The Chair recognizes Senator Basnight, President *Pro Tempore*, who announces the Escort Committee for the University of North Carolina at Chapel Hill Men's Championship NCAA Division I Basketball Team, Head Coach Dean Smith, and the coaching staff, as follows: Senator Lee, Chairman; Senators Cooper, Forrester, Hartsell, Kerr, Odom, Sands, Shaw, Walker, Ward, and Winner of Buncombe.

INTRODUCTION OF RESOLUTION

Senator Basnight offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution, filed earlier today, which motion prevails by a two-thirds majority vote.

By Senators Lee, Walker, Winner of Buncombe, Daniel, Cooper, Odom, Kerr, Conder, Kaplan, Ward, Smith, Allran, Edwards, Soles, Richardson, Cochrane, Forrester, Kincaid, Warren, Martin of Guilford, Simpson, Perdue, Tally, Basnight, Sherron, Hunt, Plexico, Sands, and Carpenter:

S.J.R. 919, a joint resolution recognizing the Men's Basketball Program at the University of North Carolina at Chapel Hill and honoring the 1992 Men's Basketball Team on winning the 1993 NCAA Division I Championship.

On motion of Senator Basnight, the joint resolution is placed before the Senate for immediate consideration.

The Sergeant-at-Arms announces the presence of the University of North Carolina at Chapel Hill NCAA Division I Men's Basketball Championship Team, Head Coach Dean Smith, and members of his staff are at the doors of the Chamber and await the pleasure of the Senate. The President orders the Sergeant-at-Arms to open the doors of the Chamber and to lead the Escort Committee and the Honored Guests to the Well of the Senate. Senator Lee presents the Honored Guests to the President.

With unanimous consent, on motion of Senator Lee, the joint resolution is read in its entirety. Senator Lee briefly addresses the Senate and recognizes the achievements of the 1992-1993 team members: Eric Montross, Pat Sullivan, Larry Davis, Henrick Rodl, Scott Cherry, Derrick Phelps, Donald Williams, Dante Calabria, Brian Reese, Kevin Salvadori, George Lynch, Travis Stephenson, Ed Geth, Matt Wenstrom, and Serge Zwikker; junior varsity members and team managers; Head Coach Dean Smith; Assistant Coaches Bill Guthridge, Phil Ford, and Randy Wiel; and other staff.

Senator Lee calls the previous question, seconded by Senator Sands. The call is sustained. The joint resolution passes its second (47-0) and third readings. With unanimous consent, the Chair orders the joint resolution sent to the House of Representatives by special messenger.

Senator Lee introduces Head Coach Dean Smith and requests permission for him and any team member to speak. The President recognizes Coach Smith, George Lynch, and Matt Wenstrom who briefly address the Senate. The Senate responds with a standing ovation.

The President directs the Committee to escort the Honored Guests from the Chamber.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 699 (House Committee Substitute), an act to modify the authority of Davie and Rockingham Counties to undertake local development activities. (Ch. 25)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 490, a bill to implement a recommendation of the Child Fatality Task Force to establish community child protection teams as statutory entities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Walker, the rules are suspended, and the proposed Committee Substitute bill 2633, which changes the title to read **S.B. 490** (Committee Substitute), a bill to implement recommendations of the Child Fatality Task Force to phase in a multidisciplinary State Child Fatality Prevention System by establishing community child protection teams in each county, to add one member to the Child Fatality Task Force, to direct the State Center for Health Statistics to study childhood deaths in the State, and to make an appropriation, is placed before the Senate for immediate consideration.

On motion of Senator Walker, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

By Senator Tally for the **Environment and Natural Resources Committee:**

S.B. 570, a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the proposed Committee Substitute bill 4598 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Harris for the **Pensions and Retirement Committee:**

H.B. 225, a bill to allow additional retroactive membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Cooper, Conder, Edwards, Hoyle, Lee, Martin of Guilford, Plyler, Sands, Sherron, Smith, Walker, and Ward:

S.B. 881, a bill to establish a second Juvenile Code Revision Committee to study the provisions of the existing Juvenile Code that relate to delinquency and recommend necessary revisions.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Lee, Walker, Ward, and Warren:
S.B. 882, a bill to provide greater flexibility in local school board expenditures and provide incentives for greater fiscal responsibility.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Lee, Gunter, and Walker:
S.B. 883, a bill to require the State Board of Education to report on the National Board for Professional Teaching Standards' program for identifying highly professional teachers and recommend a plan for providing monetary incentives for teachers to participate in that program.
Referred to **Education/Higher Education Committee.**

By Senators Allran, Gulley, Cochrane, Codington, Forrester, Winner of Mecklenburg, Carpenter, Kerr, and Gunter:
S.B. 884, a bill to allow school superintendents to choose not to put all letters of complaints in teachers' personnel files.
Referred to **Judiciary II Committee.**

By Senator Sands:
S.B. 885, a bill to insure that consumers have the right to select the pharmacy of their choice.
Referred to **Judiciary II Committee.**

By Senator Cochrane:
S.B. 886, a bill to create the Bermuda Run Maintenance and Security District.
With unanimous consent, on motion of Senator Cochrane, the bill is ordered held as filed in the Office of the Principal Clerk, without first reading.

Senator Sands offers a motion that the remaining bills filed for introduction tonight, be read the first time and referred to committee upon the completion of tonight's Calendar, which motion prevails.

Senator Sands offers a motion that messages received from the House of Representatives, transmitting bills, be read the first time and disposed of upon the completion of tonight's Calendar, which motion prevails.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

SPECIAL ORDER NO. 1

The hour having arrived for the consideration of Special Order No. 1 the President of the Senate lays before the Senate Special Order No. 1, it being **H.J.R. 680**, a joint resolution honoring the late Governor Melville Broughton on the Fiftieth Anniversary of the North Carolina Center for Applied Textile Technology.
With unanimous consent, on motion of Senator Sands, consideration of the joint resolution is postponed until tomorrow, Tuesday, April 20, and is set as special order of business, No. 1.

SPECIAL ORDER NO. 2

The hour having arrived for the consideration of Special Order No. 2 the President of the Senate lays before the Senate Special Order No. 2, it being **S.R. 823** (Proposed

Committee Substitute), a Senate simple resolution adopting the permanent rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina, for adoption.

Senator Sands offers Amendment No. 1 which is adopted (47-0).

Senator Gunter offers Amendment No. 2 which she subsequently withdraws.

Senator Sands offers Amendment No. 3 which is adopted (48-0).

On motion of Senator Sands, the Committee Substitute Senate simple resolution, as amended, is adopted (48-0).

The Chair orders the Committee Substitute Senate simple resolution engrossed. The text of the resolution is as follows:

Be it resolved by the Senate:

Section 1. The permanent rules for the Regular Sessions of th Senate shall be as follows:

PERMANENT RULES OF
THE REGULAR SESSIONS OF THE SENATE
1993 GENERAL ASSEMBLY OF NORTH CAROLINA

I. Order of Business, Rules 1-7
II. Conduct of Debate, Rules 8-17
III. Motions, Rules 18-24
IV. Voting, Rules 25-30
V. Committees, Rules 31-37
VI. Handling Bills, Rules 38-59.1
VII. Legislative Officers and Employees, Rules 60-65
VIII. General Rules, Rules 66-77.

I. Order of Business

RULE 1. **Rules controlling the Senate of North Carolina and its committees.**—The following rules shall govern and control all actions and procedures of the Senate and its committees.

RULE 2. **Convening hour.**—The Presiding Officer shall take the Chair at the hour fixed by the Senate upon adjournment on the preceding legislative day, and shall call the members to order. In case the Senate adjourned on the preceding legislative day without having fixed the hour of reconvening, the Senate shall reconvene on the next legislative day at 1:30 p.m., except that if the next legislative day is Monday, time for convening shall be 8:00 p.m.

RULE 3. **Opening the session.**—The Presiding Officer shall, upon order being obtained, have the sessions of the Senate opened with prayer.

RULE 4. **Convening in absence of President.**—In the absence of the President, the President *Pro Tempore* shall reconvene the Senate and preside, and during such time shall be vested with all powers of the President except that of casting a vote in case of tie when he has already voted on the question as a Senator. In the event of the absence of the President and President *Pro Tempore* at any time fixed for the reconvening of the Senate, the Deputy President *Pro Tempore* of the Senate, the Principal Clerk of the Senate, or in his or her absence also, the Chairman of the Senate Committee on Rules and Operation of the Senate, shall call the Senate to order and designate some member to act as Presiding Officer.

RULE 5. **Quorum.**—(a) A quorum consists of a majority of all the qualified members of the Senate.

(b) When a lesser number than a quorum convenes, the Senators present may send the Sergeant-at-Arms or any person, for any or all absent Senators, as a majority of the Senators present determines.

RULE 6. **Approval of Journal.**—After the prayer, and upon appearance of a quorum, the Presiding Officer shall cause the Journal of the preceding day to be read and approved, unless the President *Pro Tempore* or, in his absence, the Deputy President *Pro Tempore* of the Senate or some member of the Senate by motion sustained by a majority of the members present, has the reading thereof dispensed with and the same approved as written.

RULE 7. **Order of business.**—After approval of the Journal, the order of business shall be as follows:

(1) Reports of standing committees.
(2) Reports of select committees.
(3) Introduction of bills, petitions, and resolutions.
(4) Messages from the House of Representatives.
(5) Unfinished business of preceding day.
(6) Special orders.
(7) General orders:
  (a) Local bills in numerical order, Senate bills first
    (i) Third reading roll call and electronic voting system votes
    (ii) Second reading roll call and electronic voting system votes
    (iii) Second reading viva voce
    (iv) Third reading viva voce
  (b) Public bills in numerical order, Senate bills first
    (i) Third reading roll call and electronic voting system votes
    (ii) Second reading roll call and electronic voting system votes
    (iii) Second reading viva voce
    (iv) Third reading viva voce

II. Conduct of Debate

RULE 8. **Presiding Officer to maintain order.**—The Presiding Officer shall have general direction of the Hall of the Senate and shall be authorized to take such action as is necessary to maintain order, and in case of any disturbance or disorderly conduct in the galleries or lobbies, he shall have the power to order those areas cleared.

RULE 9. **Substitution for Presiding Officer.** The Presiding Officer shall have the right to call on any member of the Senate to perform the duties of the Chair, but substitution shall not extend beyond one day.

RULE 10. **Points of order.**—(a) The Presiding Officer shall preserve order and decorum and proceed with the business of the Senate according to the rules adopted. He shall decide all questions of order, subject to an appeal to the Senate by any member, on which appeal no member shall speak more than once unless by leave of the Senate. A two-thirds vote of the membership of the Senate present and voting is necessary to sustain any appeal from the ruling of the Presiding Officer.

(b) In the event the Senate Rules do not provide for, or cover any point of order raised by any Senator, the rules of the United States House of Representatives shall govern.

(c) When a Senator is called to order he shall take his seat until the Presiding Officer determines whether he was in order or not; if decided to be out of order, he shall not proceed without the permission of the Senate; and every question of order shall be decided by the Presiding Officer, subject to an appeal to the Senate by any Senator; and if a Senator is called to order for words spoken, the words to which an exception is made shall be immediately taken down in writing by the Principal Clerk, so that the Presiding Officer or Senate may be better able to judge the matter.

RULE 11. **Debating and voting by Lieutenant Governor.**—The Lieutenant Governor, as President of the Senate, being a Constitutional Officer shall not have the right to debate any question or to address the Senate upon any proposition unless by permission of the majority of members present, and shall have the right to vote only when there is a tie vote upon any question or election.

RULE 12. **Obtaining recognition.**—(a) When any Senator is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat and respectfully address the Presiding Officer. No member shall speak further until recognized by the Presiding Officer. The Presiding Officer shall recognize the first to rise and, when two or more members rise at the same time, the Presiding Officer shall name the member to speak.

(b) A Senator who has the floor may yield the floor to another Senator only for the purpose of allowing another Senator to state a question. Only the Presiding Officer may award the floor to any Senator.

(c) A Senator who has obtained the floor may be interrupted only for the following reasons:

1. a request that the member speaking yield for a question,
2. a point of order, or
3. a parliamentary inquiry.

(d) When a Senator refers to a bill, the bill number and short title must be used.

RULE 13. (Reserved for future use.)

RULE 14. **Limitations on individual debate.**—(a) No Senator shall speak on the same reading more than twice on the main question, nor longer than thirty minutes for the first speech and fifteen minutes for the second speech. No Senator shall speak on the same reading more than once on any motion or appeal, and then no longer than ten minutes.

(b) By permission of the Presiding Officer any member of the Senate may address the Senate from the well of the Senate.

RULE 15. **Questions of personal privilege.**—Upon recognition by the Presiding Officer for that purpose, any Senator may speak to a question of personal privilege for a time not exceeding three minutes. Personal privilege may not be used to explain a vote, debate a bill, or in any way disrupt the regular business of the Senate. Personal privilege shall not be used to solicit support or sponsors for any bill. The Presiding Officer shall determine if the question raised is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 16. (Reserved for future use).

RULE 17. **General decorum.**—(a) Male Senators and male visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session and shall continue uncovered during their continuance in the Chamber, unless one's religion requires his head to be covered.

(b) No derogatory remark reflecting personally upon any Senator shall be in order upon the floor of the Senate unless preceded by a motion or resolution of censure.

(c) When the Presiding Officer is putting a question, or a division by counting is in progress, no Senator shall walk out of or across the Chamber, nor when a Senator is speaking, pass between him and the Presiding Officer.

(d) When a motion to adjourn or for recess is affirmatively determined, no member or officer shall leave his place until adjournment or recess is declared by the Presiding Officer.

(e) Smoking shall not be allowed in the galleries of the Senate during sessions.

(f) No remark soliciting the donation of funds for the support of any person or organization shall be in order upon the floor of the Senate, unless the remark has some

relevance to a bill or resolution before the body. No article of any kind soliciting business or donations may be placed by any person anywhere in the Senate Chamber or in any Senate office.

(g) Food or beverage shall not be permitted in the Senate Chamber, either on the floor or in the galleries; however, after the Senate has remained in session for a period of one hour, food and beverage shall be allowed upon the floor of the Senate.

(h) Reading of newspapers, magazines, periodicals or books shall not be acceptable while the Senate is in session. This rule does not prohibit the use of quotations during debate or for personal privilege.

III. Motions

RULE 18. **Motions generally.**—Any motion shall be reduced to writing, if requested by the Presiding Officer or a Senator, and read by the Presiding Officer or Reading Clerk before the same is debated. Any motion may be withdrawn by the introducer at any time before decision or amendment. No motion relating to a bill shall be in order which does not identify the bill by its number and short title. Except as otherwise specifically provided in these rules, no second is required.

RULE 19. **Motion; order of precedence.**—When a question is before the Senate no motion shall be received except those herein specified, which motions shall have precedence as follows:

(1) To adjourn.
(2) To lay on the table.
(3) For the previous question.
(4) To postpone indefinitely.
(5) To postpone to a certain day.
(6) To commit to a standing committee.
(7) To commit to a select committee.
(8) To amend.

RULE 20. **Motions requiring a second.**—The motions to adjourn, to lay on the table, and to call for the previous question, shall be seconded and decided without debate.

RULE 21. **Motions to postpone to certain day and to commit.**—The respective motions to postpone to a certain day, or to commit to a standing or select committee, shall preclude debate on the main question.

RULE 22. **Motion to Substitute.**—Subject to Rule 19, a member may offer a motion to substitute to any motion, except the motions for the previous question, to table, or to adjourn. No motion to substitute shall be offered to a motion to substitute.

RULE 23. **Motion for previous question.**—The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments and debate. If this question is decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their inverse order, without further debate or amendment. No one shall move the previous question except the chairman of the committee submitting the report on the bill or other matter under consideration, or the member introducing the bill or other matter under consideration, or the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the Senate at the time the bill or other matter under consideration is reported to the Senate or taken up for consideration.

RULE 24. **Motion to reconsider.**—(a) When a question has been once put and decided, any Senator who voted in the majority may move to reconsider the vote

thereof. No motion for the reconsideration of any vote shall be in order after the bill, resolution, or other matter upon which the vote was taken has gone out of the possession of the Senate. No motion for reconsideration shall be in order unless made on the same day or in the next following legislative day on which the vote took place. When the next legislative day has by motion of the Senate been restricted as to matters which may be considered, a motion to reconsider shall be in order on the next succeeding day upon which regular business is conducted. No question shall be reconsidered more than once.

(b) Notwithstanding subsection (a) of this Rule, a motion to reconsider is in order at any time if made by the Chairman or, in his absence, the Vice-Chairman of the Committee on Rules and Operation of the Senate for the sole purpose of correcting grammatical errors in bills in the possession of the Senate.

IV. Voting

RULE 25. **Use of electronic voting system.**—(a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal;

(2) All questions on which a call for the ayes and noes under Rule 26(b) has been sustained; and

(3) Second and third readings of bills proposing amendment of the Constitution of North Carolina.

(b) Votes on the following questions shall be taken on the electronic voting system and the resulting totals shall be recorded on the Journal:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading, and all conference reports on public bills.

(2) Any other question upon direction of the Presiding Officer or upon motion of any Senator supported by one-fifth of the Senators present.

(c) When the electronic voting system is used, the Presiding Officer shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to record the vote when that time has expired. Once the system has locked and recorded a vote, the vote shall be printed by the system.

(d) The voting station at each Senator's desk in the Chamber shall be used only by the Senator to which the station is assigned. Under no circumstances shall any other person vote at a Senator's station. It is a breach of the ethical obligation of a Senator either to request that another vote at the requesting Senator's station, or to vote at another Senator's station. The Presiding Officer shall enforce this rule without exception.

(e) When the electronic voting system is used, the Presiding Officer shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no';_____ seconds will be allowed for voting on this question; the Clerk will record the vote." After the machine locks and records the vote, the Presiding Officer shall announce the vote and declare the result.

(f) One copy of the machine print-out of the vote record shall be filed in the office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.

(g) When the Presiding Officer ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, he shall announce that fact to the Senate and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the

electronic system, it is discovered that a malfunction caused an error in the electronic system print-out, the Presiding Officer shall direct the Reading Clerk and the Principal Clerk to verify and correct the print-out record and so advise the Senate.

(h) For the purpose of identifying motions on which the vote is taken on the electronic system (the identification codes having no relation to the order of precedence of motions), the motions are coded as follows:

1. To lay on the table.
2. For the previous question.
3. To postpone indefinitely.
4. To postpone to a day certain.
5. To refer to a committee.
6. To reconsider.
7. To adopt.
8. To concur.
9. To take from the table.
10. Miscellaneous.

RULE 26. **Voice votes; call for ayes and noes.**—(a) When the electronic voting system is not used, all votes on which a call of the roll of the Senate is not required shall be taken by voice vote. The question shall be put as follows: "Those in favor say 'aye'," and, after the affirmative vote is expressed, "Opposed 'no'"; after which the Presiding Officer shall announce the result. If a division on any vote is desired, it must be called for immediately before the result of the voting is announced on any question, and upon such call, the Presiding Officer shall require the members to stand and be counted for and against the proposition under consideration.

(b) The ayes and the noes may be called for on any question before the vote is taken. If a Senator desires the ayes and noes recorded on the Journal on a question, he shall address the Presiding Officer and obtain recognition and say, "Upon that question I call for the ayes and noes." Whereupon the Presiding Officer shall say, "Is the call sustained?" If one-fifth of the remaining Senators present then stand, the vote shall be taken on the electronic voting system if it is operative, and the ayes and noes shall be recorded on the Journal. If the electronic voting system is inoperative, the roll of the Senate shall be called and the ayes and noes taken manually and recorded on the Journal. If fewer than one-fifth of the Senators present stand to sustain the call, the Presiding Officer shall announce, "An insufficient number up" and a vote by electronic voting or by voice, whichever is appropriate under the Rules of the Senate, shall be taken.

RULE 27. **Pairs.**— (a) If a Senator is paired with another Senator on a question, the Senator shall announce the pair as follows: "Mr. President, I desire to announce a pair. If Senator _____ were present, he would vote _____; I would vote _____ (the opposite)." The Senator shall send forward at that time a written statement of the pair on a form provided by the Principal Clerk and neither member of the pair shall vote on the question. A pair shall be announced before the vote is taken viva voce, or if the electronic voting system is used, before the machine is unlocked. The Clerk shall record the pair on the Journal when the Constitution or Rules of the Senate require a call of the roll and shall record on the electronic system print-out all pairs announced.

(b) This rule does not apply to committee or subcommittee proceedings.

RULE 28. **Dividing question.**—If any question contains several distinct propositions, it shall be divided by the Presiding Officer, at the request of any Senator, provided each subdivision, if left to itself, forms a substantive proposition.

RULE 29. **Duty to vote; excuses.**—(a) Every Senator who is within the Senate Chamber when the question is stated by the Presiding Officer shall vote thereon unless he is excused by the Senate.

(b) A Senator who is a member of a committee shall, upon request, be excused from deliberations and voting on the bill while it is before the committee. The Senator must

make the request to the chair of the committee when the bill is first taken up for consideration and before any motion or vote on the bill or any amendment to the bill. The Senator making the request for excuse in Committee must renew his request for excuse on the floor of the Senate as set forth in this Rule.

(c) Any Senator may move to be excused at any time from voting on any matter. The Senator may make a brief statement of the reasons for the motion which question shall be taken without debate on the motion.

(d) The Senator may send forward to the Principal Clerk, on a form provided by the Clerk, a concise statement of the reason for the motion, and the Clerk shall include this statement in the Journal.

(e) The Senator so excused shall not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill at that reading, any subsequent reading, or any subsequent consideration of the bill.

(f) A Senator may move that his excuse from deliberations on a particular bill be withdrawn, which question shall be determined without debate.

(g) A motion to be excused or for the withdrawal of an excuse shall be taken without debate.

RULE 30. **Explanation of vote.**—Any Senator may explain his vote on any bill by obtaining permission of the Presiding Officer after the final vote is taken. No more than three minutes shall be consumed in such explanation.

V. Committees

RULE 31. **Appointment of committees.**—(a) The President *Pro Tempore* of the Senate shall have the exclusive right and authority to appoint the majority party's membership of all committees, regular and select, and to appoint committee chairmen and vice-chairmen and to establish select committees, but this does not exclude the right of the Senate by resolution to establish select committees. The minority leader shall have the exclusive right and authority to appoint all minority party's members of said committees and appoint the ranking minority member. Upon the recommendation of the committee on Rules and Operation of the Senate, the Senate may authorize by majority vote of the Senators present and voting a change in the number of standing committees.

(b) The President *Pro Tempore* and Minority Leader shall designate their party's members to all standing committees at the beginning of the session.

RULE 32. **List of standing/select committees.**—(a) The standing committees shall be:

Agriculture, Marine Resources, and Wildlife
Appropriations
    Appropriations on Department of Transportation
    Appropriations on Education
    Appropriations on General Government
    Appropriations on Human Resources
    Appropriations on Justice and Public Safety
    Appropriations on Natural and Economic Resources
Banks and Thrift Institutions
Capital Expenditures and Improvements
Children and Human Resources
    Subcommittee on Veteran and Military Affairs and Senior Citizens
Constitution and Election Laws
Economic Development/Travel and Tourism
Education/Higher Education
Environment and Natural Resources
Finance

Insurance
Judiciary I
Judiciary II
Local Government and Regional Affairs
Manufacturing and Labor
Pensions and Retirement
Public Utilities
Rules and Operation of the Senate
State Personnel and State Government
Transportation
Ways and Means.

(b) A select committee shall be:
Government Performance Audit Committee

RULE 33. **Notice of committee meetings.**—(a) Public notice of all committee meetings shall be given in the Senate. The required notice may be waived as to any meeting by the attendance at that meeting of all of the members of the committee, or by personal waiver.

(b) The chairman of the committee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the committee as to the date, time and place of that meeting.

(c) The published calendar shall reflect those committee notices received in the Office of the Principal Clerk prior to 3:30 p.m. or as announced in the daily session.

RULE 34. **Membership of committees; quorum.**—(a) Membership on standing committees shall consist of not more than 20 nor less than 5 Senators, including the chairman and vice-chairmen and ranking minority member; provided that the Appropriations Committee and Finance Committee shall not be limited as to membership. The President *Pro Tempore* shall have the exclusive right and authority to determine the number of members of each committee. Except as agreed upon by the President *Pro Tempore* and the Minority Leader, membership of each standing committee shall, with respect to each political party, be in the same proportion to the nearest whole person as the proportion of membership by political party in the entire Senate. No Senator shall hold membership on more than 12 standing committees unless the committee on Rules and Operation of the Senate provides otherwise.

A quorum of the Appropriations, Ways and Means, and Finance Committees shall consist of a majority of the Committee. A quorum of any other committee shall consist of either the chairman and 5 members or a majority of the committee, whichever is fewer.

(b) The President *Pro Tempore* may attend each committee as if he were a member but shall have no vote.

RULE 35. **Roll call vote in committee.**—No roll call vote may be taken in any committee. The committee chairman may vote in committee.

RULE 36. **Standing committee and standing subcommittee meetings.**—No standing committee or standing subcommittee shall hold a secret meeting. All meetings of standing committees and standing subcommittees shall be open to the public, except as provided in G.S. 143-318.14A(e). In no event shall final action be taken by any standing committee or standing subcommittee except in open session.

RULE 36.1. **Committee minutes to Legislative Library.**—The chairman of a committee shall insure that written minutes are compiled for each of the committee's meetings. The minutes shall indicate the number of members present and the actions taken by the committee at the meeting. Not later than 30 days after the adjournment of each session of the General Assembly, the chairman shall deliver the minutes to the Legislative Library. The President *Pro Tempore* of the Senate may grant a

reasonable extension of time for filing said minutes upon application of the committee chairman.

RULE 37. (Reserved for interim operations rule).

VI. Handling Bills

RULE 38. **Application of rules.**—All provisions of these rules applying to bills shall apply also to resolutions, memorials and petitions.

RULE 39. **Form and copies of bills.**—(a) Unless variation is authorized by the Committee on Rules and Operation of the Senate, bills submitted for introduction shall be in a computer-typed form prepared by the Legislative Services Office. When a bill which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill to be retyped in the prescribed form, and the retyped copy shall become the official copy of the bill for all purposes. The original bill shall then be returned to the introducer of the bill and shall not become a part of the records or documents of the Senate.

(b) Whenever a bill is introduced, 25 copies shall be submitted to the Principal Clerk. Any bill submitted without the required number of copies shall be immediately returned to the introducer.

RULE 39.1. **Public and local bills; availability of copies of bills.**—A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the Senate.

RULE 40. **Introduction of bills.**—(a) Every bill filed for introduction shall contain on the outside cover the title of the document and the name of the Senator or Senators presenting it. Bills shall be delivered by the primary sponsor of the document or with the prescribed authorization form signed by the primary sponsor to the office of the Senate Principal Clerk who shall receive them during regular session according to the following schedule:

Monday until 8:30 o'clock p.m.;
Tuesday, Wednesday, and Thursday until
3:00 o'clock p.m.;
Friday until 2:00 o'clock p.m.

All bills shall be numbered by the Office of the Principal Clerk when filed and shall be considered introduced when presented to the Senate on the next following legislative day for the first reading and reference to committee.

(b) All memorializing, celebration, commendation, and commemoration resolutions, except those which solely honor the memory of deceased persons or a North Carolina institution, or both, shall be excluded from introduction and consideration in the Senate.

RULE 41. **Crossover bill deadline.**—In order to be eligible for consideration by the Senate during the first Regular Session, all House Bills other than those required to be referred to the Committee on Finance by Rule 42, appropriations bills or adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than May 13 of the first Regular Session; provided that a message from the House received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this rule and provided that the House has a similar rule.

RULE 41.1. **Relationship between Ways and Means Committee and other committees dealing with money matters; relationship between these other committees dealing with money matters.**—In those instances specified herein, the Committee on Ways and Means shall have responsibility for final consideration of bills dealing with money matters before the bills are considered on the floor of the Senate. Upon the agreement of a chairman of any two of the following committees:

Appropriations, Capital Expenditures and Improvements, Finance, and Ways and Means, any bill which is reported favorably from the Committee on Appropriations, the Committee on Capital Expenditures, or the Committee on Finance shall be re-referred by the Presiding Officer to the Committee on Ways and Means for consideration. Bills referred to the Committee on Appropriations pursuant to Rule 43 may be referred by the Chairman of the Committee on Appropriations to the Appropriations Committee on the Department of Transportation, the Appropriations Committee on Education, the Appropriations Committee on General Government, the Appropriations Committee on Human Resources, the Appropriations Committee on Justice and Public Safety, or the Appropriations Committee on Natural and Economic Resources for a report back to the Committee on Appropriations.

RULE 42. **References of appropriation, capital expenditure, and finance bills.**—(a) All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof, except as provided for in subsection (b) of this rule, shall, before being considered by the Senate, be referred to the Committee on Appropriations, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations Committee before proper action may be taken by the Senate.

(b) All bills providing for:

(1) The acquisition or disposition of any interest in real property owned or to be acquired by the State, or the financing of that acquisition or disposition; or

(2) The construction, management, renovation, repair, or use of any building or facility owned by or to be acquired by the State, or the financing of that construction, renovation, repair, or use

shall, before being considered for passage by the Senate, be referred to the Committee on Capital Expenditures and Improvements. Bills containing these provisions that have been referred to other committees shall be reported to the Senate as bills to be referred to the Committee on Capital Expenditures and Improvements before being considered for passage by the Senate.

(c) All bills introduced in the Senate providing for bond issues, imposing or raising fees or other revenues payable to the State, its agencies, its licensing boards, or any of its subdivisions, levying taxes, or in any manner affecting the taxing power of the State or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Finance Committee before proper action may be taken by the Senate.

(d) This rule shall not apply to bills imposing civil penalties, criminal fines, forfeitures, or penalties for infractions.

RULE 42.1. **Fiscal notes.**—(a) A chairman or vice-chairman of the Appropriations Committee, or of the Capital Expenditures and Improvements Committee, or of the Finance Committee, or of the Rules and Operations of The Senate Committee, or of the Ways and Means Committee, upon the floor of the Senate, may request that a fiscal analysis be made of a bill, resolution or an amendment to a bill or resolution which is in the possession of the Senate and that a fiscal note be attached to the measure, when in the opinion of that chairman or vice-chairman the fiscal effects of that measure are not apparent from the language of the measure. No bill for which a fiscal note has been requested may be considered for passage prior to the fiscal note being attached to the bill.

(b) The fiscal note shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Presiding Officer, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

(c) The fiscal note shall be prepared by the Fiscal Research Division on a form approved by the Chairman of the Rules and Operation of The Senate Committee as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided. The fiscal note shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note available to the membership of the Senate.

(d) A sponsor of a bill or amendment may deliver a copy of his bill or amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when he files the bill or to the amendment when he moves its adoption.

(e) The sponsor of a bill or amendment to which a fiscal note is attached who objects to the estimates and information provided may reduce to writing his objections. These objections shall be appended to the fiscal note attached to the bill or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the current operations appropriations bill or the capital improvements appropriations bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

RULE 42.2. **Actuarial notes.**—(a) Every bill or resolution proposing any change in the law relative to any

1. State, municipal or other retirement system funded in whole or in part out of public funds; or
2. Program of hospital, medical, disability or related benefits provided for teachers and State employees, funded in whole or in part by State funds,

shall have attached to it at the time of its consideration by any committee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any committee, shall be separate therefrom, and shall be clearly designated as an actuarial note. Upon its introduction, a bill described in subsection (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with his request for an actuarial note, to the Fiscal Research Division which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the chief administrative officer of the retirement or pension system affected by the measure. The chief administrative officer shall have an actuarial note prepared by the system's actuary on the measure and shall transmit the note to the sponsor of the measure not later than two weeks after the request is received. The actuarial note shall be attached to the jacket of the measure.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any committee reports a measure to which an actuarial note is attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, the

chairman of the committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State-administered retirement or pension system, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the Senate.

RULE 42.3. **Assessment reports.**—Every legislative proposal introduced in the Senate proposing the establishment of an occupational or professional licensing board or a study for the need to establish such a board shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the Senate or by any committee of the Senate prior to a favorable report, an assessment report from the Legislative Committee on New Licensing Boards, pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board.

Upon receipt of the request the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days. A supplementary report shall be prepared and submitted to the requesting Senator not later than 30 days after the receipt of the request.

RULE 42.3A. **Proposed increases in incarceration.**—(a) Every bill and resolution proposing any change in the law that could cause a net increase in the length of time for which persons are incarcerated or the number of persons incarcerated, whether by increasing penalties for violating existing laws, by criminalizing behavior, or by any other means, shall have attached to it at the time of its consideration by the Senate a fiscal note prepared by the Fiscal Research Division. The fiscal note shall be prepared in consultation with the Sentencing Policy and Advisory Commission and shall identify and estimate, for the first five fiscal years the proposed change would be in effect, all costs of the proposed net increase in incarceration, including capital outlay costs if the legislation would require increased cell space. If, after careful investigation, the Fiscal Research Division determines that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared. However, technical and mechanical defects may be noted.

(b) The sponsor of each bill or resolution to which this subsection applies shall present a copy of the bill or resolution with the request for a fiscal note to the Fiscal Research Division. Upon receipt of the request and the copy of the bill or resolution, the Fiscal Research Division shall prepare the fiscal note as promptly as possible. The Fiscal Research Division shall prepare the fiscal note and transmit it to the sponsor within two weeks after the request is made, unless the sponsor agrees to an extension of time.

(c) This fiscal note shall be attached to the original of each proposed bill or resolution that is reported favorably by any committee, but shall be separate from the bill or resolution and shall be clearly designated as a fiscal note. A fiscal note attached to a bill or resolution pursuant to this subsection is not a part of the bill or resolution and is not an expression of legislative intent proposed by the bill or resolution.

(d) If a committee reports favorably a proposed bill or resolution with an amendment that proposes a change in the law that could cause a net increase in the length of time for which persons are incarcerated or the number of persons incarcerated, whether by increasing penalties for violating existing laws, by criminalizing behavior, or by any other means, the chair of the committee shall obtain from the Fiscal Research Division and attach to the amended bill or resolution a fiscal note as provided in this section.

RULE 42.3B. **Local legislation affecting the State Highway System.**—A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 42.4. **Content of appropriations bills.**—(a) No provision changing existing law shall be contained in any of the following bills:

(1) the Current Operations Appropriations Bill;
(2) the Capital Improvement Appropriations Bill;
(3) any bill generally revising appropriations for the second fiscal year of a biennium.

(b) No amendment to any bill listed in subsection (a) of this rule shall be in order if the language is prohibited by that subsection.

(c) Notwithstanding subsections (a) and (b) of this section, any of the bills listed in subsection (a) of this section or an amendment to such bill may change existing law if the change:

(1) Alters expenditures or salaries;
(2) Changes the scope or character of a program which must be reduced, increased, or changed because of an increase or decrease of funds appropriated for the program or because of changes in federal law or regulation; or
(3) Modifies any function of State government which necessitates a transfer of funds from one department to another;

provided, that for a provision to be in order under this subsection, it must be recommended to the General Assembly in a written report adopted by the Appropriations Committee before or at the same time the bill is reported, or if such provision is contained in a floor amendment, the sponsor of the amendment must present to the Principal Clerk at or before the time the amendment is offered an explanation of the amendment for distribution to each member of the Senate.

RULE 42.5. **Appropriations Committee meetings.**—(a) Notwithstanding the provisions of G.S. 143-14, and pursuant to the last sentence thereof, the Appropriations Chairman may in his or her sole discretion direct that the Appropriations Committee or its subcommittees or both may consider the budget and the budget plan including all appropriations in separate meetings from the House of Representatives and may do all things set forth in said Statute separately from the House of Representatives.

(b) Notwithstanding the provisions of G.S. 143-14, and pursuant to the last sentence thereof, the Capital Expenditures and Improvements Chairman may in his or her sole discretion direct that the Capital Expenditures and Improvements Committee or its subcommittees or both may consider the budget and the budget plan including all appropriations in separate meetings from the House of Representatives and may do all things set forth in said Statute separately from the House of Representatives.

RULE 43. **First reading; reference to committee.**—All bills filed for introduction and all House bills received in the office of the Principal Clerk not later than one and one-half hours preceding the convening of the Senate, upon presentation to the Senate, shall be read in regular order of business by their number and title which shall constitute the first reading of the bill. Unless otherwise disposed of, the Reading Clerk shall announce the referral of the bill which shall have been referred by the Principal Clerk of the Senate under the supervision of the Chairman of the Committee on Rules and Operation of the Senate or in his absence the Vice-Chairman of said Committee. The Principal Clerk shall inform the Presiding Officer of the referral. The title and referral shall be entered upon the Journal.

Bills may be referred to more than one committee serially, i.e. "S.B._____is referred to the Committee on Finance and upon a favorable report referred to the Appropriations Committee."

RULE 44. **Bills to receive three readings.**—Every bill shall receive three readings before being passed, and the Presiding Officer shall give notice at each reading whether it be the first, second, or third. After the first reading, unless a motion is made by some Senator, the Reading Clerk shall announce the referral as set forth in Rule 43. No bill shall be amended upon the floor of the Senate until it has been twice read. Senate simple resolutions shall not require three readings.

RULE 45. **Reports of committees.**—Every Senator presenting a report of a committee shall endorse the report with the name of the committee and, in case of a minority report, with the names of the members making the report. The report of the committee shall show that a quorum of the committee was present and a majority of those present voted in favor of the report. Every report of the committee upon a bill or resolution shall stand upon the general orders with the bill or resolution. No committee shall report a bill or resolution without prejudice.

RULE 45.1. **Action on amendment before re-referral.**—If any committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the Senate is sequentially referred to another committee, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 46. **Unfavorable report by committee.**—(a) All bills reported unfavorably by the committee to which they were referred, and having no minority report, shall lie upon the table, but may be taken from the table, and placed upon the calendar by a two-thirds vote of the membership of the Senate present and voting.

(b) When a bill is reported by a committee with an unfavorable report, but accompanied by a minority report, signed by at least three members of the committee who were present and who voted on the bill when the bill was considered in committee, then the minority report shall be placed on the calendar and considered the following day, and the question before the Senate shall be "The adoption of the Minority Report." If the minority report is adopted by a majority vote, the bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall lie upon the table.

RULE 47. **Recall of bill from committee.**—(a) When a bill has been introduced and referred to a committee, if after 10 days the committee has failed to report thereon, then the introducer of the bill may, after three days' public notice given in the Senate and delivered in writing to the chairman of the committee, on motion supported by a vote of two-thirds of the membership of the Senate present and voting, recall the bill from the committee to the floor of the Senate for consideration and such action thereon as a majority of the Senators present may direct. This rule shall not be temporarily suspended except upon one day's notice on the motion given in the Senate and delivered in writing to the chairman of the committee and to sustain that motion two-thirds of the membership of the Senate present and voting shall be required.

(b) Notwithstanding anything to the contrary, the chairman of a committee to which a bill or other matter is assigned may, with the consent of two-thirds of the membership of the Senate present and voting, recall the measure to be referred to another committee.

RULE 48. **Calendar; order to be followed.**—The Presiding Officer and the Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they stand upon the calendar, unless otherwise ordered as hereinafter provided. The published calendar shall include all bills reported favorably from committees, or reported with a minority report attached, or placed on the calendar on motion: Provided, that the published local calendar may carry the number of each bill, the county or counties referred to, and an abbreviated statement of the title of the bill.

RULE 49. **(Reserved)**

RULE 50. **Third reading requirements.**—No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall

be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate present and voting.

RULE 51. **Special orders.**—Any bill or other matter in consideration before the Senate may be made a special order for a subsequent day or hour by a vote of the majority of the Senators voting, and if action on the bill is not completed on that day, it shall be returned to its place on the calendar, unless it is made a special order for another day; and when a special order is under consideration it shall take precedence over any special order or subsequent order for the day, but such subsequent order may be taken up immediately after the previous special order has been disposed of.

RULE 52. **Procedure when necessary number of Senators not present.**—If, on taking the question on a bill, it appears that a constitutional quorum is not present, or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it appears that such number is not present, the bill shall be again read and the question taken thereon; if the bill fails a second time for the want of the necessary number being present and voting, the bill shall not be finally lost, but shall be returned to the calendar in its proper order.

RULE 53. **Effect of defeated bill.**—(a) After a bill has been tabled, or has failed to pass on any of its readings, the contents of such bill or the principal provisions of its subject matter shall not be embodied in any other measure. Upon the point of order being raised and sustained by the Presiding Officer, such measure shall be laid upon the table, and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate present and voting: Provided, no local bill shall be held by the Presiding Officer as embodying the provisions, or being identical with any statewide measure which has been laid upon the table or failed to pass any of its readings.

(b) When a bill has been postponed indefinitely by the Senate, the bill shall lie upon the table, and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate present and voting.

RULE 54. **Taking bill from table.**—No bill which has been laid upon the table shall be taken therefrom except by a vote of two-thirds of the membership of the Senate present and voting.

RULE 54.1. **Bill title.**—The title of each bill shall adequately and fairly reflect its subject matter.

RULE 55. **Amending titles of bills.**—When a bill is materially modified or the scope of its application extended or decreased, or if the county, or counties, to which it applies is changed, the title of the bill shall be changed by the Senator introducing the bill or by the committee having it in charge, or by the Principal Clerk, so as to indicate the full purport of the bill as amended and the county or counties to which it applies.

RULE 56. **Corrections of typographical errors in bills.**—The Enrolling Clerk is authorized to make corrections of typographical errors in the text of bills at any time prior to ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the Chairman of the Committee on Rules and Operation of the Senate or, in his absence, the Vice-Chairman of said Committee.

RULE 56.1. **Amendments and committee substitutes adopted by the House to bills originating in the Senate.**—(a) Whenever the House has adopted an amendment or a committee substitute for a bill originating in the Senate, and has returned the bill to the Senate for concurrence in that amendment or committee substitute, the Senate may not concur in that amendment or committee substitute until the next legislative day following the day on which the Senate receives that measure.

(b) The Principal Clerk under the supervision of the Chairman of the Rules and Operation Committee of the Senate may, and upon motion supported by a majority of the

Senate present and voting, shall refer the bill to an appropriate committee for consideration of the amendment or committee substitute.

(c) The Presiding Officer shall, in placing the bill on the calendar, rule whether the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution. If the measure is referred to committee, the committee shall:

i. Report the bill with the recommendation either that the Senate concur or that the Senate do not concur; and

ii. Advise the Presiding Officer as to whether or not the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution.

(d) If the amendment or committee substitute for a bill is not a material amendment, the question before the Senate shall be concurrence. In the event there is more than one House Amendment, the question shall be concurrence in all the House amendments and the question may not be divided, notwithstanding Rule 28. The question which shall be put before the Senate by the Presiding Officer shall be: "Does the Senate concur in the House amendments (Committee Substitute) to S.B. ?."

(e) If the amendment or committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading and the question before the Senate shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(f) No committee substitute adopted by the House to a bill originating in the Senate may be amended by the Senate.

RULE 57. **Conference committee.**—Whenever the Senate fails to concur in amendments or committee substitutes put by the House to a bill originating in the Senate, or whenever the House of Representatives fails to concur in amendments or committee substitutes put by the Senate to a bill originating in the House, a conference committee shall be appointed by the President *Pro Tempore* of the Senate or in his absence the Deputy President *Pro Tempore*, upon motion, and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the Senate and House of Representatives. Senate conferees shall not be less than three nor more than twelve and shall include the primary sponsor and the chairman of each committee which considered the bill. In considering matters in difference between the Senate and House committed to the conferees, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. In conference committee a majority of the Senate conferees shall be the Senate's position on any matter in which a vote is taken. The conference report shall not be amended.

RULE 57.1. **Germaneness of amendment.**—All amendments and committee substitutes shall be germane to the original subject matter of the bill.

RULE 58. **Certification of passage of bills.**—The Principal Clerk shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed by vote of three-fifths or two-thirds of the membership of the Senate present and voting, whenever such vote may be required by the Constitution or laws of the State.

RULE 59. **Transmittal of bills to House.**—No bill shall be sent from the Senate on the day of its passage except on the last day of the session, unless otherwise ordered by a vote of two-thirds of the membership of the Senate present and voting.

RULE 59.1. **Engrossment.**—Bills and resolutions, except those making appropriations, which originate in the Senate and which are amended shall be engrossed before being sent to the House.

VII. Legislative Officers and Employees

RULE 60. **Pages.**—(a) The President *Pro Tempore* of the Senate shall appoint pages. The President *Pro Tempore*, or such person as he may designate, shall supervise the pages and assign to them their duties. Each page shall be at least 14 years of age.

(b) Members may designate Honorary Pages by a statement delivered to the Principal Clerk who will have a certificate issued therefor.

RULE 61. **Sergeants-at-Arms.**—(a) There shall be 15 positions of Assistant Sergeants-at-Arms to be appointed, upon the recommendation of the President *Pro Tempore*, by the Sergeant-at-Arms who are to work under his or her supervision and to be assigned such duties and powers as he or she shall direct.

(b) The Sergeant-at-Arms shall be responsible for the safety of the members and employees of the Senate while in the Senate Chamber, or any place in which the Senate or its committees are in session.

(c) The Sergeant-at-Arms shall serve all warrants and subpoenas issued by orders of the Senate and signed by the Presiding Officer of the Senate, and said warrants and subpoenas shall be returnable to the Principal Clerk of the Senate.

RULE 62. **Principal Clerk's staff.**—The Principal Clerk of the Senate shall employ all necessary employees and clerks required to carry out the duties of his or her office. The Principal Clerk shall have supervision and control, and shall assign such duties and powers as he or she shall direct to his or her employees and clerks.

RULE 63. **Committee clerks and secretaries.**—(a) Each committee shall have a clerk. The clerk to a committee shall serve as secretary to the chairman of that committee.

(b) Each member shall be assigned a secretary, unless he or she has a committee clerk to serve as his or her secretary.

(c) The selection of said clerk and/or secretary shall be the prerogative of the individual member. Such clerks and secretaries shall file initial applications for employment with the Supervisor of Clerks and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of clerks and secretaries shall comply with the period as established by the Legislative Services Commission unless employment for an extended period is approved by the President *Pro Tempore*. The clerks and secretaries shall adhere to such uniform regulations and other conditions of employment (including retention) under the direction of the Supervisor of Clerks as the Committee on Rules and Operation of the Senate shall adopt.

(d) The Supervisor of Clerks and any assistants shall be appointed by the President *Pro Tempore* of the Senate.

RULE 64. **Senate Journal.**—The Principal Clerk shall prepare and be responsible for the Journal. The President *Pro Tempore* or, in his absence, the Deputy President *Pro Tempore* shall examine the Journal to determine if the proceedings of the previous day have been correctly recorded.

RULE 65. **Deputy President Pro Tempore.**—The Senate shall elect a Deputy President *Pro Tempore*. The Deputy President *Pro Tempore* shall become the President *Pro Tempore* upon the death, resignation or removal from office of the President *Pro Tempore*.

VIII. General Rules

RULE 66. **President to sign papers.**—All acts, addresses and resolutions, and all warrants and subpoenas issued by order of the Senate shall be signed by the President or by the President *Pro Tempore* presiding in his absence.

RULE 67. **Admission to the floor of the Senate.**—No person except members of the Senate, members of the House of Representatives, staff of the General Assembly; staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the Presiding Officer shall be admitted to the floor of the Senate during its session. Notwithstanding any other provision of these rules, no registered lobbyist shall be admitted to the floor of the Senate or Senate Chamber while the Senate is in session. When the Senate is not in daily session, the President *Pro Tempore* shall determine the privileges of the floor.

RULE 67.1. **Recognition for extending courtesies.**—(a) Courtesies of the floor and galleries shall be extended only by the Presiding Officer on his own motion or upon the written request of a member of the Senate to former members of the General Assembly or to distinguished visitors.

(b) The Presiding Officer, upon written request at intervals between various orders of business, may extend courtesies to schools or other special large groups visiting in the galleries while they are present, and the Presiding Officer shall, at such times as he deems appropriate, express to those visitors in the galleries the pleasure of the Senate for their presence.

RULE 68. **Privileges of the floor.**—Any group or individual other than members of the Senate who desires to make remarks upon the floor of the Senate will first obtain approval of the President *Pro Tempore* or, in his absence, the Deputy President *Pro Tempore* of the Senate.

RULE 69. **News media.**—The President is authorized to assign area and equipment on the floor of the Senate for the use of the representatives of news media; and the President shall provide regulations for the operation of the representatives of the news media on the floor of the Senate.

RULE 70. **Absence without leave.**—No Senator or officer of the Senate shall depart the service of the Senate without leave, or receive pay as a Senator or officer for the time he is absent without leave.

RULE 71. **Placing material on Senators' desks.**—Any person other than a member of the Senate desiring to place articles of any kind on or about desks in the Senate Chamber or in the offices of the members of the Senate shall make written application to, and obtain written approval from the Principal Clerk.

RULE 72. **Assignment of seats; offices.**—(a) The President *Pro Tempore* of the Senate shall assign seats in the Senate Chamber to the members elected. In making such assignments, each member elected to the immediate preceding session of the Senate shall be entitled to the seat occupied by him or to his selection of any other seat vacated. The President *Pro Tempore*, when assigning seats, shall give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate. No incumbent appointed to fill an unexpired term in the immediate preceding session shall retain the seat if requested by a Senator elected to said session.

(b) Not later than two weeks after the initial committee assignments become final, the President *Pro Tempore* of the Senate is authorized to make assignments of committee rooms and offices to designated committees, chairmen, and members of the Senate. In making such assignments of individual offices, the President *Pro Tempore* may give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate.

RULE 73. **Administrative rules and regulations involving Senate employees.**—All administrative rules, regulations and orders involving all individuals employed to perform duties for the Senate, other than those appointed by the Principal Clerk and the Sergeant-at-Arms, shall be first approved by the Committee on Rules and Operation of the Senate.

RULE 74. **Public hearings.**—Any Senator may request in writing a public hearing on a public bill. Requests may be granted in the discretion of the Chairman. Notice shall be given not less than five calendar days prior to public hearings. Such notices shall be issued as information for the press and the information shall be posted in the places designated by the Principal Clerk.

RULE 75. **Public hearings, filing of written statements.**—Persons desiring to appear and be heard at a public hearing are encouraged to file with the chairman of the committee a brief or a written statement of the remarks to be made at least 24 hours before the time of the hearing.

RULE 76. **Voting in joint sessions.**—When any Senate Committee sits jointly with the House Committee, the Senate Committee reserves the right to vote separately from the House Committee.

RULE 77. **Alterations, suspension or rescission of rules.**—(a) These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a two-thirds vote of the membership of the Senate. The introducer of the resolution must, on the floor of the Senate, give notice of his intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the Senate, upon two-thirds vote of the membership of the Senate present and voting, may temporarily suspend any of these rules.

Sec. 2. This resolution is effective upon adoption.

S.B. 442, a bill to approve an annexation agreement between Davidson County, the City of High Point, and the City of Thomasville, as to territory in Davidson County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 690, a bill amending the Charter of Durham to authorize the making of emergency repairs in housing code cases, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 204 (Committee Substitute), a bill to exchange tracts of land between the corporate limits of the Towns of Cary and Morrisville, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 208, a bill to restore the original corporate limits of the Town of Polkville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 649, a bill to update a local act which allows the City of Raleigh to have a subcommittee issue certificates of appropriateness.

Without objection, on motion of Senator Gunter, the bill is temporarily displaced.

S.B. 708 (Committee Substitute), a bill to allow Harnett, Lee, Nash and Polk Counties and the Cities of Angier, Broadway, Coats, Dunn, Erwin, Lillington, Monroe, Rocky Mount and Sanford to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance.

Senator Marshall offers Amendment No. 1 which is adopted (42-1), changing the title, pursuant to Rule 55, to read **S.B. 708** (Committee Substitute), a bill to allow Harnett, Johnston, Lee, Nash, Polk and Sampson Counties and the Cities of Angier, Broadway, Clinton, Coats, Dunn, Erwin, Lillington, Monroe, Rocky Mount and Sanford to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance.

The Committee Substitute bill, as amended, passes its second reading (45-0).

Senator Winner of Buncombe objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, April 20, for further consideration, upon third reading.

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, to authorize the Division of Motor Vehicles to issue specialized registration plates depicting various State attractions in North Carolina and to provide for the disposition of income from these plates, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of the Special Olympics and to provide for the disposition of income from these plates, and to make technical and administrative changes to the laws concerning special license plates, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards,

Folger, Forrester, Gulley, Gunter, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 162 (Committee Substitute No. 2), a bill to modify the requirements for licensure as a motor vehicle wholesaler or dealer, to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, and to change the fees for dealer plates and transporter plates, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

S.B. 481, a bill to allow investments in obligations issued, assumed, or guaranteed by the International Finance Corporation Investments.

On motion of Senator Warren, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 481**, a bill to allow investments in obligations issued, assumed, or guaranteed by the International Finance Corporation.

The bill, as amended, passes its second reading (47-1).

Senator Odom objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, April 20, for further consideration, upon third reading.

INTRODUCTION OF BILLS (Continued)

Senator Basnight offers a motion the Senate adjourn and pursuant to the motion prevailing earlier tonight, the remaining bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Carpenter:

S.B. 887, a bill concerning the Town of Santeetlah's water supply.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Tally, Edwards, Forrester, Gunter, Lee, Marshall, Martin of Pitt, Perdue, Sherron, and Warren:

S.B. 888, a bill to provide for the State of North Carolina to construct, maintain, and operate a State Veterans Home and to assign the Division of Veterans Affairs to coordinate construction and administration of the State Veterans Home Program.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Johnson:

S.B. 889, a bill to provide for mandatory continuing education for North Carolina's dentists and dental hygienists.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Harris:
S.B. 890, a bill to establish the North Carolina Substance Abuse Professionals Certification Act.
Senator Sands rises to a point of order as to the measure requiring an assessment report, pursuant to G.S. 120-149.
The Chair sustains the point of order and orders the bill held in the Office of the Principal Clerk for the assessment report from the Legislative Committee on New Licensing Boards.

By Senators Cooper, Albertson, Conder, Edwards, Hoyle, Lee, Martin of Pitt, Martin of Guilford, Plyler, Sands, Sherron, Smith, and Walker:
S.B. 891, a bill to make it a Class I felony to possess or carry a firearm on school property or to allow a minor to possess or carry a weapon on school property.
Referred to **Education/Higher Education Committee.**

By Senators Cooper, Albertson, Conder, Edwards, Gunter, Hoyle, Lee, Martin of Guilford, Plyler, Smith, and Walker:
S.B. 892, a bill to require that a delinquent juvenile on probation and required to attend school as a condition of probation be required to maintain a passing grade.
Referred to **Education/Higher Education Committee.**

By Senators Cooper, Albertson, Conder, Edwards, Hoyle, Lee, Martin of Pitt, Martin of Guilford, Plyler, Sands, Smith, and Walker:
S.B. 893, a bill to require juvenile court counselors to notify school officials when a juvenile adjudicated delinquent for a violent offense is ordered to attend school as a condition of probation.
Referred to **Education/Higher Education Committee.**

By Senator Hartsell:
S.B. 894, a bill to clarify the authority of water and sewer authorities to assess penalties for violations of water and sewer use ordinances.
Referred to **Judiciary II Committee.**

By Senator Hartsell:
S.B. 895, a bill to change Prosecutorial District 19A and to create Prosecutorial District 19C, to conform to the comparable District Court and Superior Court Districts 19A, 19B, and 19C.
Referred to **Appropriations Committee.**

By Senators Odom, Marshall, Ballance, and Folger:
S.B. 896, a bill to authorize the Judicial Department to transfer funds from the Special Capital Case Rehearing Fund to the Indigent Persons' Attorney Fee Fund.
Referred to **Appropriations Committee.**

By Senators Odom, Winner of Mecklenburg, and Blackmon:
S.B. 897, a bill to exempt Mecklenburg County from provisions of the North Carolina Building Code that require building inspection departments to review residential plans.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Odom, Richardson, Winner of Mecklenburg, and Blackmon:
S.B. 898, a bill to provide that an owner of an on-site land clearing and inert debris landfill does not have to obtain a state permit and to regulate such landfills.
Referred to **Environment and Natural Resources Committee.**

By Senator Odom:
S.B. 899, a bill to enact a new Article 2A of the Uniform Commercial Code.
Referred to **Judiciary II Committee.**

By Senators Odom, Perdue, Allran, Codington, Kerr, Gunter, Carpenter, Hoyle, Speed, Smith, Parnell, and Lee:

S.B. 900, a bill to establish the Certified Interior Designers Title Registration Act.

Senator Sands rises to a point of order as to the measure requiring an assessment report, pursuant to G.S. 120-149.

The Chair sustains the point of order and orders the bill held in the Office of the Principal Clerk for the assessment report from the Legislative Committee on New Licensing Boards.

By Senator Gulley:

S.B. 901, a bill to prohibit bicyclists and others from clinging to other vehicles while on a roadway.

Referred to **Judiciary I Committee.**

By Senator Gulley:

S.B. 902, a bill to clarify the laws concerning bicycle hand signals.

Referred to **Transportation Committee.**

By Senators Lee and Walker:

S.B. 903, a bill to provide that the Town of Pittsboro may levy a privilege license tax of up to twenty-five dollars for one-day peddling.

Referred to **Finance Committee.**

By Senators Smith, Allran, Carpenter, Cochrane, Edwards, Forrester, Hoyle, Hunt, Kincaid, Marshall, Martin of Pitt, Plyler, Seymour, Sherron, Speed, Tally, Ward, and Warren:

S.B. 904, a bill to change the law regarding State aid to private colleges.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Sands:

S.B. 905, a bill to establish a limitation for civil actions based on personal injury or illness caused by childhood sexual abuse.

Referred to **Judiciary I Committee.**

By Senators Daniel, Basnight, Warren, Plyler, Perdue, Hunt, Kaplan, Cochrane, Hoyle, Harris, Parnell, Sherron, Smith, Ward, Martin of Pitt, Blackmon, Speed, Hartsell, Albertson, Allran, Lee, Carpenter, Forrester, Conder, Edwards, Kerr, Kincaid, Soles, and Codington:

S.B. 906, a bill to make various substantive amendments to the Workers' Compensation Act and to provide for the termination of a worker's compensation insurance policy when the employer fails to fully disclose certain information.

Referred to **Manufacturing and Labor Committee.**

By Senator Daniel:

S.B. 907, a bill to repeal the law that requires a permit to operate a community water system and imposes a fee for the permit.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Daniel:

S.B. 908, a bill to change some procedures with regard to surety bonds.

Referred to **Judiciary I Committee.**

By Senators Martin of Guilford and Seymour:

S.B. 909, a bill to clarify that the plan for election of the Guilford County Board of Commissioners enacted by the 1991 General Assembly is the only lawful plan.

Referred to **Constitution and Election Laws Committee.**

By Senators Gunter, Forrester, and Codington:

S.B. 910, a bill to require that prescription drug labels contain the expiration or disposal date of the medication.

Referred to **Children and Human Resources Committee.**

By Senators Marshall, Ballance, and Carpenter:

S.B. 911, a bill to establish uniformity in the regulation of roadside hunting.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Judiciary I Committee.**

By Senators Sherron, Codington, Blackmon, Albertson, and Carpenter:

S.B. 912, a bill to allow real estate brokers to contract with real estate salespersons for the broker whereby the salesperson agrees to reimburse the broker for the cost of workers' compensation insurance.

Referred to **Manufacturing and Labor Committee.**

By Senators Sherron, Codington, Blackmon, Folger, Albertson, and Carpenter:

S.B. 913, a bill to require annual continuing education for real estate brokers and salesmen.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Sherron, Codington, Blackmon, Carpenter, Albertson, Marshall, and Folger:

S.B. 914, a bill to provide that any provision in a contract to improve real property that provides that the contract is subject to the laws of another State or subject to litigation and arbitration in another State is void as against public policy.

Referred to **Judiciary II Committee.**

By Senators Ballance, Sands, Odom, Albertson, Tally, Edwards, Hartsell, Carpenter, Blackmon, Shaw, and Warren:

S.B. 915, a bill to provide a balanced State correctional system that will both protect the public and provide more effective and equitable correctional programming for all sentenced offenders.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Odom and Blackmon:

S.B. 916, a bill to establish a State policy of encouraging businesses in the State to provide employment to former prison inmates and to direct the Department of Administration to give preference whenever practicable to businesses providing employment to former prison inmates.

Referred to **Judiciary I Committee.**

By Senator Odom:

S.B. 917, a bill to prescribe the method for establishing toll roads in North Carolina.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Pursuant to the motion prevailing earlier tonight, messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 141, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network.
Referred to **Judiciary I Committee.**

H.B. 400, a bill to make the calculation for schools of fund balance available for appropriation the same as the calculation for other local governments.
Referred to **Appropriations Committee.**

H.B. 490 (Committee Substitute), a bill to change the name of the State Indian Housing Authority to the Indian Housing Authority.
Referred to **State Personnel and State Government Committee.**

H.B. 506, a bill to provide for the transfer of registered voters, who reside in Orange County and within the city limits of the City of Durham, from the Durham County Board of Elections to the Orange County Board of Elections.
Referred to **Constitution and Election Laws Committee.**

H.B. 507, a bill amending the Charter of the City of Durham to authorize the City Council to require owners of rental property within the City to authorize an agent to accept service of process.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 553, a bill to amend the Charter of the City of Gastonia to provide for two-year terms for Council members and to provide that the Mayor, Council, and Council members may only direct the activities of City employees through the City Manager.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 575, a bill to allow the Gastonia City Council to delegate certain rezoning authority to the Gastonia Planning Commission.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 581, a bill to make differentiated pay available for all State-paid public school employees.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 613 (Committee Substitute), a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances.
Referred to **Judiciary II Committee.**

H.B. 678, a bill to amend the Charter of the Town of Wake Forest.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 731, a bill to repeal an act to prevent the operation of loudspeakers, amplifying systems, and public address systems in Cabarrus County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 799, a bill to exempt Burke County and the municipalities therein from certain zoning notice requirements.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 828, a bill to repeal obsolete provisions of the Charter of the City of Asheville.
Referred to **Local Government and Regional Affairs Committee.**

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 7, Abolishing the North Carolina Drug Cabinet.
Referred to **State Personnel and State Government Committee.**

REPORT TO GENERAL ASSEMBLY

A Commission directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Section 2 of Chapter 1010 of the 1991 Session Laws (Second Session, 1992), the General Statutes Commission submits its Interim Report of Statutory Lien Right of Contractors and Subcontractors and Payment and Performance Bonds.

The President recognizes the following pages serving in the Senate this week: Jennifer Berger, Franklin; Amy Catherine Bullock, Raleigh; John David Bullock, Jr., Raleigh; Anna Katherine Curry, Monroe; Bryan Andrew Denton, Gastonia; Susan Elizabeth Hamilton, Belmont; Stephanie Ann Harrington, Rowland; David Hood III, Charlotte, Kristin Keck, Burlington; Alissa Marie Lee, Rockingham; Amanda Peck, Morganton; Brenna Perry, Hobbsville; Brantly Sawyer, Elizabeth City; Amy Sies, Burlington; Holly Jane Smith, Cary; Brant Earl Spesshardt, Raleigh; Stephen Kenneth Whitfield, Jr., Burlington; Hannah Burrus Williams, Avon; Jennifer Woodson, Burlington; John Eston Worsham, Raleigh; and Tommie Renae Wright, Burlington.

With unfinished business remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns at 8:28 P.M. to meet tomorrow, Tuesday, April 20, at 1:30 P.M.

FORTY-NINTH DAY

SENATE CHAMBER,
Tuesday, April 20, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote from Oliver Goldsmith, as follows:

"Dear Lord, forgive us when we are perfectionists to a fault, those times when we must either have it our way or no way at all.

"We are much better at finding the splinter in another's eye than noticing the beam in our own eye.

"In the important legislation before the Senate today and in the coming days, remind us that 'there are some faults so nearly allied to excellence, that we can scarce weed out the fault without eradicating the virtue.' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, April 19, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 447, an act to provide for the transfer of funds from the City of Mount Airy's retirement plan to the Local Governmental Employees' Retirement System. (Ch. 26)

H.B. 204 (Committee Substitute), an act to exchange tracts of land between the corporate limits of the Towns of Cary and Morrisville. (Ch. 27)

H.B. 208, an act to restore the original corporate limits of the Town of Polkville. (Ch. 28)

INTRODUCTION OF BILLS

Bills previously filed for introduction and ordered held as filed in the Office of the Principal Clerk for receipt of an assessment report from the Legislative Committee on New Licensing Boards, pursuant to G.S. 120-149, are disposed of as follows:

S.B. 617, a bill to regulate the practice of home inspections, ordered held as filed in the Office of the Principal Clerk on March 29.

Senator Seymour submits an assessment report.

Senator Seymour offers motions to the end that the bill be withdrawn from the Office of the Principal Clerk, presented to the Senate, read the first time, and referred to committee, which motions prevail.

The bill is presented to the Senate, read the first time and referred to the **Insurance Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

S.B. 478, a bill to require licensure of marriage and family therapists, ordered held as filed in the Office of the Principal Clerk on March 11.

Senator Sands announces the receipt of an assessment report and offers motions to the end that the bill be withdrawn from the Office of the Principal Clerk, presented to the Senate, read the first time and referred to the **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**, which motions prevail.

The bill is presented to the Senate, read the first time, and referred to the **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**,

S.B. 583, a bill to assure standard infection control procedures regarding the infectious diseases that can be transmitted through the fabrication of dental prosthetic appliances by requiring the licensure of commercial dental laboratories and the registration of dental laboratory technicians, ordered held as filed in the Office of the Principal Clerk on March 25.

Senator Sands announces receipt of an assessment report and offers motions to the end that the bill be withdrawn from the Office of the Principal Clerk, presented to the Senate, read the first time and referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**, which motions prevail.

The bill is presented to the Senate, read the first time, and referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards for the **Economic Development/Travel and Tourism Committee:**

S.B. 797, a bill to modify the hours of sales of alcoholic beverages in Mecklenburg County, with a favorable report.

H.B. 516, a bill to allow Alleghany County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, with a favorable report.

By Senator Ballance for the **Judiciary I Committee:**

S.B. 652, a bill to place the Civil Air Patrol under the State Tort Claims Act for corporate and State requested and approved missions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 4596, which changes the title to read **S.B. 652** (Committee Substitute), a bill to place the Civil Air Patrol under the State Tort Claims Act for State-approved missions and to allow cadets of the Civil Air Patrol to be eligible for Workers' Compensation while on State-approved missions, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, April 21, for further consideration.

S.B. 725, a bill to modify the percentage of sales that must be attributable to food and nonalcoholic beverages by restaurant permittees, with a favorable report.

S.B. 785, a bill to increase the membership of the North Carolina Sheriffs' Education and Training Standards Commission and to establish ten districts for the appointment of Commission members, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Lee:

S.B. 918, a bill to clarify the North Carolina Trails System Act.

Referred to **Environment and Natural Resources Committee.**

By Senators Edwards, Richardson, Jordan, Parnell, Martin of Pitt, Conder, Lee, Warren, Harris, Ballance, Ward, Hyde, Tally, Hunt, Speed, Sherron, Odom, Kaplan, Martin of Guilford, Albertson, Soles, Seymour, and Walker:

S.B. 920, a bill to include expense allowances as compensation under the Legislative Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Gunter:

S.B. 921, a bill to allow faxing of absentee ballots from military voters and persons outside the United States.

Referred to **Constitution and Election Laws Committee.**

By Senator Johnson:

S.B. 922, a bill to provide for an examination and an examination fee for surety bondsmen license applicants.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Tally and Edwards:

S.B. 923, a bill to authorize Cumberland County to levy a prepared food and beverage tax to provide a means for financing all or part of an arena in Cumberland County.

Referred to **Finance Committee.**

By Senator Hyde:

S.B. 924, a bill to raise the fees charged by registers of deeds for the recording of instruments and for the probate of instruments, to provide that registers of deeds shall not charge a fee for recording the satisfaction of mortgages and deeds of trust, and to remove the requirement that substitutions of trustees be recorded as separate instruments.

Referred to **Finance Committee.**

By Senator Ballance:

S.B. 925, a bill to limit police pursuits by establishing a prima facie rule of evidence concerning the operator of a vehicle speeding in excess of fifteen miles an hour over the legal limit to elude arrest, increasing the penalty, and to provide for forfeiture of the vehicle.

Referred to **Judiciary I Committee.**

By Senator Ballance:

S.B. 926, a bill to regulate the disposal of animal waste at intensive hog operations.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Tally:

S.B. 927, a bill to appropriate funds to provide staff for the Sedimentation Best Management Practices Compliance Program and the Administration of Wetlands Silviculture.

Referred to **Appropriations Committee.**

By Senators Tally and Smith:

S.B. 928, a bill to amend the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988.

Referred to **Environment and Natural Resources Committee.**

By Senators Hunt and Gulley:

S.B. 929, a bill to make changes in State law concerning participation by disadvantaged businesses in highway contracts.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Cooper:

S.B. 930, a bill to establish when a hospital or health care facility is in compliance with rules of the North Carolina Board of Pharmacy regarding counseling patients about prescription medications and devices.

Referred to **Judiciary II Committee.**

By Senator Cooper:

S.B. 931, a bill to amend the Entry of Judgment Rule, Rule 58 of the Rules of Civil Procedures.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Odom and Plyler:

S.B. 932, a bill to remove the sunset on the act permitting the use of demolition asphalt as fill.

Referred to **Transportation Committee.**

By Senators Lee, Speed, and Perdue:

S.B. 933, a bill to allow persons to obtain a permit to carry a concealed weapon after meeting certain qualifications, to create certain misdemeanor offenses related to concealed weapons permits, and to increase the punishment for the current offense of carrying concealed weapons.

Referred to **Judiciary I Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 221 (House Committee Substitute), a bill to authorize a judicial official in a noncapital case to conduct a pretrial release proceeding, first appearance, or an arraignment by a two-way audio and video proceeding, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, April 21.

H.B. 450, a bill to rewrite the law regarding the Greensboro Firemen's Supplemental Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 612, a bill to permit area mental health authorities to serve as managed care providers.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 618 (Committee Substitute), a bill to remove the expiration date from the law allowing the Department of Transportation to use nonlicensed or noncertified appraisers in the acquisition of real estate acquired by the Department when the estimated value of the real estate is less than ten thousand dollars.

Referred to **Capital Expenditures and Improvements Committee.**

H.B. 759, a bill to prohibit loitering for the purpose of engaging in unlawful drug-related activities in Elizabeth City.

Referred to **Judiciary I Committee.**

H.B. 780, a bill to postpone implementation of mail-in voter registration and the upgraded motor voter provisions so they will be implemented at the same time as similar federal legislation.

Referred to **Constitution and Election Laws Committee.**

H.B. 808, a bill to change the procedure for certifying municipal ad valorem tax valuations in Wake County to the Wake County Board of Alcoholic Control for the purpose of distributing proceeds from the sales of alcoholic beverages.

Referred to **Finance Committee.**

REPORT OF SELECT COMMITTEE

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 298, a bill to implement the recommendations of the Government Performance Audit Committee to study the feasibility of streamlining the regional organizational structure for public health programs, and to reexamine the organizational placement of public health programs in the Department of Environment, Health, and Natural Resources, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the proposed Committee Substitute bill 7659, which changes the title to read **S.B. 298** (Committee Substitute), a bill to implement the recommendations of the Government Performance Audit Committee to study the feasibility of streamlining the regional organizational structure for public health programs, to reexamine the organizational placement of public health programs in the Department of Environment, Health, and Natural Resources, and to study the feasibility of establishing an office for health care within the Governor's Office, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Rules and Operation of the Senate Committee.**

S.B. 302, a bill to implement a recommendation of the Government Performance Audit Committee by directing the Office of Administrative Hearings to propose a schedule of fees to be imposed in contested cases, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 9659, which changes the title to read **S.B. 302** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee by directing the Office of Administrative Hearings to collect fees in contested cases, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted, and on his further motion, is re-referred to the **Finance Committee.**

RE-REFERRALS

S.B. 351, a bill to implement a recommendation of the Government Performance Audit Committee—1, referred to **Rules and Operation of the Senate Committee** on February 24.

Senator Sands offers a motion that the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Government Performance Audit Select Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Government Performance Audit Select Committee.**

S.B. 352, a bill to implement a recommendation of the Government Performance Audit Committee.—2 referred to **Rules and Operation of the Senate Committee** on February 24.

Senator Sands offers a motion that the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Government Performance Audit Select Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Government Performance Audit Select Committee**.

S.B. 353, a bill to implement a recommendation of the Government Performance Audit Committee.—3 referred to **Rules and Operation of the Senate Committee** on February 24.

Senator Sands offers a motion that the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Government Performance Audit Select Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Government Performance Audit Select Committee**.

CALENDAR

Bills on the Calendar carried forward as unfinished business from yesterday, Monday, April 19, are taken up and disposed of, as follows:

S.B. 649, a bill to update a local act which allows the City of Raleigh to have a subcommittee issue certificates of appropriateness.

On motion of Senator Gunter, consideration of the bill is postponed until tomorrow, Wednesday, April 21.

S.B. 600, a bill to amend the Legislative Retirement System, the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, and the Consolidated Judicial Retirement System to comply with the Internal Revenue Code.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 611, a bill to provide the same confidentiality of personnel records of water and sewer authorities as are provided those of cities, counties, and other units of local government.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 714, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network.

Without objection, on motion of Senator Cooper, the bill is temporarily displaced.

S.B. 55 (House Committee Substitute), a bill to clarify the General Statutes to include training for incinerator operators of solid waste management facilities, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled.

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

SPECIAL ORDER NO. 1

H.J.R. 680

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **H.J.R. 680**, a joint resolution honoring the late Governor Melville Broughton on the Fiftieth Anniversary of the North Carolina Center for Applied Textile Technology.

With unanimous consent, on motion of Senator Forrester, the joint resolution is read in its entirety.

The joint resolution passes its second reading (48–0) and third reading, with members standing, and is ordered enrolled.

The Chair extends courtesies of the gallery to the family of the late Governor Melville Broughton: Mr. and Mrs. Melville Broughton, Jr., his son and daughter-in-law, and to Melville Broughton III, his grandson.

S.B. 708 (Committee Substitute), a bill to allow Harnett, Johnston, Lee, Nash, Polk and Sampson Counties and the Cities of Angier, Broadway, Clinton, Coats, Dunn, Erwin, Lillington, Monroe, Rocky Mount and Sanford to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance, as amended, upon third reading.

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (43–2), further changing the title to read **S.B. 708** (Committee Substitute), a bill to allow Burke, Harnett, Lee, McDowell, Madison, Nash, Polk, Sampson, and Yancey Counties and the Cities of Angier, Broadway, Burnsville, Clinton, Coats, Connelly Springs, Drexel, Dunn, Erwin, Glen Alpine, Hildebran, Hot Springs, Lillington, Marion, Mars Hill, Marshall, Monroe, Morganton, Old Fort, Rhodhiss, Rocky Mount, Sanford and Valdese to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance.

The Committee Substitute bill, as amended, passes its third reading (44–3) and is ordered engrossed and sent to the House of Representatives.

S.B. 7 (Committee Substitute), a bill to require the Commissioner of Insurance to develop and require uniform forms for the submission of claims under health benefit plans, to establish fees for copies of medical records, and to require written notice of claim denial.

On motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until Thursday, April 22.

S.B. 481, a bill to allow investments in obligations issued, assumed, or guaranteed by the International Finance Corporation, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 658, a bill to expand the property tax exemption for computer software, upon third reading.

Senator Kaplan, Vice Chairman of the **Finance Committee**, requests a fiscal note on the bill.

Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Thursday, April 22, for receipt of the fiscal note.

S.B. 714, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network, temporarily displaced earlier today.

On motion of Senator Kerr, further consideration of the bill is postponed until Thursday, April 22.

ENDORSEMENT WITHDRAWN

S.B. 906, a bill to make various substantive amendments to the Workers' Compensation Act and to provide for the termination of a worker's compensation insurance policy when the employer fails to fully disclose certain information, referred to **Manufacturing and Labor Committee** on April 19.

With unanimous consent, Senator Soles and Senator Kaplan withdraw their endorsement of the bill.

On motion of Senator Basnight, seconded by Senator Perdue, the Senate adjourns at 2:34 P.M. to meet tomorrow, Wednesday, April 21 at 1:30 P.M.

FIFTIETH DAY

SENATE CHAMBER,
Wednesday, April 21, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"O Lord, our God, the Scripture says that You have not given us a spirit of fear, but of strength and a sound mind!

"With that knowledge as assurance, deliver us from the fear of what might happen. Instead, give us the grace to enjoy what is now and to keep striving after what ought to be. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, April 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends courtesies of the gallery to Ruby Hooper, 1993 North Carolina Mother of the Year.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 55 (House Committee Substitute), an act to clarify the General Statutes to include training for incinerator operators of solid waste management facilities. (Ch. 29)

H.J.R. 680, a joint resolution honoring the late Governor Melville Broughton on the Fiftieth Anniversary of the North Carolina Center for Applied Textile Technology. (Res. 9)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hyde for the **Constitution and Election Laws Committee**:

S.B. 702, a bill to revise the manner of election of the Town of St. Pauls, with a favorable report.

H.B. 435, a bill to allow absentee voting in Old Fort town elections conducted by the Municipal Board of Elections, with a favorable report.

S.B. 531, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice, with a favorable report, as amended.

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 196, a bill to remove the legislative recommendation against membership on the Board of the State Ports Authority by persons domiciled in the State House and State Senate districts where a port is located, with a favorable report.

S.B. 118, a bill to change the process of appealing under the State Personnel Act certain personnel decisions of local appointing authorities, with a favorable report, as amended.

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 599, a bill recommended by the Mental Health Study Commission to incorporate into the General Statutes the funding policies and procedures adopted by the General Assembly as the "Pioneer Funding System" and implemented through a phase-in schedule in the forty-one area mental health, developmental disabilities, and substance abuse authorities, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 750, a bill to allow public and State hospitals to donate surplus medical equipment to nonprofit corporations or government agencies which will distribute the property to hospitals and health agencies in other countries, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Speed for the **Transportation Committee:**

S.B. 836, a bill to waive the fee for special identification cards for homeless and indigent persons, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 862, a bill to allow Pitt County to rename all roads within unincorporated areas of the County, with a favorable report.

By Senator Seymour for the **Public Utilities Committee:**

S.B. 732, a bill to conform State gas pipeline penalty standards to the newly enacted amendments to the Federal Natural Gas Pipeline Safety Act of 1968, with a favorable report

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 730, a bill to revise and consolidate the Charter of the Town of Franklinton, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 789, a bill to revise the boundaries of the Town of Oakboro, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 586, a bill to abolish the vacant office of Coroner in Halifax County, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Conder, Ward, Soles, Martin of Guilford, Hunt, Parnell Jordan, Hoyle, Walker, Lee, Kerr, Edwards, Richardson, Seymour, Gunter, Allran, Forrester, Cochrane, Smith, Codington, Carpenter, Blackmon, Ballance, Folger, Marshall, Warren, Sherron, Hyde, Plexico, Tally, Gulley, Winner of Mecklenburg, Kaplan, Odom, Perdue, Sands, Shaw, Plyler, Harris, and Speed:

S.B. 934, a bill to appropriate funds for the implementation of Mental Health Study Commission and Coalition 2001 Plans for Mental Health, Development Disabilities, and Substance Abuse Services in North Carolina.

Referred to **Appropriations Committee.**

By Senators Kaplan and Ward:

S.B. 935, a bill to require that certain prescription drugs for cancer treatment be covered under health and accident insurance policies, in hospital or medical services plans, in the State Employees' Comprehensive Major Medical Plan, and in HMO Plans.

Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Soles:

S.B. 936, a bill to authorize nationwide interstate branch banking.

Referred to **Banks and Thrift Institutions Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

By Senator Soles:

S.B. 937, a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense.

Referred to **Judiciary II Committee.**

By Senator Sands:

S.B. 938, a bill to provide funding to disseminate hosiery technology through a hosiery technology center under the supervision of the Department of Community Colleges.

Referred to **Appropriations Committee.**

By Senator Sands:

S.B. 939, a bill to clarify the right of motor vehicle dealers in North Carolina to combine franchises at a single location.

Referred to **Transportation Committee.**

By Senator Sands:

S.B. 940, a bill to rewrite the Charitable Solicitations Act.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Warren, Hoyle, Ballance, Edwards, Sherron, and Carpenter:

S.B. 941, a bill to clarify the law regarding tax liens to provide that local government property tax liens have priority over State tax liens.

Referred to **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 467, a bill to remove the requirement that the register of deeds provide the County Commissioners with a justification for having a second deputy.
Referred to **Judiciary II Committee.**

H.B. 499, a bill to increase the fees for enrolling in an accredited drug education school.
Referred to **Finance Committee.**

H.B. 552, a bill to clarify the Medicaid law regarding the financial responsibility of parents for children under twenty-one in medical institutions.
Referred to **Appropriations Committee.**

H.B. 589 (Committee Substitute), a bill to prohibit hunting from roads in Pasquotank County and to permit fishing without a license on the Outer Banks of Dare County.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 687 (Committee Substitute), a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the Planning Commission Authority to rezone property subject to certain rights of appeal.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 836, a bill to permit the City of Winston-Salem to levy a motor vehicle tax of up to ten dollars.
Referred to **Finance Committee.**

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to **H.B. 1340**, Section 143, the North Carolina Department of Human Resources submits its Medicaid Physician Participation Report.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 649, a bill to update a local act which allows the City of Raleigh to have a subcommittee issue certificates of appropriateness.
The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 797, a bill to modify the hours of sales of alcoholic beverages in Mecklenburg County.
On motion of Senator Richardson, consideration of the bill is postponed until Thursday, April 29.

H.B. 516, a bill to allow Alleghany County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.
The bill passes its second (44-1) and third readings and is ordered enrolled.

REPORT OF COMMITTEE

A bill is reported from a standing committee out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

S.B. 679, a bill to clarify that a North Carolina court has personal jurisdiction over actions arising from direct and indirect solicitations made from out-of state and received in this State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 3633, which changes the title to read **S.B. 679** (Committee Substitute), a bill to clarify that a North Carolina court has personal jurisdiction over actions arising from direct and indirect solicitations, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, April 22, for further consideration.

CALENDAR (Continued)

S.B. 680, a bill to extend the period during which an employee may file a complaint with the Commissioner of Labor alleging retaliatory employment discrimination.

With unanimous consent, on motion of Senator Ballance, the bill is taken up out of its regular order of business.

On motion of Senator Ballance, the bill is recommitted to the **Judiciary I Committee**.

S.B. 652 (Committee Substitute), a bill to place the Civil Air Patrol under the State Tort Claims Act for State-approved missions and to allow cadets of the Civil Air Patrol to be eligible for Workers' Compensation while on State-approved missions.

The Committee Substitute bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

S.B. 422 (Committee Substitute), a bill regulating the practice of acupuncture, with an unfavorable report as to **Judiciary I Committee** Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 3638, which changes the title to read **S.B. 422** (Committee Substitute No. 2), a bill regulating the practice of acupuncture and adding the practice of dietetics/nutrition to the list of practices that are not considered practicing medicine without a license, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, April 22, for further consideration.

S.B. 853, a bill to authorize counties that will derive economic benefits from the North Carolina Global Transpark to form a Global Transpark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendments No. 1 and No. 2 are adopted.

Senator Kerr rises to a point of order as to the recommendation of the **Finance Committee** that the measure be placed on the Calendar for tomorrow, April 22, without a sequential referral to the **Appropriations Committee**. The Chair rules the sequential referral to the **Appropriations Committee** upon a favorable report ordered April 14 upon introduction of the measure takes precedence over the recommendation of the **Finance Committee** on this date. The Chair, consequently, orders the bill, as amended, engrossed and re-referred to the **Appropriations Committee**.

CALENDAR (Continued)

S.B. 725, a bill to modify the percentage of sales that must be attributable to food and nonalcoholic beverages by restaurant permittees.

The bill passes its second (41-7) and third readings and is ordered sent to the House of Representatives.

S.B. 221 (House Committee Substitute), a bill to authorize a judicial official in a noncapital case to conduct a pretrial release proceeding, first appearance, or an arraignment by a two-way audio and video proceeding, for concurrence in the House Committee Substitute bill.

The Senate concurs (48-0) in the House Committee Substitute bill and the measure is ordered enrolled.

RE-REFERRAL

S.B. 876, a bill to amend the Regional Reciprocal Banking Act and to provide for nationwide interstate banking, referred to **Judiciary I Committee** on April 15.

Senator Ballance offers a motion that the bill be taken from the **Judiciary I Committee** and re-referred to the **Banks and Thrift Institutions Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Banks and Thrift Institutions Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

S.B. 666, a bill to exempt the Winston-Salem/Forsyth County Board of Education and the Forsyth County Commissioners "Downtown School" project from certain statutory requirements, with a favorable report.

S.B. 391, a bill to implement a recommendation of the Government Performance Audit Committee regarding the continuum of education programs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 7671 is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, April 22, for further consideration.

ENDORSEMENT WITHDRAWN

S.B. 906, a bill to make various substantive amendments to the Workers' Compensation Act and to provide for the termination of a worker's compensation insurance policy when the employer fails to fully disclose certain information, referred to the **Manufacturing and Labor Committee** on April 19.

With unanimous consent, Senator Edwards withdraws his endorsement of the bill.

On motion of Senator Basnight, seconded by Senator Parnell, the Senate adjourns at 2:18 P.M. to meet tomorrow, Thursday, April 22, at 1:30 P.M.

FIFTY-FIRST DAY

SENATE CHAMBER,
Thursday, April 22, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we pray today for peace: peace of mind, peace with our neighbors, a peace that passes all understanding.

"It is easy to live at peace with those who are like-minded, but to live at peace with those who oppose us is a great grace and commendable achievement.

"Teach us humility in the face of adversity. Impart to us the secret of endurance so that we may enjoy the greatest peace. Then we will be conquerors of self, friends of You, O Lord, and heirs to heaven. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, April 21, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 221 (House Committee Substitute), an act to authorize a judicial official in a noncapital case to conduct a pretrial release proceeding, first appearance, or an arraignment by a two-way audio and video proceeding. (Ch. 30)

H.B. 516, an act to allow Alleghany County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance. (Ch. 31)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson for the **State Personnel and State Government Committee**:

S.B. 572, a bill to promote markets for recyclables and to promote waste reduction by the State by requiring reports published by the State to meet certain standards as to composition, by limiting the distribution of State reports, and by encouraging community colleges and nonprofit corporations that receive State funds to prepare reports according to these standards, with a favorable report, as amended.

By Senator Hyde for the **Constitution and Election Laws Committee**:

S.B. 20, a bill to amend the statutes relating to the electoral college to conform them to federal requirements and State law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hyde, the rules are suspended, and the proposed Committee Substitute bill 4600 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, April 26, for further consideration.

S.B. 28 (Committee Substitute), a bill to amend the Constitution to change the composition of the State Board of Education, to make the Superintendent of Public Instruction an appointee of the State Board of Education, and to make corresponding statutory changes, with an unfavorable report as to **Education/Higher Education Committee** Substitute bill, No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Hyde, the rules are suspended, and the proposed Committee Substitute bill 9664 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Hyde, the Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, April 27, for further consideration.

By Senator Parnell for the **Insurance Committee**:

S.B. 626, a bill to adopt the model act of the National Association of Insurance Commissioners for risk-based capital requirements for life and health insurance companies, with a favorable report.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Simpson:

S.B. 942, a bill authorizing Burke County to assist thoroughfare plan implementation.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Capital Expenditures and Improvements Committee.**

By Senator Soles:
S.B. 943, a bill to appropriate funds to complete the construction of the East Arcadia Senior Services Center.
Referred to **Appropriations Committee.**

By Senator Kincaid:
S.B. 944, a bill to clarify the responsibility of insurers of motor vehicles with regard to unscheduled or unauthorized drivers.
Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Kincaid and Forrester:
S.B. 945, a bill permitting the use of deadly force against an intruder under certain circumstances.
Referred to **Judiciary I Committee.**

By Senator Carpenter:
S.B. 946, a bill to appropriate funds for the construction of a new classroom building and child care center building at Tri-County Community College.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Carpenter:
S.B. 947, a bill to appropriate funds for the construction of a new classroom laboratory and study building at the Tri-County Community College/Graham County Center.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Carpenter:
S.B. 948, a bill to appropriate funds for the construction of a new classroom building and student services center at Tri-County Community College.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Warren, Sherron, Hoyle, Ballance, Carpenter, Edwards, Albertson, Forrester, Perdue, Harris, Lee, Smith, Cochrane, Simpson, Richardson, Hartsell, Kincaid, Hunt, Speed, Sands, Plexico, Martin of Guilford, Gunter, Walker, and Parnell:
S.B. 949, a bill to change the method for calculating the penalty for early retirement.
Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Daniel:
S.B. 950, a bill to require that all new hospices receive a certificate of need.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Children and Human Resources Committee.**

By Senators Daniel, Plyler, Winner of Buncombe, and Hunt:
S.R. 951, a Senate simple resolution expressing the intent of the Senate to enhance further the long-term fiscal stability of the State and to take advantage of the favorable interest rate climate by authorizing State general obligation bonds.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler, Odom, Harris, Winner of Mecklenburg, Conder, Hartsell, Richardson, Smith, Cochrane, and Blackmon:
S.B. 952, a bill to change the law regarding hospital authorities to offer health care services outside the city or county creating the authority.
Referred to **Children and Human Resources Committee.**

By Senator Winner of Mecklenburg:

S.B. 953, a bill regarding the establishment of paternity of a child by affidavit, changing the laws of evidence relating to paternity testing in civil actions, and giving priority to the trial of paternity actions.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Marshall, Perdue, Basnight, and Odom:

S.B. 954, a bill to permit the direct payment of certified social workers under health insurance policies.

Referred to **Insurance Committee.**

By Senators Marshall, Gulley, Daniel, and Ballance:

S.B. 955, a bill to authorize a method for parents to authorize consent by another for health care for the parents' minor child.

Referred to **Judiciary I Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

S.B. 821, a bill to amend the current procedure for the registration of water withdrawals to make the procedure more effective, to provide more useful information, and to impose a late payment fee for late registrations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Committee Substitute bill 4601 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 545, a bill to implement a recommendation of the General Statutes Commission to make technical amendments regarding the renunciation of property.

Referred to **Judiciary II Committee.**

H.B. 694, a bill to change the candidate filing period for the Gaston County Board of Education so it will close prior to the availability of absentee ballots.

Referred to **Constitution and Election Laws Committee.**

H.B. 728, a bill to make the wearing of seat belts admissible in criminal proceedings.

Referred to **Judiciary I Committee.**

H.B. 762, a bill to provide for modification of the Haywood County predevelopment ordinance.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 819, a bill to provide for nonpartisan election of the Transylvania County Board of Education.

Referred to **Constitution and Election Laws Committee.**

APPOINTMENT BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read the following message from the Governor:

State of North Carolina
Office of the Governor
Raleigh 27603-8001

April 21, 1993

The Honorable Marc Basnight
Senate President *Pro Tempore*
Legislative Building
Raleigh, North Carolina 27611

Dear Marc:

Pursuant to North Carolina General Statute 115C-10, I hereby appoint the following individuals to the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly:

Mr. Eddie Davis, III of Durham
Mr. Robert R. Douglas of Asheville
Mrs. Margaret B. Harvey of Kinston

They will serve terms to begin immediately upon confirmation and to expire on March 31, 2001.

Biographical information on each individual is attached. Please feel free to contact them should you need any additional information.

Thank you for your attention to this important matter.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

Referred to **Education/Higher Education Committee.**

EXECUTIVE ORDERS

An Executive Order is received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 8, State Government Recycling, Reduction of Solid Waste, and Purchase of Products with Recycled Content.
Referred to **Environment and Natural Resources Committee.**

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to **H.B. 1340, Section 139,** 1991 Session, the North Carolina Department of Human Resources submits its Report to the General Assembly on the Functioning of Community Child Protection Teams.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 666, a bill to exempt the Winston-Salem/Forsyth County Board of Education and the Forsyth County Commissioners "Downtown School" project from certain statutory requirements.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 702, a bill to revise the manner of election of the Town of St. Pauls.

The bill passes its second and third reading and is ordered sent to the House of Representatives.

S.B. 851, a bill to abolish the vacant Office of Coroner in Scotland County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

Senator Harris requests to be recorded voting "no" on the third reading of the measure.

S.B. 862, a bill to allow Pitt County to rename all roads within unincorporated areas of the County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 435, a bill to allow absentee voting in Old Fort town elections conducted by the Municipal Board of Elections.

The bill passes its second and third readings and is ordered enrolled.

H.B. 586, a bill to abolish the vacant office of Coroner in Halifax County.

The bill passes its second and third readings and is ordered enrolled.

Senator Harris requests to be recorded voting "no" on the third reading of the measure.

S.B. 531, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice, upon second reading.

On motion of Senator Hyde, consideration of the bill is postponed until Tuesday, April 27.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

H.B. 141, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network, with a favorable report, as amended.

On motion of Senator Ballance, the bill is placed at the end of today's Calendar for consideration.

By Senator Plyler for the **Appropriations Committee**:

S.B. 344, a bill to remove the exclusion for war-related disabilities from the Disabilities Income Plan, with a favorable report.

S.B. 896, a bill to authorize the Judicial Department to transfer funds from the Special Capital Case Rehearing Fund to the Indigent Persons' Attorney Fee Fund, with a favorable report.

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 804, a bill to exempt the Town of Troy from certain zoning notice requirements, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 7672 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, April 26, for further consideration.

CALENDAR (Continued)

S.B. 658, a bill to expand the property tax exemption for computer software, upon third reading.

With unanimous consent, on motion of Senator Kaplan, the bill is taken up out of its regular order of business.

On motion of Senator Kaplan, consideration of the bill is postponed until Tuesday, April 27.

S.B. 7 (Committee Substitute), a bill to require the Commissioner of Insurance to develop and require uniform forms for the submission of claims under health benefit plans, to establish fees for copies of medical records, and to require written notice of claim denial.

Senator Winner of Buncombe offers Amendment No. 1.

Without objection, on motion of Senator Hyde, the Committee Substitute bill is temporarily displaced, with Amendment No. 1 pending.

S.B. 118, a bill to change the process of appealing under the State Personnel Act certain personnel decisions of local appointing authorities.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted (46-0).

The bill, as amended, passes its second (44-0) and third reading and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee:**

S.B. 545, a bill to delete the requirement that local boards of education file copies of their budget resolutions with the State Board of Education, with a favorable report.

S.B. 577, a bill to delete the requirement that the State Board of Education inspect activity buses owned by local school administrative units, with a favorable report.

S.B. 630, a bill to permit recipients of teaching fellows scholarship loans to repay their commitment to the State by teaching for three consecutive years in school systems located in low-wealth counties, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

S.B. 385, a bill to implement a recommendation of the Government Performance Audit Committee to review the lateral entry process for school administrators, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 3639, which changes the title to read **S.B. 385** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to consider a lateral entry process for school administrators, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, April 26, for further consideration.

S.B. 576, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification, with an unfavorable report.

CALENDAR (Continued)

S.B. 7 (Committee Substitute), a bill to require the Commissioner of Insurance to develop and require uniform forms for the submission of claims under health benefit plans, to establish fees for copies of medical records, and to require written notice of claim denial, with Amendment No. 1 pending, temporarily displaced earlier.

Amendment No. 1, offered by Senator Winner of Buncombe, is adopted (45-1).

The Committee Substitute bill, as amended, passes its second reading (48-0).

Senator Daniel objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Tuesday, April 27, for further consideration, upon third reading.

S.B. 196, a bill to remove the legislative recommendation against membership on the Board of the State Ports Authority by persons domiciled in the State House and State Senate districts where a port is located.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 391 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee regarding the continuum of education programs.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 422 (Committee Substitute No. 2), a bill regulating the practice of acupuncture and adding the practice of dietetics/nutrition to the list of practices that are not considered practicing medicine without a license.

The Committee Substitute bill No. 2 passes its second reading (42-8).

Senator Harris objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, April 26, for further consideration, upon third reading.

S.B. 679 (Committee Substitute), a bill to clarify that a North Carolina court has personal jurisdiction over actions arising from direct and indirect solicitations.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 714, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network.

Without objection, on motion of Senator Kerr, the bill is temporarily displaced.

H.B. 141, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network.

With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (49-0).

Without objection, on motion of Senator Soles, the bill, as amended, is temporarily displaced.

RECONSIDERATION

S.B. 196, a bill to remove the legislative recommendation against membership on the Board of the State Ports Authority by persons domiciled in the State House and State Senate districts where a port is located.

Senator Sands offers a motion that the vote by which the bill passed its third reading, today, be reconsidered, which motion prevails, and the question becomes the passage of the measure upon third reading.

On motion of Senator Sands, further consideration of the bill is postponed until Tuesday, April 27.

RE-REFERRAL

S.B. 489, a bill to implement a recommendation of the Child Fatality Task Force to appropriate funds for child maltreatment evaluation and education centers, referred to **Appropriations Committee** on March 16.

Senator Daniel offers a motion that the bill be taken from the **Appropriations Committee** and re-referred to the **Children and Human Resources Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Children and Human Resources Committee.**

CALENDAR (Continued)

S.B. 732, a bill to conform State gas pipeline penalty standards to the newly enacted amendments to the Federal Natural Gas Pipeline Safety Act of 1968.

The bill passes its second (42-0) and third reading and is ordered sent to the House of Representatives.

H.B. 141, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network, as amended, upon third reading, temporarily displaced earlier.

On motion of Senator Soles, further consideration of the bill, as amended, is postponed until Tuesday, April 27.

S.B. 714, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network, temporarily displaced earlier.

On motion of Senator Kerr, consideration of the bill is postponed until Tuesday, April 27.

ENDORSEMENT WITHDRAWN

S.B. 906, a bill to make various substantive amendments to the Workers' Compensation Act and to provide for the termination of a worker's compensation insurance policy when the employer fails to fully disclose certain information, referred to the **Manufacturing and Labor Committee** on April 19.

With unanimous consent, Senator Speed withdraws his endorsement of the bill.

On motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns at 2:43 P.M. to meet Monday, April 26, at 8:00 P.M.

FIFTY-SECOND DAY

SENATE CHAMBER,
Monday, April 26, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Randall Lolley, Minister of First Baptist Church, Greensboro, as follows:

"Almighty God, our Heavenly Father, once again the gavel falls, a session begins, and the people's representatives pause to pray.

"This is the North Carolina State Senate, Lord. I am impressed. Are You?

"You were there when each of these Senators got their start. All in the same way, You provided the first gulp of air while the doctor provided the first slap on the backside.

"And You have been there with them, every day since—watching them grow—sometimes toward You; sometimes in different directions.

"Now, make all of them grateful and none of them forgetful that Your Gift of Life to them is Your Own Vote to keep them in office.

"This is the Senate, Lord.

"I am impressed. Here the women and men are so unique, so self-assured, that even their similarities are different. Theirs is a mighty stewardship both to You and to the electorate.

"Soon this place will reverberate with debate—the sound and fury of the people's work getting done.

"Help these Senators tonight to know, Lord, that the only place sainthood precedes servanthood is in the dictionary.

"In Your Own Name, we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Thursday, April 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Albertson, who is attending an ALEC environmental meeting in Perdido Beach, Alabama; Senator Hartsell, who is attending a county commissioners' meeting; and to Senators Soles, Shaw, and Edwards.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 130 (Committee Substitute), an act to modify the distribution of the profits from the City of Monroe ABC System. (Ch. 32)

S.B. 457, an act to establish statewide seasons for taking beaver and to allow the taking of depredating beaver without obtaining a permit. (Ch. 33)

S.B. 458, an act to provide for an at-large seat on the Kings Mountain Board of Education, instead of all the members being elected from residency districts. (Ch. 34)

H.B. 435, an act to allow absentee voting in Old Fort town elections conducted by the Municipal Board of Elections. (Ch. 35)

H.B. 586, an act to abolish the vacant office of Coroner in Halifax County. (Ch. 36)

ESCORT COMMITTEE

The Chair recognizes Senator Basnight, President *Pro Tempore*, who announces the Escort Committee for the University of North Carolina at Chapel Hill Women's Championship NCAA Division I Soccer Team, Head Coach Anson Dorrance, and the coaching staff, as follows: Senator Winner of Buncombe, Chairman; Senators Cooper, Forrester, Kerr, Lee, Odom, Sands, Walker, and Ward; and to Senators Hartsell and Shaw in absentia.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

S.B. 571, a bill to amend the Dam Safety Law of 1967 to make it more effective, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the proposed Committee Substitute bill 6621 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 875, a bill to regulate interbasin transfers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Committee Substitute bill 9665 is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 27, for further consideration.

By Senator Johnson for the **State Personnel and State Government Committee**:

S.B. 58, a bill to establish a State procurement policy that requires the State to purchase products containing recycled materials and establishes certain goals for the purchase of goods and supplies made from recycled materials, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the rules are suspended, and the proposed Committee Substitute bill 4599, which changes the title to read **S.B. 58** (Committee Substitute), a bill to establish a procurement policy that promotes the purchase of materials and supplies with recycled content by the State, the University System, Community Colleges, and public schools and to establish certain goals for the purchase of recycled paper and paper products, is placed before the Senate for immediate consideration.

On motion of Senator Johnson, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 27, for further consideration.

S.B. 744, a bill to amend various statutes to delete obsolete references to warrants issued by the State Auditor, to make technical corrections in references to the State Auditor's oversight, and to repeal Chapter 112 of the General Statutes Confederate Homes and Pensions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the proposed Committee Substitute bill 8516 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

Bills and resolutions are reported from a select committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 192, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Department of Commerce to establish performance-based indicators and contracts for nonprofits that conduct state-funded economic development activities, with a favorable report.

S.B. 310, a bill to implement recommendations of the Government Performance Audit Committee concerning the classification of State employees and to appropriate funds to implement the classification recommendations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the proposed Committee Substitute bill 3634, which changes the title to read **S.B. 310** (Committee Substitute), a bill to study employee classification and compensation, to provide for an annual evaluation of employee benefits, and to provide funds for the classification and compensation study, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 366, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate the administration of the State's Workers' Compensation Program and to create the State Government Workers' Compensation Office, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the proposed Committee Substitute bill 7673, which changes the title to read **S.B. 366** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to create the State Workers' Compensation Office and to consolidate the administration of the State Workers' Compensation Program, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

Additional bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Warren for the **Banks and Thrift Institutions Committee:**

S.B. 466, a bill to allow the original contracting preneed licensee to retain up to ten percent of the funds when transferring trust deposits to a successor funeral establishment, with a favorable report.

S.B. 513, a bill to amend the banking laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended, and the proposed Committee Substitute bill 9668 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 27, for further consideration.

By Senator Speed, Vice-Chairman, for Senator Albertson, Chairman, for the **Agriculture, Marine Resources, and Wildlife Committee**:

S.B. 116, a bill to implement the recommendation of the Horse Racing in North Carolina Legislative Research Commission Study Committee to establish the North Carolina Racing Commission, after a binding referendum, to develop a program of horse racing for North Carolina, and to provide funds for development of the equine industry in North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the proposed Committee Substitute bill 9662 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

By Senator Kerr for the **Manufacturing and Labor Committee**:

S.B. 787, a bill to impose a penalty for failure to comply with ESC tax reporting requirements, to allow for garnishment for unpaid unemployment insurance contributions, and to clarify the law with respect to overpayments collected from certain claimants, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the proposed Committee Substitute bill 3648, which changes the title to read **S.B. 787** (Committee Substitute), a bill to impose a penalty for failure to comply with ESC tax reporting requirements, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 802, a bill to make technical and other changes to the employment security laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 2650 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 27, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

Senator Sands offers a motion that bills filed for introduction tonight be read the first time and referred to committee upon the completion of tonight's Calendar, which motion prevails.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

Senator Sands offers a motion that messages received from the House of Representatives, transmitting bills and a resolution, be read the first time and disposed of, upon the completion of tonight's Calendar, which motion prevails.

The President recognizes Senator Winner of Buncombe, who requests permission for the Escort Committee to be excused to escort the Honored Guests to the Well of the Senate. The President grants the request and excuses the Escort Committee.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

SPECIAL ORDER NO. 1

S.J.R. 441

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S.J.R. 441**, a joint resolution honoring the women's soccer program at the University of North Carolina at Chapel Hill.

The Sergeant-at-Arms announces the presence of the University of North Carolina at Chapel Hill NCAA Division I Women's Soccer Championship Team, Head Coach Anson Dorrance and members of his staff are at the doors of the Chamber and await the pleasure of the Senate. The President orders the Sergeant-at-Arms to open the doors of the Chamber and to lead the Escort Committee and the Honored Guests to the Well of the Senate. Senator Winner of Buncombe presents the Honored Guests to the President.

With unanimous consent, on motion of Senator Winner of Buncombe, the joint resolution is read in its entirety. Senator Winner of Buncombe briefly addresses the Senate and recognizes the accomplishments of Head Coach Anson Dorrance; assistant coach, Bill Palladino; 1992 team members, Missy Boyle, Alison Brooks, Amy Burns, Paige Coley, Dawn Crow, Shannon Davenport, Mikki Denney, Tracy Donahue, Meagan Dougherty, Jenn Eames, Danielle Egan, Shelley Finger, Nancy Friedman, Susie Green, Mia Hamm, Angela Kelly, Kristine Lilly, Kasey Monroe, Tracy Noonan, Ashley Riggs, Vanessa Rubio, Keri Sanchez, Roz Santana, Sasha Soares, Carolyn Springer, Sonja Trojak, Rita Tower, Tisha Venturini, and Jennifer Zaccagnini; administrative assistant, Chris Bischoff; and goalkeeper trainer, Mike Taylor.

The joint resolution passes its second (43-0) and third readings. With unanimous consent, the Chair orders the joint resolution sent to the House of Representatives by special messenger.

Senator Winner of Buncombe introduces Head Coach Anson Dorrance and requests permission for him and any team member to speak. The President recognizes Coach Dorrance and Team Member, Carolyn Springer, who briefly address the Senate. The Senate responds with a standing ovation.

The President directs the Committee to escort the Honored Guests from the Chamber.

S.B. 804 (Committee Substitute), a bill to exempt the Town of Troy from certain zoning notice requirements.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee:**

S.B. 778, a bill to provide that either spouse may direct a lender to cease making advances on an equity line of credit secured by real property owned by the spouses as joint tenants or tenants by the entirety, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 3645 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 27, for further consideration.

CALENDAR (Continued)

S.B. 545, a bill to delete the requirement that local boards of education file copies of their budget resolutions with the State Board of Education.

With unanimous consent, on motion of Senator Richardson, the bill is taken up out of its regular order of business.

On motion of Senator Richardson, consideration of the bill is postponed until tomorrow, Tuesday, April 27.

S.B. 20 (Committee Substitute), a bill to amend the statutes relating to the electoral college to conform them to federal requirements and State law.

The Committee Substitute bill passes its second (40–0) and third readings and is ordered sent to the House of Representatives.

S.B. 344, a bill to remove the exclusion for war-related disabilities from the Disabilities Income Plan.

The bill passes its second (42–0) and third readings and is ordered sent to the House of Representatives.

S.B. 385 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to consider a lateral entry process for school administrators.

The Committee Substitute bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives.

S.B. 572, a bill to promote markets for recyclables and to promote waste reduction by the State by requiring reports published by the State to meet certain standards as to composition, by limiting the distribution of State reports, and by encouraging community colleges and nonprofit corporations that receive State funds to prepare reports according to these standards.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (43–0).

Senator Winner of Buncombe objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, April 27, for further consideration, upon third reading.

S.B. 577, a bill to delete the requirement that the State Board of Education inspect activity buses owned by local school administrative units.

The bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives.

S.B. 626, a bill to adopt the model act of the National Association of Insurance Commissioners for risk-based capital requirements for life and health insurance companies.

The bill passes its second (42–0) and third readings and is ordered sent to the House of Representatives.

S.B. 896, a bill to authorize the Judicial Department to transfer funds from the Special Capital Case Rehearing Fund to the Indigent Persons' Attorney Fee Fund.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 422 (Committee Substitute No. 2), a bill regulating the practice of acupuncture and adding the practice of Dietetics/Nutrition to the list of practices that are not considered practicing medicine without a license, upon third reading.

The Committee Substitute bill No. 2 passes its third reading (35-6) and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

S.B. 853, a bill to authorize counties that will derive economic benefits from the North Carolina Global Transpark to form a Global Transpark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone, with a favorable report.

The President recognizes the following pages serving in the Senate this week, who are members of the North Carolina Wing of the Civil Air Patrol: Jonathan F. Almond, Albemarle; Manuel Alvarer, Pope Air Force Base; Joshua Brandon Bass, Charlotte; Ganasham (Tony) Beerbhajan, Concord; Joshua James Gifford, Wendell; Christopher L. Hall, Concord; Matthew S. Johnson, Apex; Kevin Letchworth, Wendell; James A. Martin, Concord; Diedre (Deedy) M. Martinet, Zebulon; Jessica Anne-Elizabeth Miller, Albemarle; Jerry Bryan Radford, Forest City; Raymond Patrick Reams, Wendell; Matthew C. Reash, Raleigh; Joseph Edward Rucker III, Chapel Hill; Jamal Searles, Bailey; David L. Taylor, Fayetteville; Omar J. Vieira, Fort Bragg; James H. Wells, Fort Bragg; James Bernard Wilde, Durham; David P. Wolfe, Durham; and Reuben D. Young, Raleigh. It is announced Jonathan W. Schutts, Cary, shall serve as a page this week beginning tomorrow, Tuesday, April 27.

INTRODUCTION OF BILLS AND RESOLUTIONS

Pursuant to the motion prevailing earlier tonight, bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Albertson, Perdue, Jordan, Parnell, Kincaid, Martin of Guilford, Hoyle, Hunt, Simpson, Martin of Pitt, Hyde, Smith, Warren, Kerr, Edwards, Conder, Winner of Buncombe, Harris, Gulley, Ward, and Cooper:

S.B. 956, a bill directing the Agriculture and Forestry Awareness Study Commission to study the development of farm and nonfarm markets for animal residues.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Folger:

S.B. 957, a bill to authorize Surry County to levy an additional privilege license tax on beer and wine retailers.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Kaplan:

S.B. 958, a bill to appropriate funds for the establishment of the Institute of Film Technologies at the Caswell County Campus of Piedmont Community College.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Perdue:

S.B. 959, a bill to appropriate funds for the North Carolina Interloc Program, a grant program to encourage local boards of education to act jointly to provide programs or services.

Referred to **Appropriations Committee.**

By Senators Perdue, Conder, and Albertson:

S.B. 960, a bill to establish the North Carolina Interloc Program, a grant program to encourage local boards of education to act jointly to provide programs or services, and to permit two or more local boards of education to operate schools jointly.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Perdue:

S.B. 961, a bill to allow certain counties to regulate junkyards on secondary roads.

Referred to **Transportation Committee.**

By Senators Daniel and Plyler:

S.B. 962, a bill to allow legislators serving in January 1985 to purchase creditable service in the Legislative Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Daniel:

S.B. 963, a bill to provide that an assignment of a mortgage or deed of trust need not be recorded in order to perfect the assignment.

Referred to **Judiciary II Committee.**

By Senators Walker, Harris, Lee, Ward, Tally, Plexico, Kaplan, Martin of Guilford, Hunt, Richardson, Marshall, Ballance, Edwards, Seymour, and Perdue:

S.B. 964, a bill to appropriate funds for the Division of Youth Services' community-based alternative services.

Referred to **Appropriations Committee.**

By Senators Speed, Plyler, and Marshall:

S.B. 965, a bill to require the court to order modifications of the defendant's drivers record after acquittal for driving while impaired.

Referred to **Judiciary I Committee.**

By Senators Winner of Mecklenburg, Codington, Blackmon, Forrester, Seymour, Hoyle, Jordan, Martin of Guilford, Richardson, Harris, Winner of Buncombe, and Odom:

S.B. 966, a bill to appropriate funds to be paid to eight private nonprofit child caring agencies as grants-in-aid to private child caring institutions.

Referred to **Appropriations Committee.**

By Senators Lee, Gunter, Hoyle, and Ward:

S.B. 967, a bill to appropriate funds to plan for and begin implementation of teacher academies.

Referred to **Appropriations Committee.**

By Senators Lee, Gunter, Hoyle, and Ward:

S.B. 968, a bill to plan for and begin implementation of teacher academies.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Pursuant to the motion prevailing earlier tonight, messages are received from the House of Representatives transmitting the following bills and a resolution which are read the first time and disposed of, as follows:

H.B. 97, a bill to increase the limit on cash prizes for raffles.

Referred to **Judiciary I Committee.**

H.B. 102 (Committee Substitute), a bill to require the local Boards of Education to use the energy guidelines for school design and construction and to require energy-use goals and standards in order to assure the construction of energy efficient new schools and school renovations.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Education/Higher Education Committee.**

H.B. 187, a bill requiring certain detail in the decisions and reports of the OSHA Review Board.

Referred to **Manufacturing and Labor Committee.**

H.B. 203 (Committee Substitute), a bill to require that individuals and businesses engaged in the practice of tattooing obtain a permit from the Department of Environment, Health, and Natural Resources.

Referred to **Children and Human Resources Committee.**

H.B. 283 (Committee Substitute), a bill recommended by the Juvenile Law Study Commission to establish a pilot program under the Administrative Office of the Courts regarding juvenile court jurisdiction over juveniles between sixteen and eighteen years of age who are beyond the disciplinary control of their parents.

Referred to **Judiciary I Committee.**

H.B. 365 (Committee Substitute), a bill to require public school children to receive a health assessment before entry into kindergarten.

Referred to **Education/Higher Education Committee.**

H.J.R. 393, a joint resolution honoring the founders of the John C. Campbell Folk School and the Penland School of Crafts and declaring both schools as North Carolina arts and crafts resources.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 437, a bill to grant statutory powers to trustees under express trust instruments.

Referred to **Judiciary II Committee.**

H.B. 519, a bill to eliminate any ambiguity as to the scope of inspections of the Board of Mortuary Affairs.

Referred to **Children and Human Resources Committee.**

H.B. 698, a bill to amend laws relating to felonious larceny to make the threshold amount consistently one thousand dollars.

Referred to **Judiciary I Committee.**

H.B. 733, a bill exempting Gaston County from Article 12, Chapter 160A of the General Statutes, as to leases of undeveloped real estate owned by it known as the Court Drive Property in Gastonia.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 735, a bill to allow the Town of Surf City to replace a water line with its own crew and equipment.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Capital Expenditures and Improvements Committee.**

H.B. 737, a bill to provide that elected officials of the Town of Black Creek who are also employees or officers of the Town may not vote on any matter related to personnel.
Referred to **Constitution and Election Laws Committee.**

H.B. 765, a bill to make amendments to the law of escheats and unclaimed property.
Referred to **Judiciary II Committee.**

H.B. 804, a bill to exempt Wilkes County and the Towns of Ronda, Wilkesboro, and North Wilkesboro from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 814, a bill to provide that Mecklenburg County park rangers may act as special peace officers on property owned or leased by the City of Charlotte.
Referred to **Judiciary I Committee.**

H.B. 820, a bill amending the statutory definition of subdivision in Pasquotank County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 879, a bill to allow the City of Oxford to make sidewalk assessments and assess without a petition.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 898, a bill to allow the Town of Cary to levy a motor vehicle tax of up to ten dollars.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following resolution which is read the first time and disposed of, as follows:

H.J.R. 833, a joint resolution honoring the life and memory of James Paul Tyndall, former member of the General Assembly.
Referred to **Rules and Operation of the Senate Committee.**

REPORT TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit reports (see Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Section 2 of Chapter 575 of the 1991 Session Laws, the Administrative Office of the Courts submits its Report on Pilot Program for Providing Indigent Defense through Contracts for Specialized Representation.

The North Carolina Department of Revenue submits its Comparative Statement of Net Collections for the months of March 1993 and 1992.

ENDORSEMENT WITHDRAWN

S.B. 906, a bill to make various substantive amendments to the Workers' Compensation Act and to provide for the termination of a worker's compensation insurance policy when the employer fails to fully disclose certain information, referred to the **Manufacturing and Labor Committee** on April 19.

With unanimous consent, Senator Martin of Pitt withdraws his endorsement of the bill.

On motion of Senator Basnight, seconded by Senator Conder, the Senate adjourns at 9:11 P.M. in memory of Raymond ''Pete'' M. Thompson, late Representative from Chowan County, who died on Friday, April 23, to meet tomorrow, Tuesday, April 27, at 1:30 P.M.

FIFTY-THIRD DAY

SENATE CHAMBER,
Tuesday, April 27, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Senator Howard N. Lee, as follows:

"God, sometimes being a Senator can feel so awesome and overwhelming. Yes, it is a special privilege for which we have asked. This alone makes us special. Because we keep doing the same thing over and over again, because we are special, we should symbolize truth, honesty, sincerity, respect, commitment, dedication, and productivity. When You look at our lives and our work and our living, is it possible that You can be satisfied that we are as special as we sometimes feel we are? If not, then keep us working toward trying to accomplish that goal. Help us to demonstrate all the qualities special people should demonstrate.

"Help us to meet today's challenges and the challenges of tomorrow to ensure the quality of life for this generation and generations in the future. Time, sometimes, is not our ally, so help us keep on keeping on. All this we ask. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, April 26, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends the courtesies of the floor to Henson P. Barnes, former Senator from Wayne County.

With unanimous consent, on motion of Senator Sands, the remarks offered Monday, April 26, by Senator Basnight, President *Pro Tempore*, regarding the untimely death of Raymond "Pete" M. Thompson, the late Representative from Chowan County, on Friday, April 23, 1993, are spread upon the Journal as follows:

"Mr. President, Members of this Body, I rise to speak about a person that has meant a great deal to myself, as well as all the people of the State of North Carolina. He was born some sixty-six years ago in Pasquotank County in the section of Weeksville. He left us this past Friday.

"He left Weeksville, went on to further his education after graduation from high school at N. C. State University, a school that he greatly loved.

"From there, he married 'Miss Carolyn,' they lived together for a number of years, had three wonderful children; Mark, who lives in San Diego now, graduated also from N. C. State as a mechanical engineer; he had two wonderful daughters, one, Gail, who lives here in Raleigh with her husband and her children, also another young lady by the name of Sherri, who lives in Bertie County, Frank, in the Merry Hill section. She was with her father on Friday, as she was with her mother when she passed away.

"It is very tragic that it happened at all. Frank, he was very special to myself, and to all who knew him. He gave a lot to the people of this State. He was a person of great quality, a person I greatly admired. All of you who knew him, knew him to be a man of high character and of outstanding quality. He cared, not for himself. Pete loved others. He was a very simple, common man who only wished to see all do well. He'll be greatly missed by not just his family and his district, but he'll be missed, I know, by each and every Senator here, because you all knew Pete. He was Pete. He was wonderful, and God gave us a great opportunity to share this short period of time with him. Pete's a man that I'll never forget. He was a roommate; he was a companion and a colleague. He was truly one great member of this Assembly.

"And, if I may, Mr. President, in honor of a very special person from my district, I move that we do now adjourn in honor of Pete, to reconvene on Tuesday, April 27, at 1:30."

REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

S.B. 812, a bill to amend the law regarding the Supplemental Retirement Fund for Firefighters in the City of Hendersonville, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 527, a bill to provide an increase to retirees of the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, and the Legislative Retirement System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the proposed Committee Substitute bill 7669, which changes the title to read **S.B. 527** (Committee Substitute), a bill to provide an increase to retirees of the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, and the Legislative Retirement System, and to increase the retirement formula with adjusting increase to retirees of the Teachers' and State Employees' Retirement System, is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and pursuant to Rule 43, is re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Daniel, Plyler, Parnell, Conder, Perdue, Albertson, Jordan, Sands, Kerr, Gunter, Richardson, Sherron, Marshall, Martin of Guilford, Hunt, Martin of Pitt, Cooper, and Hoyle:

S.B. 969, a bill to appropriate funds to provide supplemental school funding for small and low-wealth counties.

Referred to **Appropriations Committee.**

By Senators Carpenter, Winner of Buncombe, Ballance, Winner of Mecklenburg, Lee, Edwards, Richardson, Martin of Guilford, Jordan, Hartsell, Forrester, Cochrane, Hunt, Codington, Blackmon, Marshall, Kaplan, Smith, Allran, Harris, Folger, and Simpson:

S.B. 970, a bill to provide that it is a misdemeanor to assemble for the purpose of teaching any techniques to be used for the purpose of intimidating a person because of that person's race, color, religion, nationality, or country of origin.

Referred to **Judiciary I Committee.**

By Senator Gulley:

S.B. 971, a bill to increase the maximum lawful capacity of tear gas containers for use by individuals for self-defense purposes.

Referred to **Judiciary I Committee.**

By Senators Ballance and Sherron:

S.B. 972, a bill to enact the Radiation Technology Practice Act.

Pursuant to G.S. 120-149, the bill is held for an Assessment Report from the Legislative New Licensing Board.

By Senators Hunt, Martin of Pitt, Lee, and Martin of Guilford:

S.B. 973, a bill to appropriate funds for the North Carolina Hemophilia Assistance Plan.

Referred to the **Appropriations Committee.**

By Senator Gunter:

S.B. 974, a bill to require continuing education for registered cosmetologists and registered manicurists.

Referred to the **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Daniel and Plyler:

S.B. 975, a bill to make budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

Referred to **Appropriations Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Plyler, Basnight, Blackmon, Cochrane, Conder, Folger, Gulley, Harris, Hunt, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Richardson, Seymour, Sherron, Simpson, Speed, Tally, Walker, Ward, Warren, Winner of Mecklenburg, Albertson, Allran, Hartsell, Hoyle, Smith, and Soles:

S.J.R. 976, a joint resolution honoring the life and memory of Dwight Wilson Quinn, former member of the General Assembly.

On motion of Senator Plyler, the joint resolution is placed on the Calendar for tomorrow, April 28, for consideration as a special order of business, No. 1.

By Senators Gulley, Perdue, Conder, Gunter, and Winner of Mecklenburg:

S.B. 977, a bill to require local Boards of Education to report acts of school violence to the State Board of Education and to adopt clear rules regarding the consequences of committing violent acts at school, to require the implementation and use of conflict resolution programs and parent involvement programs in schools, to prohibit parents and others from permitting a minor to possess any weapon on school property, to provide that any person convicted of bringing a firearm to school is ineligible for or loses North Carolina drivers license for one year, and to require employers to grant a minimum of four hours per year leave to employees for involvement at their children's schools.

On motion of Senator Sands, the Chair orders the bill held as filed in the Office of the Principal Clerk.

EXCUSE FROM VOTING

S.B. 875 (Committee Substitute), a bill to regulate interbasin transfers.

With unanimous consent, pursuant to Rule 29, Senator Johnson is excused from voting on the bill for the stated reason: "My firm represents Alcoa as a legislative agent and Alcoa has taken a position in the above bill."

REPORTS OF COMMITTEES (Continued)

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee:**

S.B. 9, a bill to facilitate cooperative agreements among hospitals, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 2648, which changes the title to read **S.B. 9** (Committee Substitute), a bill to encourage and permit cooperative agreements of hospitals, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted and on his further motion is re-referred to the **Finance Committee.**

S.B. 525, a bill to make revisions to the right to a Natural Death Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 9666 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, April 28, for further consideration.

By Senator Edwards for the **Economic Development/Travel and Tourism Committee:**

S.B. 790, a bill to increase the amount of alcoholic beverages a person may purchase and possess without a permit, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Edwards, the rules are suspended, and the proposed Committee Substitute bill 3642 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, April 28, for further consideration.

By Senator Ballance for the **Judiciary I Committee:**

S.B. 341, a bill regulating the practice of complementary medicine, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with a sequential referral to the **Finance Committee** ordered on March 11.

On motion of Senator Ballance, the proposed Committee Substitute bill 5619, which changes the title to read **S.B. 341** (Committee Substitute), a bill regulating the practice of complementary medicine and to increase the membership of the Board of Medical Examiners and include more public members, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Committee Substitute bill is adopted.

Senator Winner of Buncombe offers a motion the rules be suspended to the end the Committee Substitute bill be placed on the Calendar for tomorrow, Wednesday, April 28, without referral to the **Finance Committee**, which motion prevails.

The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, April 28, for further consideration.

S.B. 860, a bill to clarify the Public Records Law with respect to criminal investigative records, with a favorable report, as amended.

WITHDRAWAL FROM COMMITTEE

S.B. 592, a bill to amend the General Statutes pertaining to public health remedies, referred to **Finance Committee** on April 8.

Senator Winner of Buncombe offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and placed on the Calendar for tomorrow, Wednesday, April 28, which motion prevails with unanimous consent.

The Chair orders the bill placed on the Calendar for tomorrow, Wednesday, April 28.

H.B. 519, a bill to eliminate any ambiguity as to the scope of inspections of the Board of Mortuary Affairs, referred to **Children and Human Resources Committee** on April 26.

Senator Harris, Vice-Chairman of the **Children and Human Resources Committee**, offers a motion that the rules be suspended and the bill be taken from the **Children and Human Resources Committee** and placed at the end of the Calendar for today, Tuesday, April 27, upon its passage.

The Chair takes the motion under advisement for a ruling under Rule 47.

CALENDAR

S.B. 658, a bill to expand the property tax exemption for computer software, upon third reading.

With unanimous consent, on motion of Senator Kaplan, the bill is taken up out of its regular order of business.

On motion of Senator Kaplan, further consideration of the bill is postponed until tomorrow, Wednesday, April 28.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 292, a bill to implement the recommendations of the Government Performance Audit Committee regarding the continuum of education in North Carolina.

Referred to **Rules and Operation of the Senate Committee**.

H.B. 312, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Governor to study Butner public safety.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

H.B. 341 (Committee Substitute), a bill to implement the recommendations of the Government Performance Audit Committee with regards to compensation and benefits provided by the State.

Referred to **Government Performance Audit Select Committee** and upon a favorable report, re-referred to the **Rules and Operation of the Senate Committee**.

H.B. 453, a bill to provide that unopposed candidates for statutorily created offices which are elected on a partisan basis are declared elected without appearing on the general election ballot, so as to reduce ballot clutter, reduce costs of election and campaigning.

Referred to **Constitution and Election Laws Committee.**

H.B. 471, a bill to make technical changes in the law regarding vocational education.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 779 (Committee Substitute), a bill to authorize the City of Durham and Durham County to prohibit acts of discrimination in employment and public accommodations based on race, color, national origin, religion, sex, disability, or age.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 813, a bill to amend the powers of the New Hanover County Airport Authority.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 864, a bill to provide for the distribution of profits of ABC stores in Stanly County.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 865, a bill to clarify that the plan for election of the Guilford County Board of Commissioners enacted by the 1991 General Assembly is the only lawful plan.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 882, a bill to amend the Charter of the City of Charlotte to authorize the City to exempt the purchase of telecommunications, data processing and data communications equipment, supplies and services from the formal bid requirements of G.S. 143-129.

Referred to **Local Government and Regional Affairs Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 28 (Committee Substitute No. 2), a bill to amend the Constitution to change the composition of the State Board of Education, to make the Superintendent of Public Instruction an appointee of the State Board of Education, and to make corresponding statutory changes, upon second reading.

Receiving a three-fifths majority affirmative vote, the Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: Senators Ballance, Gunter, Harris, Johnson, Marshall, Richardson, and Sherron—7.

With unanimous consent, the bill remains before the Senate for further consideration upon third reading.

Receiving a three-fifths majority affirmative vote, the Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee,

Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: Senators Ballance, Gunter, Harris, Johnson, Marshall, Richardson, and Sherron—7.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

S.B. 531, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice, upon second reading.

Senator Daniel, Chairman of the **Appropriations Committee**, requests a fiscal note on the bill. Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Thursday, April 29, for receipt of the fiscal note.

S.B. 853, a bill to authorize counties that will derive economic benefits from the North Carolina Global Transpark to form a Global Transpark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: Senator Sands—1.

The bill is ordered placed on the Calendar for tomorrow, Wednesday, April 28, for further consideration upon third reading.

S.B. 875 (Committee Substitute), a bill to regulate interbasin transfers, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: Senator Gunter—1.

Excused from voting: Senator Johnson.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, April 28, for further consideration upon third reading.

S.B. 58 (Committee Substitute), a bill to establish a procurement policy that promotes the purchase of materials and supplies with recycled content by the State, the University System, Community Colleges, and public schools and to establish certain goals for the purchase of recycled paper and paper products.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.B. 192, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Department of Commerce to establish performance-based

indicators and contracts for nonprofits that conduct state-funded economic development activities.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 466, a bill to allow the original contracting preneed licensee to retain up to ten percent of the funds when transferring trust deposits to a successor funeral establishment.

With unanimous consent, Senator Harris is excused from voting on the bill for the stated reason: "conflict of interest."

Senator Shaw rises to a point of order as to a member, excused from voting, sponsoring a measure.

The Chair cites Senate Rule 29(e), disallowing debate by a Senator excused from voting, and takes the point of order under advisement.

With unanimous consent, Senator Jordan is excused from voting on the bill for the stated reason: "conflict of interest."

With unanimous consent, on motion of Senator Conder, the bill is recommitted to the **Banks and Thrift Institutions Committee.**

S.B. 513 (Committee Substitute), a bill to amend the banking laws.

With unanimous consent, Senator Tally is excused from voting for the stated reason: "am on bank board."

On motion of Senator Harris, consideration of the Committee Substitute bill is postponed until tomorrow, Wednesday, April 28.

S.B. 545, a bill to delete the requirement that local boards of education file copies of their budget resolutions with the State Board of Education.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 714, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network.

With unanimous consent, on motion of Senator Kerr, the bill is recommitted to the **Judiciary I Committee.**

S.B. 778 (Committee Substitute), a bill to provide that either spouse may direct a lender to cease making advances on an equity line of credit secured by real property owned by the spouses as joint tenants or tenants by the entirety.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 802 (Committee Substitute), a bill to make technical and other changes to the employment security laws.

The Committee Substitute bill passes its second reading (44-5).

Senator Winner of Buncombe objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, April 28, for further consideration, upon third reading.

S.B. 7 (Committee Substitute), a bill to require the Commissioner of Insurance to develop and require uniform forms for the submission of claims under health benefit plans, to establish fees for copies of medical records, and to require written notice of claim denial, as amended, upon third reading.

Senator Winner of Buncombe offers Amendment No. 2, which is adopted (46-1).

The Committee Substitute bill, as amended, passes its third reading (47-0).

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee:**

S.B. 878, a bill to create the North Carolina Education Standards and Accountability Commission, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

CALENDAR (Continued)

S.B. 196, a bill to remove the legislative recommendation against membership on the Board of the State Ports Authority by persons domiciled in the State House and State Senate districts where a port is located, upon third reading.

Senator Sands offers Amendment No. 1, which is adopted (46-0), changing the title to read **S.B. 196**, a bill to add two members to the Board of the State Ports Authority to be appointed by the President *Pro Tempore* of the Senate, and to remove the legislative recommendation against membership on the Board of the State Ports Authority by persons domiciled in the State House and State Senate districts where a port is located.

The bill, as amended, passes its third reading (45-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 572, a bill to promote markets for recyclables and to promote waste reduction by the State by requiring reports published by the State to meet certain standards as to composition, by limiting the distribution of State reports, and by encouraging community colleges and nonprofit corporations that receive State funds to prepare reports according to these standards, as amended, upon third reading.

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (46-0), changing the title to read **S.B. 572**, a bill to promote markets for recyclables and to promote waste reduction by the State by requiring reports published by the State to meet certain standards as to composition, by limiting the distribution of State reports, and by encouraging community colleges and nonprofit corporations that receive State funds to prepare reports according to these standards and to provide that mailing lists of alumni need not be purged.

The bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives.

H.B. 141, a bill to authorize access to information relevant to noncriminal violations of the law from the Police Information Network, as amended.

The bill, as amended, passes its third reading (46-0) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

RE-REFERRAL

S.B. 825, a bill to prohibit hunting from roads in a portion of Craven County, referred to **Rules and Operation of the Senate Committee** on April 13.

Senator Sands offers a motion that the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Local Government and Regional Affairs Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Local Government and Regional Affairs Committee.**

INTRODUCTION OF BILL

Senator Sands offers a motion that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Gulley, Perdue, Conder, Edwards, Hartsell, Speed, Warren, Gunter, Winner of Mecklenburg, and Plexico:

S.B. 989, a bill to require local Boards of Education to report acts of school violence to the State Board of Education and to adopt clear rules regarding the consequences of committing violent acts at school, to require the implementation and use of conflict resolution programs and parent involvement programs in schools, and to require employers to grant a minimum of four hours per year leave to employees for involvement at their children's schools.

On motion of Senator Sands, the bill is referred to **Education/Higher Education Committee**.

On motion of Senator Basnight, seconded by Senator Walker, the Senate adjourns at 3:45 P.M. to meet tomorrow, Wednesday, April 28, at 1:30 P.M.

FIFTY-FOURTH DAY

SENATE CHAMBER,
Wednesday, April 28, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Randall Robinson, Minister of Millbrook Baptist Church, Raleigh, as follows:

"Almighty God, we witness today the beauty of this great State from coastal plain to mountain splendor. As gatekeepers of this garden, may we find joy in its beauty and inspiration to protect it for our children's children.

"Grant unto these elected-ones guidance in governance and legislation. Grant unto them patience with allegiances and courage in dealing with issues beyond the scope of human understanding. In protecting provincial interests, may none lose sight of the common good and the basic needs of each person in the larger constituency of life.

"May sound judgment rule this hall as we appeal to You for wisdom beyond ourselves.

"May the compassion we seek equal the compassion we give, as we work to increase the love of God and neighbor.

"We pause today to remember the victims of violence in our communities and our schools. May the indignation we feel be channeled to bring security and peace to the innocent citizens we have pledged to protect. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, April 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Ballance.

ENROLLED BILL

The Enrolling Clerk reports the following resolution properly enrolled, duly ratified, and sent to the Office of the Secretary of State:

S.J.R. 919, a joint resolution recognizing the Men's Basketball Program at the University of North Carolina at Chapel Hill and honoring the 1992 Men's Basketball Team on winning the 1993 NCAA Division I Championship. (Res. 10)

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

S.B. 631, a bill to amend the North Carolina Practicing Psychologist Licensing Act, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee**.

By Senator Seymour for the **Public Utilities Committee**:

S.B. 682, a bill to allow the Counties of Caldwell and Catawba and the Cities of Granite Falls, Hudson, Hickory, Lenoir, and Sawmills to establish the Carolina and Northwestern Railroad Authority, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Seymour, the rules are suspended, and the proposed Committee Substitute bill 6628 is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, April 29, for further consideration.

By Senator Walker for the **Children and Human Resources Committee**:

S.B. 842, a bill for the appointment of temporary managers for long-term care facilities and domiciliary homes, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 861, a bill to allow shampooing by unlicensed shampooers in Jones and Lenoir Counties, with a favorable report.

S.B. 610, a bill to implement a recommendation of the General Statutes Commission to authorize honorary trusts, trusts for pets, and trusts for cemetery lots, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Judiciary II Committee**.

By Senator Hyde for the **Constitution and Election Laws Committee**:

S.B. 25, a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto, with a favorable report, as amended.

On motion of Senator Hyde, the bill is placed on the Calendar for Tuesday, May 4, for further consideration.

S.B. 720, a bill concerning redistricting for local elections in Cleveland County, with a favorable report, as amended.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Tally:
S.B. 978, a bill to establish the North Carolina Licensing Board of On-Site Wastewater System Contractors.
Pursuant to G.S. 120-149, the bill is ordered held in the Office of the Principal Clerk for an assessment report.

By Senator Tally:
S.B. 979, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources for water supply planning and regional water management studies.
Referred to **Appropriations Committee.**

By Senator Tally:
S.B. 980, a bill to define septage, to make some technical corrections, and to allow the use of chemical or portable toilets.
Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Plyler and Conder:
S.B. 981, a bill to amend the Charter of the City of Albemarle with respect to the distribution of the net proceeds from the operation of alcoholic beverage control stores.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Sands, Parnell, and Folger:
S.B. 982, a bill to modify the prison population cap.
Referred to **Judiciary I Committee.**

By Senators Sands and Basnight:
S.B. 983, a bill to adopt the council-manager form of government for the Town of Manteo.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Cooper and Marshall:
S.B. 984, a bill to authorize a mediation program for the Industrial Commission.
Referred to **Judiciary II Committee.**

By Senator Cooper:
S.B. 985, a bill to appropriate funds for enhancing the capacity of local boards of health to ensure the efficient delivery of public health services.
Referred to **Appropriations Committee.**

By Senator Cooper:
S.B. 986, a bill to authorize a mediation program for the Office of Administrative Hearings.
Referred to **Judiciary II Committee.**

By Senator Johnson:
S.B. 987, a bill to enact the Overhead High-Voltage Line Safety Act.
Referred to **Public Utilities Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

By Senator Edwards:

S.B. 988, a bill to appropriate funds for the Spring Lake Community and Cultural Center.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Jordan:

S.B. 990, a bill to appropriate funds for adult day care services in counties currently without these services.

Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 991, a bill to make it unlawful to purse seine or operate a menhaden fishing vessel licensed under G.S. 113-152(d) in the Atlantic Ocean within three nautical miles of specified areas in Dare County.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 181 (House Committee Substitute), a bill to require entities providing health benefit plans to make direct payment to governmental agencies providing health care services, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, April 29.

H.B. 483 (Committee Substitute No. 2), a bill to amend the Dam Safety Law of 1967 to make it more effective.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 494, a bill to streamline the administration of the Prospective Teacher Scholarship Loan Fund and to permit teacher assistants to qualify for loans from the Fund.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 497, a bill to require that the Secretary of State provide to the Office of State Personnel certain State publications.

Referred to **State Personnel and State Government Committee.**

H.B. 970, a bill to enhance parental involvement in the development of local school improvement plans.

Referred to **Education/Higher Education Committee.**

RE-REFERRALS

S.B. 842, a bill for the appointment of temporary managers for long-term care facilities and domiciliary homes, referred to **Finance Committee** earlier today.

Senator Winner of Buncombe offers a motion that the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee.**

S.B. 767, a bill to modify the authority of Mecklenburg County and the City of Charlotte to undertake local development activities, referred to **Rules and Operation of the Senate Committee** on April 8.

Senator Sands offers a motion that the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Local Government and Regional Affairs Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Local Government and Regional Affairs Committee.**

INTRODUCTION OF BILL

Senator Sands offers a motion that Rule 40 be suspended to allow the introduction of the following bill, filed earlier today, which motion prevails by a two-thirds majority vote.

By Senators Winner of Mecklenburg, Conder, Perdue, and Ward:

S.B. 1002, a bill creating the Commission on Technology in the public schools.

Referred to **Select Committee on Bonds** and upon a favorable report, re-referred to the **Appropriations Committee.**

REPORTS OF COMMITTEE

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 48, a bill to give local government units more financial security and restore growth to State-collected local revenues and tax-sharing funds, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 706, a bill to authorize the Town of Wrightsville Beach to provide, by ordinance, that the owner of the property served is legally responsible for water, sewer, and solid waste fees and to impose a lien against the property served in the case of nonpayment, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 727, a bill to authorize Pender County to convey to the Willard Outreach Organization, Inc., certain real property at private sales, with a favorable report.

S.B. 769, a bill to exempt the Towns of Cornelius, Davidson, and Huntersville from certain zoning notice requirements, with a favorable report.

S.B. 777, a bill to revise the Charter of the Town of Grifton to allow the Town to exercise extraterritorial land-use jurisdiction within two miles of the Town's corporate limits, with a favorable report.

S.B. 822, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public transportation, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

CALENDAR

Bills and resolution on the Calendar are taken up and disposed of, as follows:

SPECIAL ORDER NO. 1

S.J.R. 976

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S.J.R. 976**, a joint resolution honoring the life and memory of Dwight Wilson Quinn, former member of the General Assembly.

On motion of Senator Plyler the joint resolution is read in its entirety, as follows:

S.J.R. 976, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DWIGHT WILSON QUINN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Dwight Wilson Quinn, one of North Carolina's most distinguished legislators, died on February 27, 1992; and

Whereas, Dwight Wilson Quinn was born on September 12, 1917, in York, South Carolina, to William Lytle Quinn and Lucy Wilson Quinn; and

Whereas, in 1920, Dwight Wilson Quinn and his family moved to the City of Kannapolis, where he remained a loyal and devoted resident until his death; and

Whereas, after attending the public schools in Cabarrus County, Dwight Wilson Quinn went to work at the Cannon Mills Company; and

Whereas, with the exception of two years of service in the United States Army from 1944 through 1945, Dwight Wilson Quinn remained an employee of the Cannon Mills Company, and before his retirement in 1985, had become Director of Public Affairs; and

Whereas, Dwight Wilson Quinn married Marian Elizabeth Isenhour and they had one child, Linda Jo; and

Whereas, Dwight Wilson Quinn was active in several fraternal and community organizations including the American Legion, the Rotary Club, the Shrine's Oasis Temple, the Cannon Memorial YMCA, in which he served as Director, and the Cabarrus County Boys Club, in which he served on the Board of Directors; and

Whereas, Dwight Wilson Quinn served on numerous boards and commissions including the Southern Region Education Board as Director, the Board of Trustees and Executive Committee of Appalachian State University as Chair, the Governor's Commission on Reorganization of State Government as Chair, the Executive Committee of the Governor's Committee on Juvenile Delinquency and Youth Crime, the Criminal Code Revision Committee, and the Governor's Study Commission on Architectural Barriers for the Benefit of the Handicapped; and

Whereas, Dwight Wilson Quinn was an active member of the Democratic Party and served as a delegate to the National Democratic Convention in 1960 and 1968; and

Whereas, Dwight Wilson Quinn was recruited to run for the North Carolina House of Representatives in 1950; and

Whereas, Dwight Wilson Quinn was elected to and served in the House of Representatives for an unprecedented 18 consecutive terms from 1951 through 1985, entitling him to be known as the "Dean" of the House of Representatives; and

Whereas, during Dwight Wilson Quinn's 36-year tenure, he served under 15 Speakers of the House of Representatives and nine Governors of the State of North Carolina; and

Whereas, Dwight Wilson Quinn chaired numerous House committees including the Appropriations Subcommittee on Education, the Public Utilities Committee, the Education Committee, the Higher Education Committee, and the Finance Committee; and

Whereas, Dwight Wilson Quinn had a profound influence on the House of Representatives; he worked long and hard behind the scenes to assist the leadership and governors in achieving their programs; and

Whereas, Dwight Wilson Quinn always remembered the people he represented and was instrumental in helping the City of Kannapolis and Cabarrus County grow; and

Whereas, Dwight Wilson Quinn received numerous awards and recognitions including an Honorary Doctor of Law from Appalachian State University in 1978, the National Distinguished Service Award from AMVETS in 1953, and Man of the Year from the Kannapolis Jaycees in 1948; and

Whereas, Dwight Wilson Quinn was an active member of the Kimball Memorial Lutheran Church where he had served as a member of the Church Council; and

Whereas, Dwight Wilson Quinn was well-respected and admired by his peers, his friends, members of his community, and the State of North Carolina; and

Whereas, Dwight Wilson Quinn is survived by his wife, Marian Isenhour Quinn; a daughter, Linda Jo Quinn Dodge; and four grandchildren;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly recognizes the achievements of Dwight Wilson Quinn and expresses its appreciation for his contributions to the State.

Sec. 2. The General Assembly extends its deepest sympathy to the family and friends of Dwight Wilson Quinn and mourns the loss of this able and devoted public servant.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Dwight Wilson Quinn.

Sec. 4. This resolution is effective upon ratification.

With unanimous consent, on motion of Senator Plyler, the remarks of members speaking to the joint resolution are spread upon the Journal, as follows:

By Senator Plyler:

"Ladies and Gentlemen of the Senate, thank you, very much. I would like to say to the Members of the Senate and to the family and to the ones in the gallery, that Dwight Quinn was a great friend of everyone here. There might be a few of you that did not serve with Dwight, but there's very few of you.

"Dwight came to the Legislature in 1950 and, as the Resolution says, he served for eighteen consecutive terms, which was thirty-six years. I came to the Legislature, first elected in 1974, and started serving with Dwight in 1975. Dwight, Betty Thomas, and I represented the same District, which was Union and Cabarrus Counties. Dwight took me as a good friend and as a member of the House and really did work with me time and time again to show me and tell me everything that he possibly could and could get soaked into my noggin. But he was just great, he was with me most of the time. In fact, some of them called us Mick and Mack, we were together so much.

"We campaigned together, our families were very close, we compared our families many times as being two families a lot alike because we were so close. We stayed on the 8th floor of the Hilton at that time, and of course, the rates were $11.00 a day, Senator Soles, if you recall that. But, Dwight and Marian and Dot and I were the only two that they would let stay on the 8th floor. The reason I got up there was because of Dwight. Dwight would take his time to talk and work with anyone, regardless of whether they was his constituent or not. He was just that type of a man. He would walk the halls of the Legislature looking for someone that he could help.

"Dwight was a great chairman of the committees that he chaired. He was Chairman of the Finance Committee in the House for about half of the time that he was here, and that means about sixteen or eighteen years. He was the best counter in the entire Legislature. When he called a meeting together, Senator Harris, and he called for the vote, he could count them quicker than any computer that you've ever seen, and he would be sure that they would be counted in the right way. Dwight ran his committee, he started it on time and he stopped it on time. He did not have any squabbling among the membership whatsoever, he just ran a committee like they should be run.

"Dwight was a great fisherman. They had a home at Ocean Drive and he stayed there a good bit in the last few years. He loved to fish, he loved to be on the beach and talk to people and just make friends. That was his whole life, was to make friends. He was a great friend not only of Appalachian, but all of the Universities of North Carolina. Serving as Vice-Chairman of the Advisory Budget Commission for several years, he worked hard for education and see that the people of North Carolina got the best education that was possible. He was named Doctor, got a doctorate degree at Appalachian, and then a fine building was named the Dwight W. Quinn Building, which is on the campus there and a beautiful facility.

"Dwight and I campaigned many, many hours and many days and many weeks together. As you know, we all have to run every two years. And we spent many hours together. But one of the best campaign people that Dwight ever had was his lovely wife, Marian. She would get out on the campaign trail and work, and they have said that she was a better campaigner than Dwight. Of course, I kinda doubt that at some times, but she was an excellent campaigner any time that she was out on the campaign trail.

"Dwight had a very, very close family. After he retired from the House, he was here for awhile and he did some lobbying, very light lobbying, and then he spent a lot of time not only at the beach, but in Atlanta with his wife and with his daughter that lives there, Linda, and with his four grandchildren and his son-in-law. He was in Atlanta when he passed away. I had the call one night and it was a shock to me, as well as it was to all of you, that Dwight had passed away. Because he had not been sick. It was sudden, and that's the way Dwight would have chosen it if he'd had his own way about it. But he has a wonderful family—brothers and sisters in Kannapolis and Cabarrus County. Everyone up there respected Dwight as, not only the Dean of the North Carolina House, but as a man that they could depend on and they would know that he could go to the Governor of North Carolina, to the United States Senators, to the Congress, or here in the Legislature, and everyone would listen to him.

"Serving with nine Governors is a record, and fifteen Speakers of the House. You know, Dwight was nearly Speaker at one time. He come within very few votes of being Speaker of the House. And, of course, I think it was a mistake that he wasn't Speaker, because he would have make an excellent Speaker. Dwight is one man that I would say was known throughout North Carolina as more than any legislator ever because of his closeness to not only the members of the Legislature, which he told me at one time he had served with more than 1,000 members of the North Carolina General Assembly. And that, within itself, is a great record.

"We all miss Dwight, but we know he has left behind a wonderful, wonderful family. He's left behind a wonderful, wonderful record as a legislator, a wonderful man in his community, a wonderful employee of Cannon Mills, and just one of the finest people that was ever born and lived in America.

"Mr. President, and Ladies and Gentlemen of the House, I urge your vote and support for this Resolution for a gentlemen that was my close friend, your close friend, North Carolina's close friend, and I would appreciate your support."

By Senator Conder:

"Mr. President, Ladies and Gentlemen of the Senate. I echo every single thing that Senator Plyler has said. My first relationship with Dwight Quinn occurred much earlier in my political career when I was contemplating seeking another office. Cabarrus County, being the largest County in the district, I was told the first thing I needed to do was go see Dwight Quinn at Cannon Mills in Cabarrus County. I took off from home and went up there and met with Dwight. He didn't say yes, he also did not say no. As it turned out, I did not run, but I got a lot of good advice and counsel from Dwight Quinn. And as far as I know, every political candidate or potential political candidate in that area of North Carolina had to go by, Marian, and meet with Dwight and see whether he would get his blessing or not whether you ran for political office. His impact on this State will be very positively identified—present, past, and future. Because if you've read, and as you know, Dwight Quinn has made a significant impact on the lives of every single North Carolinian in this State.

"I had a personal relationship that happened to me in my first year down here. I had a bill that passed the Senate. And I went over to the House Finance Committee, and, incidentally, Senator Hunt, whenever the 8:30 bell rang, that gavel dropped. And you better be in your place, because he ran a tight ship, and he ran a good shop over there.

But my bill was in trouble, and as Senator Plyler said, he sensed immediately my bill was in trouble. So Representative John Church was sitting right in front of him, and before anybody had a chance to do anything, Dwight said, 'Representative Church moves that this bill be withdrawn from today's Calendar and put on the Calendar two weeks from today.' So, he saved me the embarrassment of getting my bill killed in the House Finance Committee that day. And, man, I'll never forget him for that, because he taught me a good lesson in parliamentary procedure and the way you run a committee. And, you other Committee Chairs, if you haven't learned, you ought to go back and observe the way Dwight Quinn ran a committee, because he was a master at that job, and I really commend him for it.

"And, again, I commend this Resolution to you because Dwight Quinn was a friend to all of us and to all of you, and if you get a chance to see later on, he has a beautiful family, a family that anybody would be proud of. And I commend the Resolution to you. Thank you."

By Senator Hartsell:

"Thank you, Mr. President and Members of the Senate. As a native of Cabarrus County, one cannot acknowledge existence there without having known and revered Dwight Quinn, despite party affiliations or anything else. I can remember as a young lawyer having the opportunity to meet him for the first time, and discovering his knowledge of what took place in this Body. Last night I had the occasion to call my predecessor in the Senate, who happened to have served with Mr. Quinn, because, to me, he is still Mr. Quinn, for a number of years both in the House and when he was there in the Senate, as well. And I think that perhaps the adage—a little corollary to the adage about 'no man is so tall as when he stoops to help a child'—'no legislator is so tall as when he stoops to help a freshman.' Jim Johnson told me that as a freshman Republican in the House in the late '60s, he sat in Seat No. 120, and Dwight Quinn sat in Seat No. 1. And Jim came down and he made a motion and he botched it but good. And Dwight—Mr. Quinn, excuse me—walked to the back and just talked with him a little bit; told him how to do what he needed to do in a very casual, earnest, and helpful way. This is to a man that crossed party lines just after election, where they opposed each other. This was the man that we knew in Cabarrus County.

"There are three pages here today from Cabarrus County, ironically. Walking around this Building today is a group of school children from Kannapolis, the City he revered and the City for which he gave everything he had. It's always amazing to me how much you can accomplish if you don't care who gets the credit. Dwight Quinn didn't care who got the credit. He tried to get the job done, and he did it, we remember him for it, and if you know anything about the history of Cabarrus County, or you go anywhere in the County, particularly in the area around Kannapolis, you cannot avoid being touched by what he did. I commend the Resolution to you."

By Senator Hyde:

"Mr. President, Members of the Senate, I'll try to be brief on this. But I must speak for Dwight Quinn. Being one of those older members who served so many years ago, I find that I rise again and again as these Resolutions come by, but I knew Dwight. I was in the Senate first in the mid '60s when he was in the House. And then later in the '70s, I served in the House with him. And I guess, perhaps it's just one of my traits, but down through life I've found that I categorize people too quickly perhaps, but nevertheless, I do, and I find this, or that, or the other word to describe them.

"Dwight Quinn was dependable. Dependability describes Dwight Quinn. He reminds me of a verse in the Old Testament where—I'll not tell you to go read it, but if you should, you'll find that they speak of 'those who stand in the gap.' They were speaking of those fighters who stood in the gaps of the mountains and held the enemy off of their people. The same thing happened in the War Between the States when General Lee was

marching up on the east side of the mountains and the crews in the gaps before Antietum, and his men held off and they stood in the gaps. They fought. Giddeon soldiers were the same kind, in the Old Testament, the kind that could stand in the gap.

"Every once in awhile something comes along that reminds us of those who do stand when they need to. Dwight Quinn and I belonged to the same political party, we fought in the same war, we served in the same General Assembly, we had similarities. I only wish I could be as fully dependable as Dwight Quinn was. I never saw any man who'd stand by his word more sturdily, who would tell you the truth more quickly, and who would tell you whether you wanted to hear it or not, exactly where the count was. That's been referred to before. He could do that, and he did do that. And I admired him, perhaps as great as any person that I've ever met. He was quiet, he was easygoing, but he was firm. You didn't have to go to him the second time to haggle the vote. Once was enough. Dwight Quinn was a great American, and I am honored to even stand here and speak of him today. I commend this Resolution for you."

By Senator Parnell:

"Mr. President, Members of the Senate, I had the privilege and honor to serve with Dwight Quinn in the House the four terms that I was over there. He was a fine gentleman; he was a fine legislator; and he was the kind of person, I think, that we are glad to honor in this Body. He was loyal and he was honest, and he was considerate of the opinions of others who served with him. He was not one that would override your opinion. He was one that, I believe, it's been pointed out, that he was a team player, that he would support the Speaker, whoever it might have been. In the long career that he had, he worked many times and many hours to support the legislation, maybe, of the leadership or the Governors who might have been in office at the time he served. And, as I said, he was a team player, and one who was loved by all of those who served with him. And Mr. President and Members of the Senate, I consider it a great privilege to have called him my friend, in not only the years that I served in the House of Representatives, but in those years that I moved over here and he was still in the House. I commend this Resolution to you."

By Senator Seymour:

"Thank you, Mr. President, and Members of the Senate. When I was elected in 1976 and came to the House of Representatives and was sworn in in 1977, two of the first people I met, really, three of the first people that I got to know well, were Dwight Quinn, Aaron Plyler, and Betty Thomas. And through the eight years that I served in the House of Representatives, Dwight Quinn was constantly frank, he was wise and guided me with his wisdom. Senator Hyde, he was certainly dependable. He was a man of his word. And when Liston Ramsey appointed me to chair Public Utilities, Dwight Quinn became my real adviser, because we were dealing with some very difficult measures, some new concepts in public utilities and regulating public utilities in the State. And I knew that Dwight, with the experience that he had from having chaired that committee, and also all the years of experience, that he would set me on the right path and see that I kept the committee running with a steady hand.

"It wasn't until a few years ago that I had an opportunity to repay some of Dwight Quinn's kindnesses to me. And one of the things I remembered the most was when we were trying to get the travel-tourism sales tax passed for the Cities of High Point and Greensboro. It became a very hotly contested issue, even among the Guilford legislative delegation. But Dwight gave me his word he would help me to get that measure through and I walked on the floor of the House one day and he said, 'Do you have your amendment ready?' He took the bill off of the Calendar, moved it long enough for me to get the amendment passed. As I said, several years later he called me one day and said, 'Mary, I need two hotel rooms in Greensboro during the furniture market and during the GGO.' It took some doing, but I sure wasn't gonna let Dwight Quinn down, because he hadn't let the City of Greensboro down; and it was in part because of him that we had

that travel-tourism tax, and he had two rooms at the Four Seasons Motel because of that. It was a privilege to have had that kind of opportunity to repay a man in some very small way for something that he had done that had meant so much to me and to my constituents. I urge your support of the Resolution."

By Senator Smith:

"During the time that Dwight and Marian were staying at the Hilton, now known as the Brownstone, I was staying there also, and I don't know some of you all remember, but on the hot summer days some of the gentlemen would get together and walk across the street for a block or so and get some ice cream. And I don't know whether Dwight was cheap or not, but Marian, his wife, always looked to me like she'd like to have some ice cream. So one night, I said, 'Marian, would you like me to bring you a cone back?' She said, 'Sure would,' So I hopped over there with Dwight and the rest of them. We got some ice cream, and I brought her a cone back. And from that time on, I didn't have any trouble with Dwight at all. I just checked with Marian, and she'd say, 'Well, whatever Senator Smith wants,' she better help him out. So that's the kind of lady she is, and I'll agree with you, Aaron, she was some kinda campaigner."

By Senator Speed:

"Thank you, Mr. President, Members of the Senate, the Quinn Family, and visitors in the gallery. I can certainly echo all that has been said; everything that has been said is very appropriate, and certainly true. The Resolution says it well. I had the opportunity of going to the North Carolina House in 1961. Dwight was a veteran member of that Body at that time. He had a position of leadership prior to that time and for many years after. He helped steer me through some of the processes that certainly were helpful to me. We served together in the House six terms thereafter, and after I came to the Senate, he was still in the House and was very helpful on many occasions.

"Dwight was a person that you could always depend on. Whatever he told you, you could certainly count on it. He had the ability of making friends. And he had friends all over the State of North Carolina. Because he had served the State well and had certainly given favors to many, many people in many areas of the State. Of course, he gave special attention to his district, and that still stands out that Appalachian University and some other areas of that section, the outstanding job that he did there. But it was my privilege to be a friend of his. My wife, Martha, and Marian were close friends, and we enjoyed the friendship of each other for many years. And I shall miss him for a long time. I certainly commend the Resolution to you."

By Senator Richardson:

"My first term down here, I served in the House and Speaker Ramsey (Liston) put me on Finance. And I heard all this great talk about this man named Dwight Quinn, what a great chairman he was and tried to get a few brownie points myself, I went to his first meeting and I said, 'Representative Quinn, I want to be cooperative and I want to help this committee and be a good legislator. What would you advise?' And he said, 'I'd advise you to go sit on the second row, and the first year you're here, listen and don't say nothing.'" (Laughter)

By Lieutenant Governor Wicker:

"Members of the Senate, with the permission of the Senate, the Chair would like to make a few remarks about this Resolution."

With unanimous consent, the Chair addresses the Senate:

"I served eight years with Dwight Quinn in the House, and came to know him very well. My father had served with him, before me. I think the things you heard about Dwight Quinn today are true. He was a great man. But I think the characteristic that sticks out in my mind is part of his greatness was the fact that he always championed those who didn't have a voice. He always looked after those who didn't have an interest. And he probably wouldn't have told them that if he'd had the opportunity to do so. I will

say to you that Dwight was, what I consider, a mathematics genius because he could indeed, Senator, count those committee votes in any way he wanted to and it came out right. But more than all, I think Dwight Quinn earned the respect of not only the House members and the Senate members, but those associated with State government. He was held in very high esteem by everyone who knew him, and I would say to you that when you talk about greatness, you have to talk about Dwight Quinn. He is truly one of the most outstanding members ever to serve in the halls of the General Assembly, and, indeed, another great oak has fallen in North Carolina."

The joint resolution passes its second reading (46-0) and third reading, with members standing, and is ordered, with unanimous consent, sent to the House of Representatives by special messenger.

The Chair extends courtesies of the Gallery to family members of Dwight Wilson Quinn, former member of the General Assembly, as follows: to his wife, Marion Quinn; to his daughter Linda and her husband, Lester Dodge; to his grandchildren, Lester Dodge, Jr., Connie and her husband Dr. David Fitzgerald, Lynn Dodge, and Becky Dodge; to his brother Willard Quinn and his wife Elsie; to his sister Rosella and her husband Fred Chapman; and to his sister Jane and her husband Wayne Reece; and to his niece, Susan Patterson.

S.B. 875 (Committee Substitute), a bill to regulate interbasin transfers, upon third reading.

With unanimous consent, on motion of Senator Tally, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Tally, consideration of the Committee Substitute bill is postponed until Tuesday, May 4.

S.B. 658, a bill to expand the property tax exemption for computer software, upon third reading.

With unanimous consent, on motion of Senator Kaplan, the bill is taken up out of its regular order of business.

On motion of Senator Kaplan, consideration of the bill is postponed until tomorrow, Thursday, April 29.

S.B. 860, a bill to clarify the Public Records Law with respect to criminal investigative records.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the bill is postponed until tomorrow, Thursday, April 29.

S.B. 853, a bill to authorize counties that will derive economic benefits from the North Carolina Global Transpark to form a Global Transpark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: Senator Sands—1.

The bill, as amended, is ordered sent to the House of Representatives.

S.B. 341 (Committee Substitute), a bill regulating the practice of complementary medicine and to increase the membership of the Board of Medical Examiners and include more public members.

The Committee Substitute bill passes its second reading (40-5).

Senator Kerr objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 29, for further consideration, upon third reading.

REPORT OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

S.B. 880, a bill to enable local boards of education to expel from school those students whose continued presence in school constitutes a clear threat to the safety and health of other students or employees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill with a sequential referral to the **Judiciary II Committee** and upon a favorable report a sequential referral to the **Rules and Operation of the Senate Committee** on April 15.

On motion of Senator Perdue, the proposed Committee Substitute 5623 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Senator Perdue offers a motion that the rules be suspended to the end the Committee Substitute bill, without sequential referral, be placed on the Calendar for tomorrow, Thursday, April 29, which motion prevails.

The Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 29, for further consideration.

S.B. 882, a bill to provide greater flexibility in local school board expenditures and provide incentives for greater fiscal responsibility, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 3655 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 892, a bill to require that a delinquent juvenile on probation and required to attend school as a condition of probation be required to maintain a passing grade, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 4607, which changes the title to read **S.B. 892** (Committee Substitute), a bill to require that a delinquent juvenile on probation and required to attend school as a condition of probation be required to maintain a passing grade in four courses, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, April 29, for further consideration.

S.B. 989, a bill to require local Boards of Education to report acts of school violence to the State Board of Education and to adopt clear rules regarding the consequences of committing violent acts at school, to require the implementation and use of conflict resolution programs and parent involvement programs in schools, and to require

employers to grant a minimum of four hours per year leave to employees for involvement at their children's schools, with a favorable report.

CALENDAR (Continued)

S.B. 513 (Committee Substitute), a bill to amend the banking laws.

Without objection, Senator Tally is excused from voting on the measure.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

RE-REFERRAL

S.B. 48, a bill to give local government units more financial security and restore growth to State-collected local revenues and tax-sharing funds, referred to **Finance Committee** earlier today.

Senator Winner of Buncombe offers a motion that the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee,** which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee.**

CALENDAR (Continued)

Without objection, Senator Jordan is granted a leave of absence for the remainder of today's Session.

S.B. 525 (Committee Substitute), a bill to make revisions to the right to a Natural Death Act.

The Committee Substitute bill passes its second reading (43-0).

Senator Daniel objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 29, for further consideration, upon third reading.

S.B. 592, a bill to amend the General Statutes pertaining to public health remedies.

The bill, as amended, passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 790 (Committee Substitute), a bill to increase the amount of alcoholic beverages a person may purchase and possess without a permit.

The Committee Substitute bill passes its second (34-11) and third readings and is ordered sent to the House of Representatives.

Senator Plexico requests to be recorded voting "no" on the third reading of the Committee Substitute bill.

S.B. 802 (Committee Substitute), a bill to make technical and other changes to the employment security laws, upon third reading.

The Committee Substitute bill passes its third reading (42-2) and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 878, a bill to create the North Carolina Education Standards and Accountability Commission, referred to the **Appropriations Committee** on April 27.

Senator Daniel offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and placed on the Calendar for tomorrow, Thursday, April 29, which motion prevails.

The Chair orders the bill placed on the Calendar for tomorrow, Thursday, April 29, for consideration.

On motion of Senator Basnight, seconded by Senator Richardson, the Senate adjourns at 3:13 P.M. to meet tomorrow, Thursday, April 29, at 1:30 P.M.

FIFTY-FIFTH DAY

SENATE CHAMBER,
Thursday, April 29, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious and loving God, we honor in memory today, Jim Valvano, who was an ambassador not only for North Carolina State University, but also for the State of North Carolina. We also seek Your Loving Care for the family he leaves behind.

"Coach Valvano's most prophetic words may have come near the end of his life when he said, 'There are three things we need to do every day; laugh, take time out for thought, and be moved to tears.'

"We know what he was saying. He was saying there is life and then – there is Life, and wise is the person who knows the difference.

"His words serve as prayer and sermon for us today. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, April 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Shaw.

With unanimous consent, on motion of Senator Sands, Ms. Kim Mounce is granted privileges of the floor for the purpose of signing for the students from the Central North Carolina School for the Deaf in Greensboro, who are in the gallery.

The Chair extends courtesies of the gallery to Edward Renfrow, former State Auditor and Senator from Johnston County.

The Chair extends courtesies of the floor to William R. Roberson, Jr., former Secretary of the Department of Transportation and former member of the House of Representatives from Beaufort County.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 84, a bill to establish a Comprehensive Compensation System for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this Comprehensive Compensation System, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 742, a bill to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendments No. 1 and No. 2 are adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

With unanimous consent, the President grants a leave of absence for the remainder of today's session to Senator Johnson, who will attend the funeral of Mark Lynch, former Secretary of Revenue.

By Senator Hunt for the **Finance Committee:**

S.B. 516, a bill to authorize the extension of county housing authority jurisdiction to cities located in whole or in part within the county's boundaries, with a favorable report.

S.B. 667, a bill to provide for a referendum on removing Carolina Shores Village from the Town of Calabash, subject to the approval of the residents of either Districts #1 and #2 of the Town of Calabash, and allowing the residents of Carolina Shores Village to vote on whether to incorporate, as amended by the **Local Government and Regional Affairs Committee**, with a favorable report.

With unanimous consent, on motion of Senator Soles, the bill, as amended, is placed on the Calendar for today following **S.B. 861**, upon second reading.

S.B. 204, a bill to implement a recommendation of the Government Performance Audit Committee to make the Certificate of Need program self-funded by increasing the CON application fees by fifty percent, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill 4605, which changes the title to read **S.B. 204** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to make the certificate of need program self-funded by increasing the minimum and maximum CON application fees, is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 3, for further consideration.

S.B. 560, a bill to authorize the Division of Motor Vehicles to issue special license plates to recipients of the Distinguished Service Cross, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill 6629, which changes the title to read **S.B. 560** (Committee Substitute), a bill to authorize the Division of Motor Vehicles to issue special license plates to recipients of the Distinguished Service Cross, the Air Force Cross, and the Navy Cross, is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 3, for further consideration.

RE-REFERRAL

S.B. 152, a bill to extend the date by which the North Carolina Indian Cultural Center, Inc., is required to enter a lease with the State of North Carolina and to allow the receipt of pledges to satisfy the fund-raising condition to be included in that lease, referred to the **Appropriations Committee** on February 15.

Senator Daniel offers a motion that the bill be taken from the **Appropriations Committee** and re-referred to the **State Personnel and State Government Committee**, which motion prevails.

The Chair orders the bill re-referred to the **State Personnel and State Government Committee**.

CALENDAR

S.B. 658, a bill to expand the property tax exemption for computer software, upon third reading.

With unanimous consent, on motion of Senator Kaplan, the bill is taken up out of its regular order of business.

Senator Kaplan announces receipt of a fiscal note requested on Thursday, April 22.

On motion of Senator Kaplan, further consideration of the bill is postponed until Tuesday, May 4.

S.B. 531, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice, upon second reading.

With unanimous consent, on motion of Senator Hyde, the bill is taken up out of its regular order of business.

On motion of Senator Hyde, consideration of the bill is postponed until Tuesday, May 4.

S.B. 797, a bill to modify the hours of sales of alcoholic beverages in Mecklenburg County.

With unanimous consent, on motion of Senator Richardson, the bill is taken up out of its regular order of business.

On motion of Senator Richardson, consideration of the bill is postponed until Wednesday, May 5.

ENROLLED BILL AND RESOLUTION

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 510, an act to provide for the separate election of the Mayor of Connelly Springs. (Ch. 37)

S.J.R. 976, a joint resolution honoring the life and memory of Dwight Wilson Quinn, former member of the General Assembly. (Res. 11)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee**:

S.B. 932, a bill to remove the sunset on the act permitting the use of demolition asphalt as fill, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Committee Substitute bill 3651 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 3, for further consideration.

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 255, a bill to provide for the regulation of the practice of counseling and the licensure of counselors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Walker, the proposed Committee Substitute bill 7687 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Ballance for the **Judiciary I Committee:**

S.B. 549, a bill to provide that the Department of Justice may provide criminal record checks to area mental health, developmental disabilities, and substance abuse authorities and their contract agencies, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee.**

S.B. 726, a bill to regulate Sunday sales and consumption of alcoholic beverages, with a favorable report.

By Senator Parnell for the **Insurance Committee:**

S.B. 163 (House Committee Substitute), a bill to require the Commissioner of Insurance and the Rate Bureau to develop a proposed plan for workers' compensation carriers loss control services, with a favorable report as to concurrence.

Bills are reported from a select committee, out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 369, a bill to implement recommendations of the Government Performance Audit Committee regarding the civilianization of certain job classes of State law enforcement officers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill A655, which changes the title to read **S.B. 369** (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee regarding the civilianization of certain job classes of State law enforcement officers and restricting the use of State funds to pay law enforcement officer benefits to State employees who do not require law enforcement officer status, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted.

On motion of Senator Martin of Guilford, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 393, a bill to implement a recommendation of the Government Performance Audit Committee for a University of North Carolina programmatic review and a plan for the continued and expanded availability of higher education for all citizens, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 3654, which changes the title to read **S.B. 393** (Committee Substitute), a bill to implement the recommendations of the Government Performance Audit Committee for a University of North Carolina programmatic review and a plan for the continued and expanded availability of higher education for all citizens, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 3, for further consideration.

Additional bills are reported from standing committees, out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

S.B. 681, a bill to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court, with a favorable report.

S.B. 738, a bill to increase the qualification requirements and authorize an increase in fees for persons holding real estate licenses as recommended by the North Carolina Real Estate Commission and to change the title of real estate salesman to real estate salesperson, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

S.B. 51, a bill to authorize counties and cities to expand the fee on owners of improved property for solid waste management, to authorize counties to impose a franchise fee, and to establish the basis for setting the amount of certain local fees for commercial solid waste collection and disposal activities, with an unfavorable report as to bill, but favorable as to Committee Susbstitute bill.

On motion of Senator Folger, the proposed Committee Substitute bill 9672 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Perdue:

S.B. 992, a bill to allow Pamlico County to use alternative construction delivery systems.

Referred to **Capital Expenditures and Improvements Committee.**

By Senators Perdue, Martin of Guilford, Marshall, Plexico, Seymour, Tally, Cochrane, Jordan, Gunter, Winner of Mecklenburg, Gulley, Martin of Pitt, Ward, Hoyle, Hunt, Cooper, Richardson, Forrester, Allran, and Simpson:

S.J.R. 993, a joint resolution authorizing the Legislative Research Commission to study family law reform.

Referred to the **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Perdue:

S.B. 994, a bill to revise the membership of the Tryon Palace Commission.

Referred to **State Personnel and State Government Committee.**

By Senator Perdue:

S.B. 995, a bill to provide that there shall be no requirement that directors or officers of a corporation own stock in a corporation if the State of North Carolina owns a majority of the stock.

Referred to **Transportation Committee.**

By Senators Allran, Forrester, Hoyle, Harris, Walker, Soles, Lee, Smith, Kincaid, Hartsell, Ward, and Tally:

S.B. 996, a bill to appropriate funds for the Arts and Science Center of Catawba Valley.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Folger:

S.B. 997, a bill to provide for the recognition and enforcement in North Carolina of certain judgments rendered by courts in foreign countries.

Referred to **Judiciary II Committee.**

By Senator Plexico:

S.B. 998, a bill to appropriate funds for expansion of the Regional High Technology Training Center in Haywood County.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plexico and Carpenter:

S.B. 999, a bill to appropriate funds for renovation of the space of the Henderson County sheltered workshop.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Conder:

S.B. 1000, a bill to appropriate funds for implementation of recommendations of the quality improvement report for mental health, developmental disabilities, and substance abuse services in North Carolina.

Referred to **Appropriations Committee.**

By Senators Winner of Mecklenburg, Gulley, and Richardson:

S.B. 1001, a bill to appropriate funds for effective treatment for juveniles adjudicated delinquent for commission of sexual offenses.

Referred to **Appropriations Committee.**

By Senators Shaw, Tally, Odom, Sands, and Plyler:

S.B. 1003, a bill to prohibit, within five years of filing an application for a new or existing permit for a sanitary landfill, a substantial change to any document that affects the application or permit under consideration and to require a public hearing for a new permit, a permit renewal, and a substantial amendment to an existing application or permit for a sanitary landfill.

Referred to **Environment and Natural Resources Committee.**

By Senator Soles:

S.B. 1004, a bill to appropriate funds to extend a natural gas line to the Columbus County Industrial Park.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Carpenter:

S.B. 1005, a bill to appropriate funds for research and extension programs that support cold-water aquaculture production in Western North Caolina.

Referred to **Appropriations Committee.**

By Senator Kaplan:

S.B. 1006, a bill providing for the regulation of purchases of regulated metals property by secondary metals recyclers in North Carolina.

Referred to **Constitution and Election Laws Committee.**

By Senator Kaplan:

S.B. 1007, a bill to make various technical and conforming revisions to the Nursing Practice Act.

Referred to **Constitution and Election Laws Committee.**

By Senator Hunt:

S.B. 1008, a bill to appropriate funds for the Retired Senior Volunteer Program (RSVP).

Referred to **Appropriations Committee.**

By Senator Perdue:

S.B. 1009, a bill to provide that stockholders of corporations of which the State of North Carolina owns a majority of the stock may remove directors without cause and may amend the articles of incorporation to change the terms of office of directors of the corporation.

Referred to **Transportation Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

H.B. 339 (Committee Substitute), a bill to amend the monetary limits for purposes of complying with formal bidding requirements by the City of Greensboro.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 835 (Committee Substitute), a bill to regulate the possession and use of firearms on property owned, leased, or used by Durham County.

Referred to **Judiciary I Committee.**

By Lieutenant Governor Wicker:

"Members of the Senate, before we go into the Calendar, I am going to direct your attention to Rule 47 of your Rules. The Chair has noted that up to this session we have been having Chairmen refer bills from their committee to other committees, and that, I think, is certainly within the Rules. But the Chair has also noted that there have been occasions when you have Chairmen or members who wish to recall a bill from Committee and place it on the Calendar. Up to this point, the Chair has been very liberal and lax in enforcing Rule 47, but I must tell you that as of today it will be strictly enforced and would ask you to familiarize yourself with the Rule and the notice requirements therein.

By Senator Winner of Buncombe:

"May I ask if it's your interpretation that it could be done without the notice if it's done by unanimous consent of the Body. In other words, if there is no objection."

By Lieutenant Governor Wicker:

"Senator, let me simply say that I'm gonna call them on the Rule and if they want to do it by unanimous consent and overrule me, fine. I have no problem with that. I'm just saying that these are your Rules—they're not mine."

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 682 (Committee Substitute), a bill to allow the Counties of Caldwell and Catawba and the Cities of Granite Falls, Hudson, Hickory, Lenoir, and Sawmills to establish the Carolina and Northwestern Railroad Authority.

The Chair rules the Committee Substitute bill requires a call of the roll and the measure remains before the Senate, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plyler, Sands, Seymour, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, May 3, for further consideration, upon third reading.

S.B. 720, a bill concerning redistricting for local elections in Cleveland County.

On motion of Senator Hyde, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (41-0) and third readings and is ordered engrossed and sent to the house of Representatives.

S.B. 727, a bill to authorize Pender County to convey to the Willard Outreach Organization, Inc., certain real property at private sales.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 769, a bill to exempt the Towns of Cornelius, Davidson, and Huntersville from certain zoning notice requirements.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 777, a bill to revise the Charter of the Town of Grifton to allow the Town to exercise extraterritorial land-use jurisdiction within two miles of the Town's corporate limits.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 861, a bill to allow shampooing by unlicensed shampooers in Jones and Lenoir Counties.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 667, a bill to provide for a referendum on removing Carolina Shores Village from the Town of Calabash, subject to the approval of the residents of either Districts #1 and #2 of the Town of Calabash, and allowing the residents of Carolina Shores Village to vote on whether to incorporate, as amended, upon second reading, placed on the Calendar by motion earlier today.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plyler, Sands, Seymour, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, May 3, for further consideration, upon third reading.

With unanimous consent, the President grants a leave of absence to Senator Plexico after 2:00 P.M. today to meet with the Governor.

S.B. 860, a bill to clarify the Public Records Law with respect to criminal investigative records.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (41-0) and third readings and is ordered engrossed and sent to the House of Representatives.

Senator Plexico is noted present.

S.B. 878, a bill to create the North Carolina Education Standards and Accountability Commission, as amended.

The bill, as amended, passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 880 (Committee Substitute), a bill to enable local boards of education to expel from school those students whose continued presence in school constitutes a clear threat to the safety and health of other students or employees.

Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (38-3).

The Committee Substitute bill, as amended, passes its second (41-1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 892 (Committee Substitute), a bill to require that a delinquent juvenile on probation and required to attend school as a condition of probation be required to maintain a passing grade in four courses.

The Committee Substitute bill passes its second reading (41-0).

Senator Cooper objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, May 3, for further consideration, upon third reading.

S.B. 989, a bill to require local Boards of Education to report acts of school violence to the State Board of Education and to adopt clear rules regarding the consequences of committing violent acts at school, to require the implementation and use of conflict resolution programs and parent involvement programs in schools, and to require employers to grant a minimum of four hours per year leave to employees for involvement at their children's schools.

Senator Cooper offers Amendment No. 1 which is adopted (40-0).

On motion of Senator Perdue, the bill, as amended, is recommitted to the **Education/Higher Education Committee.**

S.B. 341 (Committee Substitute), a bill regulating the practice of complementary medicine and to increase the membership of the Board of Medical Examiners and include more public members, upon third reading.

Senator Marshall offers Amendment No. 1 which is adopted (36-0).

The Committee Substitute bill, as amended, passes its third reading (33-4) and is ordered engrossed and sent to the House of Representatives.

S.B. 525 (Committee Substitute), a bill to make revisions to the right to a Natural Death Act, upon third reading.

Without objection, on motion of Senator Sands, the Committee Substitute bill is temporarily displaced.

S.B. 181 (House Committee Substitute), a bill to require entities providing health benefit plans to make direct payment to governmental agencies providing health care services, for concurrence in the House Committee Substitute bill.

On motion of Senator Sands, consideration of the House Committee Substitute bill is postponed until Tuesday, May 4.

S.B. 525 (Committee Substitute), a bill to make revisions to the right to a Natural Death Act, upon third reading, temporarily displaced earlier.

The Committee Substitute bill passes its third reading (37-0) and is ordered sent to the House of Representatives.

APPOINTMENTS

Pursuant to G.S. 135-38, Senator Basnight, President *Pro Tempore*, appoints the following Senators to the Committee on Employee Hospital and Medical Benefits: Senators Basnight, Conder, Daniel, Hunt, Plyler, and Sherron.

Pursuant to G.S. 143-4, Senator Basnight, President *Pro Tempore*, appoints the following Senators to the Advisory Budget Commission: Senators Daniel, Martin of Guilford, Odom, Perdue, and Plyler.

Pursuant to G.S. 143B-374, Senator Basnight, President *Pro Tempore*, appoints the following Senators to the North Carolina Capital Planning Commission: Senators Johnson, Marshall, Shaw, and Sherron.

On motion of Senator Basnight, seconded by Senator Harris, the Senate adjourns at 4:12 P.M. to meet Monday, May 3, at 8:00 P.M.

FIFTY-SIXTH DAY

SENATE CHAMBER,
Monday, May 3, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote by Rudyard Kipling, as follows:

"God, our Father, it is the beginning of a new week. More importantly it is May 3. Inevitably, the Senators and staff begin to feel the press of time constraints against the volume of bills that have yet to become law.

"Your Gracious Presence and a positive attitude will be great allies in the coming weeks. Kipling said it well,

> If they are able to keep their heads when all about them are losing theirs and blaming it on them. If they can trust themselves when all others doubt them—but make allowance for the doubting. If they can meet triumph and disaster, and treat those two impostors just the same...

"Then at the end of each day when much is accomplished they will hear You say, 'Well done, good and faithful servant!' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, April 29, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Daniel and to Senator Harris, who is receiving an award.

The Chair extends courtesies of the floor to Thomas F. Taft, former Senator from Pitt County.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 110, an act to allow local school boards to request waivers for central office staff as provided by the School Improvement and Accountability Act. (Ch. 38)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

S.B. 595, a bill to clarify the requirements for registration as a sanitarian, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Committee Substitute bill 9675, which changes the title to read **S.B. 595** (Committee Substitute), a bill to increase the number of semester hours of study required for registration as a sanitarian, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 4, for further consideration.

S.B. 597, a bill to clarify the food and lodging sanitation law, to amend the scope of sanitation inspections of local confinement facilities, and to repeal the requirement that principals conduct sanitation inspections, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Committee Substitute bill 6633, which changes the title to read **S.B. 597** (Committee Substitute), a bill to clarify the food and lodging sanitation law, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 4, for further consideration.

S.B. 918, a bill to clarify the North Carolina Trails System Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Committee Substitute bill 2662 is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 4, for further consideration.

By Senator Johnson for the **State Personnel and State Government Committee**:

S.B. 121, a bill to correct inequities in the salaries of equally qualified minorities, females, and white males subject to the State Personnel Act within occupational

categories in State employment, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the proposed Committee Substitute bill 2657 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Warren for the **Banks and Thrift Institutions Committee:**

S.B. 876, a bill to amend the Regional Reciprocal Banking Act and to provide for nationwide interstate banking, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 472, a bill to appropriate funds for the Spencer Shops Historic Site, ordered held as filed in the Office of the Principal Clerk on March 8.

Senator Smith offers a motion to the end the bill be recalled from the Office of the Principal Clerk, presented to the Senate, read the first time, and referred to the **Appropriations Committee**, which motion prevails.

The bill is recalled from the Office of the Principal Clerk, presented to the Senate, read the first time, and referred to the **Appropriations Committee.**

By Senators Sands and Conder:

S.R. 1010, a Senate simple resolution amending the permanent Rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina relating to admission to the floor of the Senate.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Sherron (by request):

S.B. 1011, a bill concerning user fees by the Town of Garner.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Sherron, Kaplan, Hyde, Plyler, Odom, Marshall, Warren, Folger, Johnson, Harris, Blackmon, Codington, Carpenter, Hartsell, Simpson, Cochrane, Smith, Forrester, Allran, Kerr, Hoyle, Cooper, Winner of Buncombe, Martin of Pitt, Perdue, Albertson, Jordan, Lee, Parnell, Hunt, Seymour, Edwards, Soles, Richardson, Shaw, Basnight, Sands, Tally, Plexico, Walker, Ward, and Daniel:

S.B. 1012, a bill to require economic impact assessments for certain rules proposed by State agencies.

Referred to **Ways and Means Committee.**

By Senators Hoyle, Plyler, Harris, Albertson, Carpenter, Cochrane, Hunt, Jordan, Martin of Pitt, Perdue, Sherron, Smith, and Soles:

S.B. 1013, a bill to enact the Workforce Preparedness Act, and to make conforming changes to the General Statutes.

Referred to **Manufacturing and Labor Committee.**

By Senator Plexico:

S.B. 1014, a bill to appropriate funds to link Western Carolina University with the MCNC Communications Network.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plexico and Hyde:
S.B. 1015, a bill to appropriate funds for the establishment of a business enterprise center at Western Carolina University.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Soles:
S.B. 1016, a bill to appropriate funds to Brunswick County for land acquisition and construction of a recreation building in the Northwest Community.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Ballance:
S.J.R. 1017, a joint resolution expressing opposition to a federal requirement to withhold federal-aid highway funds unless certain statutes are enacted to suspend the drivers license of felony convictions of drug-related offenses.
Referred to **Rules and Operation of the Senate Committee**.

By Senators Ward and Kaplan:
S.B. 1018, a bill to clarify that real estate mortgage investment conduits will be treated as pass-through entities for State tax purposes to the same extent as under the Federal tax law.
Referred to **Finance Committee**.

By Senators Hunt, Gulley, and Gunter:
S.B. 1019, a bill to facilitate voluntary additions to the extraterritorial jurisdiction and to permit additional voluntary annexations to the Town of Apex.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Winner of Buncombe and Hyde:
S.B. 1020, a bill to change the membership of the North Carolina Arboretum.
Referred to **State Personnel and State Government Committee**.

By Senator Folger:
S.B. 1021, a bill to provide that the cost of emergency medical services for an inmate in a local confinement facility shall be paid by a third-party insurer if the inmate has such insurance.
Referred to **Local Government and Regional Affairs Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following joint resolution which is read the first time and disposed of, as follows:

H.J.R. 522, a joint resolution honoring the life and memory of Willie C. Lovett.
Without objection, on motion of Senator Hunt, the joint resolution is placed before the Senate for immediate consideration.
With unanimous consent, on motion of Senator Hunt, the joint resolution is read in its entirety.
The joint resolution passes its second reading (46-0) and third reading, with members standing, and is ordered enrolled.
The Chair extends courtesies of the gallery to family and friends of the late Willie C. Lovett: to Evelyn, his widow; to Rodney, his son; and to Tracy, his daughter.

COMMITTEE REPORT

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Mecklenburg for the **Select Committee on Bonds:**

S.B. 1002, a bill creating the Commission on Technology in the public schools, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 783, a bill to appropriate funds for educational technology for public schools and community colleges, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Mecklenburg, the proposed Committee Substitute bill 6630, which changes the title to read **S.B. 783** (Committee Substitute), a bill to create a Community College Equipment Revolving Loan Fund and to appropriate sixty million dollars to the Fund, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Mecklenburg, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 36, a bill to limit the liability of landowners to members of the public entering the land for educational and recreational purposes.

Referred to **Judiciary II Committee.**

H.B. 49 (Committee Substitute No. 2), a bill to clarify who shall be entitled to the privileges and advantages of the public schools, who shall pay tuition, and to create an education power of attorney.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Judiciary I Committee.**

H.B. 256 (Committee Substitute), a bill to encourage schools to implement extended services programs.

Referred to **Education/Higher Education Committee.**

H.J.R. 296 (Committee Substitute), a joint resolution honoring Donald Ross, the Father of American Golf Course Architecture, and recognizing Pinehurst as the Golf Capital of the World.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 304 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee regarding the teacher certification system within the Department of Public Instruction.

Referred to **Government Performance Audit Select Committee.**

H.B. 309 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to direct the Governor to conduct organizational and staffing analyses of State agencies.

Referred to **Government Performance Audit Select Committee.**

H.B. 311 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to consider a lateral entry process for school administrators.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 346 (Committee Substitute), a bill to authorize alcoholic beverage elections in cities located in two or more counties.
Referred to **Judiciary I Committee.**

H.B. 352 (Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to establish an interagency committee to develop a child medical and mental health evaluation plan.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 448 (Committee Substitute), a bill to provide that an officer may make a warrantless arrest for certain misdemeanor offenses creating a risk of violence on school grounds or on a school bus.
Referred to **Judiciary I Committee.**

H.B. 476 (Committee Substitute), a bill to clarify the Controlled Substance Examination Regulation Act.
Referred to **Judiciary I Committee.**

H.B. 505 (Committee Substitute), a bill requested by the North Carolina Council for the Deaf and Hard of Hearing to reconstitute the membership of the North Carolina Council for the Deaf and Hard of Hearing.
Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 554, a bill to allow for certain criminal record checks of employees, applicants for employment, and volunteers in the schools of the Department of Human Resources.
Referred to **Judiciary I Committee.**

H.B. 559 (Committee Substitute), a bill to modify the Trustee Association Regions of the North Carolina Community College System and to make a technical change to the procedure for electing the chair and other officers of the State Board of Community Colleges.
Referred to **Education/Higher Education Committee.**

H.B. 561, a bill to clarify the manner in which wages must be paid to employees, and to clarify exemptions under the Wage and Hour Act.
Referred to **Manufacturing and Labor Committee.**

H.B. 565 (Committee Substitute), a bill to make the unauthorized duplication of a key to a State building a misdemeanor offense.
Referred to **Judiciary I Committee.**

H.B. 569 (Committee Substitute), a bill to amend the vital records law to avoid unlawful duplication.
Referred to **Judiciary I Committee.**

H.B. 570 (Committee Substitute), a bill to clarify the food and lodging sanitation law.
Referred to **Environment and Natural Resources Committee.**

H.B. 588 (Committee Substitute), a bill to amend the Charter of the City of Wilmington relating to site plan review and authorizing adoption of a unified land use ordinance.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 616, a bill to grant local boards of education more flexibility to establish year-round schools.
Referred to **Education/Higher Education Committee.**

H.B. 617, a bill to delete the requirement that a duplicate copy of an application for extradition be filed in the office of the Secretary of State.
Referred to **Judiciary I Committee.**

H.B. 689, a bill to create the offense of third degree trespass in Wilkes and Yadkin Counties.
Referred to **Judiciary I Committee.**

H.B. 696 (Committee Substitute), a bill to provide for notification to a defendant on supervised probation that his probation period may be extended for up to three years if restitution is not completed.
Referred to **Judiciary I Committee.**

H.B. 700, a bill to limit the height of structures within the part of the Town of Sunset Beach that is on the Island.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 736, a bill to complete the merger of the Edgecombe County and Tarboro City School Administrative Units.
Referred to **Education/Higher Education Committee.**

H.B. 792, a bill to abolish the office of Coroner in Clay County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 840, a bill to amend the Charter of the City of Charlotte to authorize the City to raise the threshold above which it must seek formal bids for the purchase of apparatus, supplies, materials, or equipment and to waive the requirement for a bid bond.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 935, a bill to delete the references to the Department of Public Education.
Referred to **Education/Higher Education Committee.**

H.B. 938 (Committee Substitute), a bill to require the State Board of Education to report on the National Board for Professional Teaching Standards' Program for identifying highly professional teachers and recommend a plan for providing monetary incentives for teachers to participate in that Program.
Referred to **Education/Higher Education Committee.**

REPORTS TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit reports (see Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to Section 107 of House Bill 83 from the 1991 Session of the General Assembly, the North Carolina Department of Public Instruction submits its Report on the Willie M. Program for 1992.

Pursuant to G.S. 143B-433.3(b), the North Carolina Department of Commerce submits its Report on the Housing Coordination and Policy Council.

CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

S.B. 667, a bill to provide for a referendum on removing Carolina Shores Village from the Town of Calabash, subject to the approval of the residents of either Districts #1 and #2 of the Town of Calabash, and allowing the residents of Carolina Shores Village to vote on whether to incorporate, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives.

COMMITTEE REPORT

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

S.B. 164, a bill to clarify that local governments have the authority to impose civil penalties for violations of the State Building Code, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 9680, which changes the title to read **S.B. 164** (Committee Substitute), a bill to clarify that local governments have the authority to impose civil penalties for violations of the Fire Prevention Code of the State Building Code, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 4, for further consideration.

S.B. 913, a bill to require annual continuing education for real estate brokers and salesmen, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 2665, which changes the title to read **S.B. 913** (Committee Substitute), a bill to require annual continuing education for real estate brokers and salespersons, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 398, a bill to require lobbyists of the Executive Branch of State Government to register and file expense reports with the Secretary of State, to make other clarifying amendments to the lobbying law, and to make an appropriation therefor, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 4611 is placed before the Senate for immediate consideration and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

RE-REFERRAL

S.B. 342, a bill to repeal the law providing that a defendant may choose imprisonment, rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs,

and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, referred to **Judiciary I Committee** on February 24.

Senator Ballance offers a motion that the bill be taken from the **Judiciary I Committee** and re-referred to the **Constitution and Election Laws Committee**, which motion prevails.

Without objection, the Chair orders the bill re-referred to the **Constitution and Election Laws Committee**.

CALENDAR (Continued)

S.B. 682 (Committee Substitute), a bill to allow the Counties of Caldwell and Catawba and the Cities of Granite Falls, Hudson, Hickory, Lenoir, and Sawmills to establish the Carolina and Northwestern Railroad Authority, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 932 (Committee Substitute), a bill to remove the sunset on the act permitting the use of demolition asphalt as fill.

With unanimous consent, on motion of Senator Odom, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Odom, consideration of the Committee Substitute bill is postponed until tomorrow, May 4.

RE-REFERRAL

S.B. 795, a bill to make election day a holiday for all children enrolled in the Burke County schools, referred to **Education/Higher Education Committee** on April 12.

Senator Perdue offers a motion that the bill be taken from the **Education/Higher Education Committee** and re-referred to the **Local Government and Regional Affairs Committee**, which motion prevails.

Without objection, the Chair orders the bill re-referred to the **Local Government and Regional Affairs Committee**.

CALENDAR (Continued)

S.B. 516, a bill to authorize the extension of county housing authority jurisdiction to cities located in whole or in part within the county's boundaries, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 4, for further consideration, upon third reading.

S.B. 560 (Committee Substitute), a bill to authorize the Division of Motor Vehicles to issue special license plates to recipients of the Distinguished Service Cross, the Air Force Cross, and the Navy Cross, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 4, for further consideration, upon third reading.

APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001
April 30, 1993

The Honorable Marc Basnight
President *Pro Tempore* of the Senate
Legislative Building
Raleigh, North Carolina 27603

Dear Marc:

Pursuant to North Carolina General Statute 62-10, I hereby appoint the following individuals to the North Carolina Utilities Commission and submit their names for confirmation by the North Carolina General Assembly:

The Honorable Judy Hunt of Blowing Rock
The Honorable Ralph Hunt of Durham
Dr. John Thomas of Boone

Their terms will become effective July 1, 1993 and will expire on June 30, 2001.

Please feel free to contact them should you need any additional information. Thank you for your attention to this important matter.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

Referred to the **Public Utilities Committee.**

CALENDAR (Continued)

S.B. 204 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to make the certificate of need program self-funded by increasing the minimum and maximum CON application fees.

The Committee Substitute bill passes its second reading (37-9).

Senator Martin of Guilford objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 4, for further consideration, upon third reading.

The President recognizes the following pages serving in the Senate this week: Jennifer Susan Allsbrook, Scotland Neck; Niki Leigh Beasley, Harrisburg; Robert G. Blair III, New Bern; Brad W. Bucklad, Cary; Natalie Noelle Christy, Kannapolis; Selena Beth Cobb, Yanceyville; Ivy Devon Conyers, Bell Arthur; Matthew Scott Fulton, Pleasant Garden; Charles Phillip Gurkin, Dunn; Whitney Paige Hartsell, Concord; Sarah Elizabeth Jeffries, Mebane; Dawn Jesse, Burlington; William Charles Konecy, Kernersville; Christa Devaughn Mullis, Concord; Alicia Paige Norman, Graham; Jennifer Brooke Pressley, Concord; Anthony L. Reel, Charlotte; Jamie Leigh Shoffner, Snow Camp; Daniel Aaron Simon, Charlotte; Christy Smith, Concord; Angela Sutton, Raleigh; James Wagner Taylor, Deep Run; and Corrie Lynn Weaver, Goldsboro.

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Lee, the Senate adjourns at 9:12 P.M. to meet tomorrow, Tuesday, May 4, at 1:30 P.M.

FIFTY-SEVENTH DAY

SENATE CHAMBER,
Tuesday, May 4, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Lord God of Righteousness and Justice, there is in each of us a spirit of self-interest which inclines us to pragmatism as a way of life. Protect us from the subtlety of self-deception. Give us wisdom to examine our plans in the light of Your Truth, and grant us courage to do what our God-enlightened consciences dictate. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, May 3, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends courtesies of the floor to Herman A. Moore, former Senator from Mecklenburg County and President *Pro Tempore* of the Senate.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 141, an act to authorize access to information relevant to noncriminal violations of the law from the Police Information Network. (Ch. 39)

H.J.R. 522, a joint resolution honoring the life and memory of Willie C. Lovett. (Res. 12)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plexico and Carpenter:
S.B. 1022, a bill to appropriate funds to the Brevard Music Center, Inc., for renovation of Whittington-Pfohl Auditorium.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Plexico:
S.B. 1023, a bill to appropriate funds for capital improvements at Western Carolina University.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Odom:
S.B. 1024, a bill to require a determination of the appropriate reading/writing medium for each visually impaired student.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Kerr and Cooper:
S.B. 1025, a bill to provide for payment of the cigarette tax by reporting rather than by tax stamps.
Referred to **Finance Committee.**

By Senators Speed, Sands, Parnell, Jordan, Hoyle, and Walker:
S.B. 1026, a bill to allow county fire marshals, deputy and assistant county fire marshals, and certain fire inspectors to participate in the Firemen's and Rescue Squad Workers' Pension Fund and to provide for benefits to be paid to county fire marshals and others from the Firemen's Relief Fund.
Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Speed, Parnell, Albertson, Soles, Walker, Seymour, Cooper, Kerr, Allran, Forrester, Cochrane, Smith, Lee, and Edwards:
S.B. 1027, a bill to allow the Division of Motor Vehicles to issue restricted commercial drivers licenses to seasonal drivers for certain farm-related services industries.
Referred to **Transportation Committee.**

By Senators Speed and Ballance:
S.B. 1028, a bill to appropriate funds to North Carolina Senior Citizens' Federation, Inc., for operating expenses.
Referred to **Appropriations Committee.**

By Senators Walker, Allran, Ballance, Carpenter, Cochrane, Codington, Cooper, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Perdue, Richardson, Seymour, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg:
S.B. 1029, a bill to appropriate funds for infant mortality and child health initiatives.
Referred to **Appropriations Committee.**

By Senator Marshall:
S.B. 1030, a bill to appropriate funds for the creation of a textile museum in the Town of Erwin in Harnett County.
Referred to **Appropriations Committee.**

By Senator Perdue:
S.B. 1031, a bill to appropriate funds for the North Carolina Maritime Museum Exhibits Annex.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sands and Smith:
S.B. 1032, a bill to control medical costs under the Workers' Compensation Act by limiting the employer's liability for medical compensation to schedules of fees established by the Industrial Commission.
Referred to **Manufacturing and Labor Committee.**

By Senator Sands:
S.B. 1033, a bill to provide that a defendant who agrees to a suspended sentence, probation, or an alternative sentence or punishment and who willfully violates a condition of that judgment may be held in civil or criminal contempt for the violation.
Referred to **Judiciary I Committee.**

By Senators Jordan, Winner of Mecklenburg, and Kerr:
S.B. 1034, a bill to appropriate funds to establish a foster care reimbursement rate for children with special needs and to appropriate funds for the training of foster parents.
Referred to **Appropriations Committee.**

By Senators Jordan, Winner of Mecklenburg, and Kerr:
S.B. 1035, a bill to appropriate funds to increase the foster care board rate.
Referred to **Appropriations Committee.**

By Senator Jordan:
S.B. 1036, a bill to appropriate funds for the Netta Community Center in Lenoir County.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Gunter, Cooper, Johnson, Sherron, Gulley, and Hunt:
S.B. 1037, a bill to appropriate funds to the Department of Public Education for the Tomorrow Academy Pilot Schools, which shall be model progression schools located in an urban and a rural area.
Referred to **Appropriations Committee.**

By Senator Odom:
S.B. 1038, a bill to appropriate funds to operate a Harriet's House, a transitional home for female ex-offenders and their children.
Referred to **Appropriations Committee.**

COMMITTEE REPORTS

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 184, a bill to implement a recommendation of the Government Performance Audit Committee to direct the University of North Carolina to determine the appropriate economic development role of extension activities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 9678 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 5, for further consideration.

S.B. 288, a bill to implement recommendations of the Government Performance Audit Committee to provide for the comprehensive training of State employees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute 9679 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Martin of Guilford, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 289, a bill to implement a recommendation of the Government Performance Audit Committee relating to the monitoring and reporting of State employee performance pay increases to ensure nondiscriminatory pay practices, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 7692 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 5, for further consideration.

S.B. 290, a bill to implement recommendations of the Governmental Performance Audit Committee to establish a State human resources management planning function in the Office of State Personnel, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 3665, which changes the title to read **S.B. 290** (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee to establish a State human resources management coordination function in the Office of State Personnel, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

S.B. 308, a bill to implement a recommendation of the Government Performance Audit Committee to equalize the employee benefits treatment of General Assembly temporary employees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the proposed Committee Substitute bill 2663, which changes the title to read **S.B. 308** (Committee Substitute), a bill to implement and study recommendations of the Government Performance Audit Committee concerning the operation of the General Assembly, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 311, a bill to implement the recommendations of the Government Performance Audit Committee regarding the establishment of an annual opinion survey of State employees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 2664 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 5, for further consideration.

S.B. 353, a bill to implement a recommendation of the Government Performance Audit Committee.—3, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 3664, which changes the title to read **S.B. 353** (Committee Substitute), a bill to implement the recommendations of the Government Performance Audit Committee to provide funds to the Office of State Personnel for their costs in implementing the Employee Classification and Compensation Study, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute is adopted, and on his further motion is re-referred to the **Appropriations Committee.**

REQUEST FOR FISCAL NOTE

S.B. 1013, a bill to enact the Workforce Preparedness Act, and to make conforming changes to the General Statute, referred to **Manufacturing and Labor Committee** on May 3.

Senator Plyler, Chairman of the **Appropriations Committee**, requests a fiscal note on the bill.

The Chair orders the Chairman of the **Manufacturing and Labor Committee**, Senator Kerr, notified of the request.

REPORTS OF COMMITTEES (Continued)

Bills are reported from standing committees out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

S.B. 606, a bill to improve the laws relating to North Carolina's monitoring of insurance company finances and the preservation of insurance company solvency and to maintain North Carolina's accreditation by the National Association of Insurance Commissioners, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the proposed Committee Substitute bill 3661 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Cooper for the **Judiciary II Committee**:

S.B. 868, a bill to provide for the liquidation of assets of certain dissolved corporations without requiring court involvement, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 56 (Committee Substitute No. 2), a bill to authorize the Board of Medical Examiners to enter into peer review agreements with the Academy of Physician Assistants.

Referred to **Children and Human Resources Committee.**

H.B. 71, a bill to permit the use of the prison enterprise laundry operation in emergency situations.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 130 (Committee Substitute), a bill to add five additional members to the Site-Based Management Task Force.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 209 (Committee Substitute), a bill to define "abandoned cemetery."

Referred to **Judiciary II Committee.**

H.B. 385, a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to reduce the blood alcohol level to be considered as slight impairment from 0.11 to 0.09; to make the results of a first breath test admissible under certain circumstances; to change the method of calculating the revocation of a provisional licensee's license for certain alcohol-related offenses; and to provide clarification about when a prior conviction for driving while impaired can be used for aggravation purposes.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 485 (Committee Substitute), a bill to adopt the Inland Navigation Rules as the law in this State.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 634, a bill to allow alcohol in cooking extracts manufactured in this State.

Referred to **Judiciary I Committee.**

H.B. 812, a bill to establish the boundary line between Carteret and Craven Counties.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 944 (Committee Substitute), a bill to raise the limit on the amount recovered in a wrongful death action that is liable for the payment of hospital and medical expenses of the decedent.

Referred to **Judiciary II Committee.**

H.B. 1004, a bill to exempt public airport traffic signs from the requirement for uniform signs and traffic control devices on highways.

Referred to **Transportation Committee.**

H.B. 1047, a bill to revise certain procedures for appeal under the Occupational Safety and Health Act.

Referred to **Manufacturing and Labor Committee.**

CALENDAR

Bills on the Calendar carried forward as unfinished business from Monday, May 3, are taken up and disposed of, as follows:

S.B. 393 (Committee Substitute), a bill to implement the recommendations of the Government Performance Audit Committee for a University of North Carolina programmatic review and a plan for the continued and expanded availability of higher education for all citizens.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

POINT OF ORDER

Senator Sands rises to a point of order as to the failure of **H.B. 895**, a bill to regulate Sunday sales and consumption of alcoholic beverages, failing to pass second reading in the House of Representatives disallowing consideration of **S.B. 726**, a bill to regulate Sunday sales and consumption of alcoholic beverages, which appears on today's Calendar. The Chair rules reference in the Senate of action taken in the House of Representatives out of order and fails to sustain the point of order taken by Senator Sands.

CALENDAR (Continued)

S.B. 681, a bill to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 726, a bill to regulate Sunday sales and consumption of alcoholic beverages.

The bill passes its second reading (29-19).

Senator Harris objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, May 5, for further consideration, upon third reading.

S.B. 892 (Committee Substitute), a bill to require that a delinquent juvenile on probation and required to attend school as a condition of probation be required to maintain a passing grade in four courses, upon third reading.

Senator Martin of Guilford offers Amendment No. 1, which is adopted (46-0).

The Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 750, a bill to allow public and State hospitals to donate surplus medical equipment to nonprofit corporations or government agencies which will distribute the property to hospitals and health agencies in other countries, referred to the **Finance Committee** on April 21.

Senator Winner of Buncombe offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and placed on the Calendar for tomorrow, Wednesday, May 5, which motion prevails with unanimous consent.

The Chair orders the bill placed on the Calendar for tomorrow, Wednesday, May 5, for consideration.

CALENDAR (Continued)

S.B. 163 (House Committee Substitute), a bill to require the Commissioner of Insurance and the Rate Bureau to develop a proposed plan for workers' compensation carriers loss control services, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Manufacturing and Labor Committee:**

S.B. 912, a bill to allow real estate brokers to contract with real estate salespersons for the broker whereby the salesperson agrees to reimburse the broker for the cost of workers' compensation insurance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 4610 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 5, for further consideration.

CALENDAR (Continued)

Bills standing upon the general orders for today, Tuesday, May 4, are taken up and disposed of, as follows:

S.B. 516, a bill to authorize the extension of county housing authority jurisdiction to cities located in whole or in part within the county's boundaries, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 560 (Committee Substitute), a bill to authorize the Division of Motor Vehicles to issue special license plates to recipients of the Distinguished Service Cross, the Air Force Cross, and the Navy Cross, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 875 (Committee Substitute), a bill to regulate interbasin transfers, upon third reading.

With unanimous consent, Senator Johnson is excused from voting on the measure for the stated reason: "My firm represents a client that has a direct interest."

Senator Tally offers Amendment No. 1, which is adopted (45-0).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 25, a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto, upon second reading.

On motion of Senator Hyde, Committee Amendment No. 1 is adopted.

Receiving a three-fifths majority affirmative vote, the bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—45.

Voting in the negative: Senators Ballance, Folger, Gulley, and Winner of Mecklenburg—4.

Senator Sands objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, May 5, for further consideration, upon third reading.

S.B. 531, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice, upon second reading, with fiscal note requested on April 27 attached.

On motion of Senator Hyde, Committee Amendment No. 1 is adopted.

Senator Daniel rises and requests an actuarial note and offers a motion that the bill, as amended, be placed on the Calendar for Thursday, May 6, which motion prevails. The Chair orders the measure placed on the Calendar for Thursday, May 6, with the request for an actuarial note.

S.B. 164 (Committee Substitute), a bill to clarify that local governments have the authority to impose civil penalties for violations of the Fire Prevention Code of the State Building Code.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 595 (Committee Substitute), a bill to increase the number of semester hours of study required for registration as a sanitarian.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 597 (Committee Substitute), a bill to clarify the food and lodging sanitation law.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 876, a bill to amend the Regional Reciprocal Banking Act and to provide for nationwide interstate banking.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 918 (Committee Substitute), a bill to clarify the North Carolina Trails System Act.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 932 (Committee Substitute), a bill to remove the sunset on the act permitting the use of demolition asphalt as fill.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 204 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to make the certificate of need program self-funded by increasing the minimum and maximum CON application fees, upon third reading.

The Committee Substitute bill passes its third reading (40-6) and is ordered sent to the House of Representatives.

S.B. 658, a bill to expand the property tax exemption for computer software.

Senator Hunt offers Amendment No. 1, which proposes to change the title to read **S.B. 658**, a bill to gradually phase out the property tax on computer software.

Senator Hunt subsequently withdraws Amendment No. 1.

On motion of Senator Hunt, further consideration of the bill is postponed until tomorrow, Wednesday, May 5.

S.B. 181 (House Committee Substitute), a bill to require entities providing health benefit plans to make direct payment to governmental agencies providing health care services, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled.

RE-REFERRAL

S.B. 569, a bill to clarify the rule-making authority of the Medical Care Commission for nursing home regulation, referred to the **Rules and Operation of the Senate Committee** on March 25.

Senator Sands offers a motion that the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Children and Human Resources Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Children and Human Resources Committee.**

NOTICE OF INTENTION TO RECALL FROM COMMITTEE

S.B. 630, a bill to permit recipients of teaching fellows scholarship loans to repay their commitment to the State by teaching for three consecutive years in school systems located in low-wealth counties, referred to the **Appropriations Committee** on April 22.

Pursuant to Rule 47, Senator Daniel rises and gives one day's notice of his intention to offer a motion to suspend the rules to recall the bill from the **Appropriations Committee** and place the measure before the Senate for consideration.

RE-REFERRAL

H.B. 461, a bill to revise and consolidate the Charter of the City of Lowell, referred to **Local Government and Regional Affairs Committee** on April 14.

Senator Folger offers a motion the bill be taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Finance Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Finance Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

S.B. 220, a bill to authorize the Secretary of Crime Control and Public Safety to establish a wrecker service system, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 7690, which changes the title to read **S.B. 220** (Committee Substitute), a bill to require the Secretary of Crime Control and Public Safety to establish a wrecker service system and to create a misdemeanor offense related to towing solicitations, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 5, for further consideration.

S.B. 982, a bill to modify the prison population cap, with a favorable report.

On motion of Senator Basnight, seconded by Senator Johnson, the Senate adjourns at 3:52 P.M. to meet tomorrow, Wednesday, May 5, at 1:30 P.M.

FIFTY-EIGHTH DAY

SENATE CHAMBER,
Wednesday May 5, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with a quote by Frederick Buechner, as follows:

"Gracious God, today is designated as World Day of Prayer. Recognizing one such day somehow implies that if we rally the troups, sing in unison, You are more likely to respond.

"Have we forgotten the Scripture lesson that teaches us to 'pray without ceasing?' Are You more likely to respond to our 'Hallelujah Chorus' today than to the plaintiff solo prayer of a man, woman, or child who needed You yesterday or will need You tomorrow?

"Teach us, O Lord, on this World Day of Prayer that we must keep beating a path to Your door. If we do so, there is one thing we can be sure of: 'that You will hear us and even if You don't bring the answer we want, You will bring Yourself. And maybe at the heart of all of our prayers that is what we are really praying for.' Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, May 4, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Gulley.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 163 (House Committee Substitute), an act to require the Commissioner of Insurance and the Rate Bureau to develop a proposed plan for workers' compensation carriers loss control services. (Ch. 40)

S.B. 181 (House Committee Substitute), an act to require entities providing health benefit plans to make direct payment to governmental agencies providing health care services. (Ch. 41)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Seymour for the **Public Utilities Committee:**

S.B. 987, a bill to enact the Overhead High-Voltage Line Safety Act, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Judiciary II Committee.**

By Senator Warren for the **Banks and Thrift Institutions Committee:**

S.B. 936, a bill to authorize nationwide interstate branch banking, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the proposed Committee Substitute bill 8518, which changes the title to read **S.B. 936** (Committee Substitute), a bill to authorize nationwide interstate branch banking and savings and loan and savings bank branching, is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary II Committee.**

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee:**

S.B. 550, a bill to amend the North Carolina Commercial Fertilizer Law, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Environment and Natural Resources Committee.**

S.B. 589, a bill to make changes to the mandatory hunter safety course requirement to clarify its applicability and use, with a favorable report.

S.B. 849, a bill to provide for a voluntary program for the certification of organically produced agricultural products, with a favorable report.

S.B. 991, a bill to make it unlawful to purse seine or operate a menhaden fishing vessel licensed under G.S. 113-152(d) in the Atlantic Ocean within three nautical miles of specified areas in Dare County, with a favorable report.

S.B. 911, a bill to establish uniformity in the regulation of roadside hunting, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the proposed Committee Substitute bill 4617 is placed before the Senate for immediate consideration and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee.**

A select committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 273, a bill to implement a recommendation of the Government Performance Audit Committee to create a moratorium on establishment of colleges and satellite campuses in the North Carolina Community College System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 3666, which changes the title to read **S.B. 273** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to create a moratorium on establishment of colleges, multicampus colleges, and off-campus centers in the North Carolina Community College System, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 6, for further consideration.

Additional bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Edwards for the **Economic Development/Travel and Tourism Committee:**

S.B. 504, a bill to require the Department of Commerce to prepare and update annually a Comprehensive Strategic Economic Development Plan for the State of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Edwards, the proposed Committee Substitute bill 3660, which changes the title to read **S.B. 504** (Committee Substitute), a bill to modify the Economic Development Board in the Department of Commerce to require the Board to prepare and update annually a comprehensive strategic economic development plan for the State of North Carolina, and to require the Department of Commerce to establish a planning unit to support the Economic Development Board's ongoing role in economic and community development planning, is placed before the Senate for immediate consideration.

On motion of Senator Edwards, the Committee Substitute is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Martin of Pitt, Vice-Chairman, for Senator Johnson, Chairman, for the **State Personnel and State Government Committee:**

S.B. 152, a bill to extend the date by which the North Carolina Indian Cultural Center, Inc., is required to enter a lease with the State of North Carolina and to allow the receipt of pledges to satisfy the fund-raising condition to be included in that lease, with a favorable report.

S.B. 735, a bill to amend the Natural and Scenic Rivers Act to strengthen the protection of rivers and the rivers designation process and to require approval by the

Department of Environment, Health, and Natural Resources of county land-use controls prior to designation of rivers, with a favorable report.

S.B. 743, a bill to prohibit the Employment Security Commission from establishing a data processing center separate from the State Information Processing Services Data Center, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 746, a bill to clarify the law with regard to the rejection of competitive bids for goods and services, with a favorable report.

S.B. 751, a bill to amend the law for the North Carolina Capital Planning Commission to allow for a meeting to be called by five members of the Commission, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 837, a bill to allow the County of Durham to permit the inclusion of disadvantaged business enterprise requirements in specifications for contracts, with a favorable report.

S.B. 838, a bill to amending the Charter of the City of Durham to permit the inclusion of disadvantaged business enterprise requirements in specifications for contracts, with a favorable report.

By Senator Parnell for the **Insurance Committee**:

S.B. 854, a bill to permit the issuance and purchasing of group health insurance coverage for public school students, with a favorable report.

Senator Sands offers a motion that bills filed for introduction today be read the first time and referred to committee upon the completion of today's Calendar, which motion prevails.

Senator Sands offers a further motion that messages received from the House of Representatives transmitting bills and resolutions, be read the first time and disposed of upon the completion of today's Calendar, which motion prevails.

NOTICE OF INTENTION TO RECALL FROM COMMITTEE

S.B. 945, a bill permitting the use of deadly force against an intruder under certain circumstances, referred to the **Judiciary I Committee** on April 22.

Pursuant to Rule 47, Senator Kincaid rises to give three days public notice of his intention to recall the bill from the **Judiciary I Committee** for consideration by the Senate, upon its passage.

REPORTS OF COMMITTEES (Continued)

By Senator Perdue for the **Education/Higher Education Committee**:

S.B. 49, a bill to add members to the School Site-Based Management Task Force, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 7699, which changes the title to read **S.B. 49** (Committee Substitute), a bill to make various changes to the manner in which local school improvement plans are adopted and implemented, to add five additional members to the Site-Based Management Task Force and to make conforming changes, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 863, a bill to direct the State Board of Education to consider children with special needs when it adopts rules setting graduation standards, and to direct the State Board of Education to suspend the application of any graduation standards adopted in the past two years to children with special needs until it reevaluates the rules based on a study of graduation standards and these children, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 3670, which changes the title to read **S.B. 863** (Committee Substitute), a bill to require the State Board of Education to consider children with special needs when it adopts rules setting graduation standards, to direct the State Board of Education to conduct an independent study of high school graduation standards for children with special needs, and to direct the State Board of Education to suspend the application of its rule requiring Algebra I for a high school diploma to children identified as learning disabled pending its reevaluation of graduation standards for children with special needs, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 6, for further consideration.

S.B. 968, a bill to plan for and begin implementation of teacher academies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 7700 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Hyde for the **Constitution and Election Laws Committee:**

S.B. 21, a bill to establish the Constitutional Review Commission to study proposals to make changes in the structure of State Government in North Carolina, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **State Personnel and State Government Committee.**

S.B. 684, a bill to provide that the simulated election "Kids Voting" project may take place at the polling place and is not considered electioneering, with a favorable report.

S.B. 806, a bill to provide that voter registration shall be the sole criteria for allocating voting machines among precincts, with a favorable report.

S.B. 342, a bill to repeal the law providing that a defendant may choose imprisonment, rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, with a favorable report, as amended.

S.B. 17, a bill to amend the Constitution of North Carolina to limit the number of days the General Assembly may remain in session each year, with an unfavorable report.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 797, a bill to modify the hours of sales of alcoholic beverages in Mecklenburg County.

Without objection, on motion of Senator Richardson, the bill is temporarily displaced.

S.B. 25, a bill to provide for a referendum to amend the Constitution to provide for a gubernatorial veto, as amended, upon third reading.

Receiving a three-fifths majority affirmative vote, the bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Forrester, Gunter, Harris, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—40.

Voting in the negative: Senators Folger and Winner of Mecklenburg—2.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 184 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to direct the University of North Carolina to determine the appropriate economic development role of extension activities.

Without objection, on motion of Senator Perdue, the Committee Substitute bill is temporarily displaced.

S.B. 220 (Committee Substitute), a bill to require the Secretary of Crime Control and Public Safety to establish a wrecker service system and to create a misdemeanor offense related to towing solicitations.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

S.B. 643, a bill to make technical and other changes to the retaliatory employment discrimination law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 2673 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 709, a bill to clarify the treatment of layaway arrangements for purposes of the law of escheats and abandoned property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 2672, which changes the title to read **S.B. 709** (Committee Substitute), a bill to amend the Uniform Commercial Code to clarify and modify the law on layaway contracts, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 6, for further consideration.

S.B. 796, a bill to extend the statute of limitations for civil actions brought by the State to enforce the laws against bid rigging on government contracts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 7696 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 6, for further consideration.

CALENDAR (Continued)

S.B. 184 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to direct the University of North Carolina to determine the appropriate economic development role of extension activities, temporarily displaced earlier.

The Committee Substitute bill passes its second (40-1) and third readings and is ordered sent to the House of Representatives.

S.B. 289 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee relating to the monitoring and reporting of State employee performance pay increases to ensure nondiscriminatory pay practices.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 311 (Committee Substitute), a bill to implement the recommendations of the Government Performance Audit Committee regarding the establishment of an annual opinion survey of State employees.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 750, a bill to allow public and State hospitals to donate surplus medical equipment to nonprofit corporations or government agencies which will distribute the property to hospitals and health agencies in other countries.

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

S.B. 868, a bill to provide for the liquidation of assets of certain dissolved corporations without requiring court involvement.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 912 (Committee Substitute), a bill to allow real estate brokers to contract with real estate salespersons for the broker whereby the salesperson agrees to reimburse the broker for the cost of workers' compensation insurance.

The Committee Substitute bill passes its second reading (39-1).

Senator Sands objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 6, for further consideration, upon third reading.

S.B. 982, a bill to modify the prison population cap.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 658, a bill to expand the property tax exemption for computer software, upon third reading.

Senator Hunt offers Amendment No. 2 which proposes to change the title to read **S.B. 658**. a bill to gradually phase out the property tax on computer software.

Amendment No. 2, offered by Senator Hunt, fails of adoption (18-26).

Senator Shaw offers Amendment No. 3, which fails of adoption (13-31).

Senator Kaplan calls the previous question, seconded by Senator Conder. The call is sustained (33-10).

The bill passes its third reading (32-12) and is ordered sent to the House of Representatives.

INTRODUCTION OF BILLS

Pursuant to the motion prevailing earlier today, bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Marshall:
S.B. 1039, a bill to regulate and license locksmiths.
Pursuant to G.S. 120-149, the bill is ordered held in the Office of the Principal Clerk for an assessment report.

By Senators Perdue and Gunter:
S.B. 1040, a bill to appropriate funds to develop comprehensive, coordinated adolescent pregnancy prevention initiatives.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Walker, Winner of Mecklenburg, Marshall, Richardson, Seymour, Lee, Martin of Guilford, Edwards, Hunt, Perdue, Ward, Tally, and Gulley:
S.B. 1041, a bill to appropriate funds for a ten percent increase in payments under the Medicaid and Aid to Families with Dependent Children Programs.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Walker, Marshall, Richardson, Lee, Martin of Guilford, Seymour, Edwards, Hunt, Tally, Ward, Perdue, and Gulley:
S.B. 1042, a bill to appropriate funds for the Division of Youth Services' community-based alternative services.
Referred to **Appropriations Committee**.

By Senator Forrester:
S.B. 1043, a bill to require the State Health Director to prepare a medical and health benefits plans.
Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Children and Human Resources Committee**.

By Senator Cooper:
S.B. 1044, a bill to impose a surtax on certain short-term car rentals, to use the proceeds of the tax to compensate rental car companies for the amount of vehicle registration fees and property taxes paid on their rental cars, and to distribute any remaining proceeds to the Highway Fund and the Highway Trust Fund.
Referred to **Finance Committee**.

By Senator Allran:
S.B. 1045, a bill to provide income tax credits for the production and installation of photovoltaic equipment.
Referred to **Finance Committee**.

By Senator Allran:
S.B. 1046, a bill to amend the laws relating to Catawba County.
Referred to **Rules and Operation of the Senate Committee**.

By Senators Plexico and Carpenter:
S.B. 1047, a bill to appropriate funds for an allied health building on the campus of Blue Ridge Community College.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Tally and Edwards:

S.B. 1048, a bill to appropriate funds for capital costs of the Cumberland County Juvenile Detention Facility.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Parnell:

S.B. 1049, a bill to appropriate funds to implement Phase I of the master plan for Lumber River State Park and for the purchase of additional land for the Park.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Harris:

S.B. 1050, a bill to fund the Governor's One-on-One Program funds.

Referred to **Appropriations Committee.**

By Senator Carpenter:

S.B. 1051, a bill to exempt certain seasonal and recreational business establishments from minimum wage requirements under the Wage and Hour Act.

Referred to **Manufacturing and Labor Committee.**

By Senators Sherron and Martin of Pitt:

S.B. 1052, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources for the Geodetic Survey Section for surveying and mapping needs.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1053, a bill to provide for the creation of University and Local Government Regional Facilities Authorities, setting forth the powers of such Authorities and authorizing certain powers to units of local government that are member units of such Authorities.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Forrester and Codington:

S.B. 1054, a bill to direct the Board of Medical Examiners to develop medical practice parameters for certain medical specialties.

Referred to **Children and Human Resources Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Pursuant to the motion prevailing earlier today, messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 220 (Committee Substitute), a bill to ban corporal punishment from certain "nonregistered" day care that receives reimbursement from the State.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 401 (Committee Substitute), a bill to authorize the University of North Carolina to retain the net proceeds from sale of the former residence of the Chancellor of North Carolina Central University.

Referred to **Appropriations Committee.**

H.B. 402, a bill to require that child support payments be continued while the child is enrolled in primary or secondary school, up to graduation or age twenty.
Referred to **Judiciary II Committee.**

H.B. 787 (Committee Substitute), a bill to authorize the Department of Environment, Health, and Natural Resources to deny a permit for a sanitary landfill or a solid waste incinerator to an applicant that has not submitted an approved solid waste management plan.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 822 (Committee Substitute), a bill to amend the laws regarding computer-related crime.
Referred to **Judiciary I Committee.**

H.B. 841, a bill to make various amendments to the Principal and Income Act.
Referred to **Judiciary II Committee.**

H.B. 876, a bill to establish a no-wake zone on a portion of the Waccamaw River.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 969, a bill to remove the sunset on the act permitting the use of demolition asphalt as fill.
Referred to **Transportation Committee.**

H.B. 1034, a bill to allow public contracts involving less than fifty thousand dollars to be awarded to nonlicensed contractors.
Referred to **Judiciary II Committee.**

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns at 3:14 P.M. to meet tomorrow, Thursday, May 6, at 1:30 P.M.

FIFTY-NINTH DAY

SENATE CHAMBER,
Thursday, May 6, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God, our Father, an old rabbi was once asked why so few people were finding God and God's direction for their lives. He wisely replied that people are not willing to look that low.

"Remind us today that You are especially concerned for the poorest, the lowliest, the lost, and the neglected.

"Help us to reach out to the least of these. In doing so, to our surprise, we may even find You. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, May 5, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Simpson; to Senator Warren, due to medical reasons; and to Senator Codington, who is out of town for his medical school reunion.

RE-REFERRALS

S.B. 66, a bill to restructure the fee system for community water systems, referred to **Local Government and Regional Affairs Committee** on February 4.

Senator Folger offers a motion the bill be taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Environment and Natural Resources Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Environment and Natural Resources Committee**.

S.B. 1006, a bill providing for the regulation of purchases of regulated metals property by secondary metals recyclers in North Carolina, referred to **Constitution and Election Laws Committee** on April 29.

Senator Hyde offers a motion the bill be taken from the **Constitution and Election Laws Committee** and re-referred to the **Judiciary I Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary I Committee**.

INTRODUCTION OF BILLS

Senator Sands offers a motion that bills filed for introduction today be read the first time and referred to committee upon the completion of today's Calendar, which motion prevails.

Senator Sands offers a further motion that messages received from the House of Representatives, transmitting bills, be read the first time and disposed of, upon the completion of today's Calendar, following the introduction of bills, which motion prevails.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

S.B. 764, a bill to remove the deadline on applications for refunds from the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System for cooperative agricultural extension service employees, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 843, a bill to restore the provision for purchase of out-of-state service in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 962, a bill to allow legislators serving in January 1985 to purchase creditable service in the Legislative Retirement System, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 601, a bill to amend the Disability Income Plan of North Carolina to pay attorneys' fees on account of social security awards, to repeal the benefit reduction on account of social security cost-of-living adjustments, to establish deadlines for making application for benefits and to make technical changes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the proposed Committee Substitute bill 4613, which changes the title to read **S.B. 601** (Committee Substitute), a bill to amend the Disability Income Plan of North Carolina to pay attorneys' fees on account of social security awards, to establish deadlines for making application for benefits, and to make technical changes, is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Speed for the **Transportation Committee**:

S.B. 942, a bill authorizing Burke County to assist thoroughfare plan implementation, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 995, a bill to provide that there shall be no requirement that directors or officers of a corporation own stock in a corporation if the State of North Carolina owns a majority of the stock, with a favorable report.

S.B. 1009, a bill to provide that stockholders of corporations of which the State of North Carolina owns a majority of the stock may remove directors without cause and may amend the articles of incorporation to change the terms of office of directors of the corporation, with a favorable report.

S.B. 902, a bill to clarify the laws concerning bicycle hand signals, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Committee Substitute bill 4616 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 961, a bill to allow certain counties to regulate junkyards on secondary roads, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Committee Substitute bill 6635, which changes the title to read **S.B. 961** (Committee Substitute), a bill to allow certain counties to regulate junkyards on North Carolina routes, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

By Senator Parnell for the **Insurance Committee**:

S.B. 586, a bill to make technical amendments, clarifications, and corrections in various insurance and insurance-related laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 3672 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 617, a bill to regulate the practice of home inspections, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the proposed Committee Substitute bill 3676 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee**:

S.B. 354, a bill to implement a recommendation of the Government Performance Audit Committee to ensure that the House and Senate Journals are produced with consistent indexes, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Rules and Operation of the Senate Committee**.

S.B. 135, a bill to implement a recommendation of the Government Performance Audit Committee to clarify policy concerning correction enterprises, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended and the proposed Committee Substitute bill A680 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 242, a bill to implement a recommendation of the Government Performance Audit Committee to direct the Governor to conduct organizational and staffing analyses of State agencies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 9690 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 243, a bill to implement a recommendation of the Government Performance Audit Committee to consolidate thirty of the State's smallest prisons, and to improve organizational functions and reduce staff in area offices of the Division of Prisons, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the proposed Committee Substitute bill 6639, which changes the title to read **S.B. 243** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to establish a plan to consolidate the State's smallest prisons, and to improve organizational functions and reduce staff in area offices of the Division of Prisons, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

Additional bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

S.B. 734, a bill to require the Department of Environment, Health, and Natural Resources to pilot the collection of entrance fees at certain State parks, with a favorable report, as amended.

On motion of Senator Winner of Buncombe, the bill is placed on the Calendar for Tuesday, May 18, for consideration.

S.B. 832, a bill to provide a timetable within which the Department of Revenue must hold administrative hearings and render decisions, with a favorable report, as amended.

On motion of Senator Winner of Buncombe, the bill is placed on the Calendar for Monday, May 10, for consideration.

S.B. 836, a bill to waive the fee for special identification cards for homeless and indigent persons, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 7701, which changes the title to read **S.B. 836** (Committee Substitute), a bill to waive the fee for special identification cards for homeless persons, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Tuesday, May 18, for further consideration.

S.B. 852, a bill to provide for the reduction of the State unemployment insurance tax rate under certain circumstances, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute Bill 9686, which changes the title to read **S.B. 852** (Committee Substitute), a bill to reduce the State unemployment insurance tax rate under certain circumstances, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted, and on his further motion, is placed on the Calendar for Wednesday, May 19, for further consideration.

H.B. 162, a bill concerning annexation of certain property by the Town of Clayton, with a favorable report.

On motion of Senator Winner of Buncombe, the bill is placed on the Calendar for Wednesday, May 19, for consideration.

WITHDRAWALS FROM CALENDAR

S.B. 734, a bill to require the Department of Environment, Health, and Natural Resources to pilot the collection of entrance fees at certain State parks, placed on the Calendar for Tuesday, May 18, earlier today.

Senator Winner of Buncombe offers a motion the bill be taken from the Calendar for Tuesday, May 18, and placed on the Calendar for Wednesday, May 19, which motion prevails.

The Chair orders the bill placed on the Calendar for Wednesday, May 19, for consideration.

S.B. 836 (Committee Substitute), a bill to waive the fee for special identification cards for homeless persons, placed on the Calendar for Tuesday, May 18, earlier today.

Senator Winner of Buncombe offers a motion the Committee Substitute bill be taken from the Calendar for Tuesday, May 18, and placed on the Calendar for Wednesday, May 19, which motion prevails.

The Chair orders the Committee Substitute bill placed on the Calendar for Wednesday, May 19, for further consideration.

REPORTS OF COMMITTEES (Continued)

Additional bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

S.B. 123, a bill to change the reporting requirements of the Charlotte-Mecklenburg School funding pilot, to define "World Class Pilot School" and to make other technical and conforming changes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 2677 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S.B. 505, a bill to direct the State Board of Community Colleges to study its Small Business Centers Program to determine how to provide for more effective delivery of program services, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 3675, which changes the title to read **S.B. 505** (Committee Substitute), a bill to establish the Community Colleges and Future Excellence Task Force to examine the mission of the North Carolina Community College System, and to make an appropriation, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

By Senator Hyde for the **Constitution and Election Laws Committee**:

S.B. 678, a bill to clarify what funds may be used to repay revenue bonds and special obligation bonds, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 1007, a bill to make various technical and conforming revisions to the Nursing Practice Act, with a favorable report.

S.B. 613, a bill to change the manner of election of the Charlotte-Mecklenburg Board of Education and the Mecklenburg County Board of Commissioners, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hyde, the rules are suspended, and the proposed Committee Substitute bill 9670, which changes the title to read **S.B. 613** (Committee Substitute), a bill to change the manner of election of the Charlotte-Mecklenburg Board of Education to provide for district and at-large election, with nonpartisan plurality elections in the odd-numbered year, and to use the same districts for election of the Mecklenburg County Board of Commissioners, all subject to a referendum, is placed before the Senate for immediate consideration.

On motion of Senator Hyde, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

By Senator Cooper for the **Judiciary II Committee**:

S.B. 483, a bill to enact Article 4A of the Uniform Commercial Code as recommended by the General Statutes Commission, with a favorable report.

S.B. 834, a bill to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure, with a favorable report.

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 774, a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the City Manager the authority to make, approve, award, and execute service contracts and make contracts for the purchase of apparatus, supplies, equipment and material, with a favorable report.

S.B. 782, a bill to amend the Charlotte City Charter to raise the threshold below which the City Manager may approve the acquisition or sale of real property when the property is being acquired or sold for the purpose of increasing the supply of affordable housing available to low or moderate income persons, with a favorable report.

S.B. 795, a bill to make election day a holiday for all children enrolled in the Burke County schools, with a favorable report.

S.B. 817, a bill to exempt Rockingham County from certain zoning notice requirements, with a favorable report.

S.B. 819, a bill to clarify the law relating to acquisition by the Town of Cary of street right-of-way outside the corporate limits, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 855, a bill to exempt Stokes County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, with a favorable report.

S.B. 859, a bill to amend the Charter of the City of Reidsville to alter the size and method of electing the City Council, with a favorable report.

S.B. 981, a bill to amend the Charter of the City of Albemarle with respect to the distribution of the net proceeds from the operation of alcoholic beverage control stores, with a favorable report.

S.B. 983, a bill to adopt the council-manager form of government for the Town of Manteo, with a favorable report.

S.B. 767, a bill to modify the authority of Mecklenburg County and the City of Charlotte to undertake local development activities, with a favorable report, as amended.

S.B. 773, a bill amending the Charter of the City of Durham concerning the effective dates of ordinances annexing territory to the City and annexations by petition, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted, which changes the title to read **S.B. 773**, a bill amending the Charter of the City of Durham concerning the effective dates of ordinances annexing territory to the City and annexations by petition, and concerning annexation boundaries.

With unanimous consent, on motion of Senator Winner of Buncombe, the bill, as amended, is ordered engrossed and placed on the Calendar for Monday, May 10, for further consideration, upon second reading.

S.B. 794, a bill to allow the Town of Wrightsville Beach to exercise the power of eminent domain for purposes of engaging in beach erosion control and flood and hurricane protection works, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

With unanimous consent, on motion of Senator Winner of Buncombe, the bill, as amended, is ordered engrossed and placed on the Calendar for Monday, May 10, for further consideration, upon second reading.

S.B. 61, a bill to require that applicable local zoning requirements must be satisfied to obtain an ABC Permit, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute 9674, which changes the title to read **S.B. 61** (Committee Substitute), a bill to require that the North Carolina Alcoholic Beverage Control Commission consider various factors prior to granting ABC permits, to lengthen the period of notice to local governments, and to clarify that no notice need be given to local governments unless the permit is permanent, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 768, a bill to allow the City of Charlotte to enter into a joint development project, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 3671 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 772, a bill clarifying the authority of the City of Durham to permit the closing of unopened streets, the retention of utility easements, and the division of right-of-way in typical street closings, and establishing procedures for appeals of street closings, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 2678, which changes the title to read **S.B. 772** (Committee Substitute), a bill clarifying the authority of the cities to permit the closing of unopened streets, the retention of utility easements, and the division of right-of-way in typical street closings, and establishing procedures for appeals of street closings, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Committee Substitute bill is adopted, which changes the bill from a local bill to a public bill.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 809, a bill to make sundry amendments relating to local governments in Orange and Chatham Counties, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the proposed Committee Substitute bill 5642 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 825, a bill to prohibit hunting from roads in a portion of Craven County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 1611, which changes the title to read **S.B. 825** (Committee Substitute), a bill to prohibit hunting from certain State roads in Craven County, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the calendar for Monday, May 10, for further consideration.

S.B. 897, a bill to exempt Mecklenburg County from provisions of the North Carolina Building Code that require building inspection departments to review residential plans, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 5636 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

By Senator Ballance for the **Judiciary I Committee:**

S.B. 455, a bill to implement a recommendation of the General Statutes Commission to require that maps recorded in the office of the register of deeds must have a surveyor's original signature and seal in order to be relied upon and that all other maps must contain a cautionary legend, with a favorable report.

S.B. 535, a bill to clarify remedies for returned checks as recommended by the General Statutes Commission, with a favorable report.

S.B. 536, a bill to change the date for publication of the roster of licensed general contractors and to make other conforming and technical changes as recommended by the General Statutes Commission, with a favorable report.

S.B. 793, a bill to make it a misdemeanor for a person under eighteen years of age to possess or carry a handgun and to make it a misdemeanor to sell or transfer any handgun to a person who is under eighteen years of age, with a favorable report.

S.B. 847, a bill to extend the North Carolina Sentencing and Policy Advisory Commission, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 760, a bill to prohibit purchasing agents in all State agencies from accepting gifts and favors from vendors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 3674, which changes the title to read **S.B. 760** (Committee Substitute), a bill to prohibit purchasing agents in State agencies from accepting gifts over twenty-five dollars in value and to prohibit persons and organizations from offering or giving gifts over twenty-five dollars in value to State purchasing agents, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 799, a bill to provide that a person, after a finding of probable cause or indictment for committing certain sex offenses and a finding of probable cause of transmission of the aids virus, shall be tested for aids upon the request of the victim, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 6636, which changes the title to read **S.B. 799** (Committee Substitute), a bill to provide that a person, after a finding of probable cause or indictment for committing certain sex offenses and a finding of probable cause of transmission of the AIDS virus, shall be tested for AIDS upon the request of the victim through the district attorney, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 873, a bill to protect a person's access to health care facilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 2674 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for May 10, for further consideration.

S.B. 925, a bill to limit police pursuits by establishing a prima facie rule of evidence concerning the operator of a vehicle speeding in excess of fifteen miles an hour over the legal limit to elude arrest, increasing the penalty, and to provide for forfeiture of the vehicle, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 4618, which changes the title to read **S.B. 925** (Committee Substitute), a bill to limit police pursuits by establishing a prima facie rule of evidence concerning the operator of a vehicle speeding in excess of twenty-five miles an hour over the speed limit to elude arrest and to increase the penalty, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

By Senator Sherron for the **Ways and Means Committee**:

S.B. 1012, a bill to require economic impact assessments for certain rules proposed by State agencies, with a favorable report.

On motion of Senator Basnight, the Senate recesses at 2:10 P.M. to reconvene at 3:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

COMMITTEE REPORTS (Continued)

Additional bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

H.B. 416, a bill to prohibit the issuance of new shellfish cultivation leases in Core Sound, with a favorable report, as amended.

On motion of Senator Albertson, the rules are suspended, and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendments No. 1 and No. 2 are adopted.

With unanimous consent, the bill, as amended, is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 724, a bill to establish the High Rock Lake Marine Commission, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

S.B. 1021, a bill to provide that the cost of emergency medical services for an inmate in a local confinement facility shall be paid by a third-party insurer if the inmate has such insurance, with a favorable report.

By Senator Sands for the **Rules and Operation of the Senate Committee:**

S.B. 761, a bill to require the Governor's Coordinating Committee on the Americans with Disabilities Act to report quarterly to the Joint Legislative Commission on Governmental Operations, with a favorable report.

S.J.R. 334, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Child and Adolescent Alcohol and other Drug Abuse Plan as policy guidance for the development of services, with a favorable report.

S.J.R. 594, a joint resolution supporting the establishment of the North Carolina Center for the Book, with a favorable report.

S.J.R. 1017, a joint resolution expressing opposition to a federal requirement to withhold federal-aid highway funds unless certain statutes are enacted to suspend the drivers license of felony convictions of drug-related offenses, with a favorable report.

S.B. 558, a bill to appoint persons to various public offices upon the recommendation of the Senate President *Pro Tempore*, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the proposed Committee Substitute bill 2660 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 10, for further consideration.

S.B. 543, a bill to authorize the certification of employee assistance programs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the proposed Committee Substitute bill 5644, which changes the title to read **S.B. 543** (Committee Substitute), a bill to authorize the certification of providers of employee assistance programs, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee.**

WITHDRAWAL FROM CALENDAR

H.B. 416, a bill to prohibit the issuance of new shellfish cultivation leases in Core Sound, as amended, placed on the Calendar for Monday, May 10, earlier today.

Senator Perdue offers a motion that the rules be suspended to the end the bill, as amended, be taken from the Calendar of Monday, May 10, and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The bill, as amended, is placed before the Senate and the question becomes the passage of the measure upon second reading.

The bill, as amended, passes its second (37-0) and third readings. On motion of Senator Perdue, without objection, the Chair orders the bill, as amended, sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2, by special messenger.

CALENDAR

Bills on the Calendar carried forward as unfinished business from yesterday, Wednesday, May 5, are taken up and disposed of, as follows:

S.B. 797, a bill to modify the hours of sales of alcoholic beverages in Mecklenburg County.

On motion of Senator Richardson, the bill is recommitted to the **Economic Development/Travel and Tourism Committee.**

S.B. 726, a bill to regulate Sunday sales and consumption of alcoholic beverages, upon third reading.

Senator Harris offers Amendment No. 1 which is adopted (29-4).

The bill, as amended, passes its third reading (20-12) and is ordered engrossed and sent to the House of Representatives.

Bills on the Calendar for today, May 6, are taken up and disposed of, as follows:

S.B. 806, a bill to provide that voter registration shall be the sole criteria for allocating voting machines among precincts.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 991, a bill to make it unlawful to purse seine or operate a menhaden fishing vessel licensed under G.S. 113-152(d) in the Atlantic Ocean within three nautical miles of specified areas in Dare County.

With unanimous consent, the bill is taken up out of its regular order of business.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 837, a bill to allow the County of Durham to permit the inclusion of disadvantaged business enterprise requirements in specifications for contracts.

The bill passes its second reading.

Senator Hunt objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, May 10, for further consideration, upon third reading.

S.B. 838, a bill to amending the Charter of the City of Durham to permit the inclusion of disadvantaged business enterprise requirements in specifications for contracts.

The bill passes its second reading.

Senator Hunt objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, May 10, for further consideration, upon third reading.

S.B. 342, a bill to repeal the law providing that a defendant may choose imprisonment, rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, as amended, upon second reading.

On motion of Senator Albertson, consideration of the bill, as amended, is postponed until Tuesday, May 11.

S.B. 531, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice, as amended, upon second reading.

On motion of Senator Hyde, consideration of the bill, as amended, is postponed until Tuesday, May 11.

S.B. 735, a bill to amend the Natural and Scenic Rivers Act to strengthen the protection of rivers and the rivers designation process and to require approval by the Department of Environment, Health, and Natural Resources of county land-use controls prior to designation of rivers, upon second reading.

On motion of Senator Kaplan, consideration of the bill is postponed until Tuesday, May 11.

S.B. 152, a bill to extend the date by which the North Carolina Indian Cultural Center, Inc., is required to enter a lease with the State of North Carolina and to allow the receipt of pledges to satisfy the fund-raising condition to be included in that lease.

The bill passes its second (33-0) and third readings and is ordered sent to the House of Representatives.

S.B. 273 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to create a moratorium on establishment of colleges, multicampus colleges, and off-campus centers in the North Carolina Community College System.

The Committee Substitute bill passes its second (35-0) and third readings and is ordered sent to the House of Representatives.

S.B. 589, a bill to make changes to the mandatory hunter safety course requirement to clarify its applicability and use.

The bill passes its second (40-1) and third readings and is ordered sent to the House of Representatives.

S.B. 684, a bill to provide that the simulated election "Kids Voting" project may take place at the polling place and is not considered electioneering.

The bill passes its second (39-1) and third readings and is ordered sent to the House of Representatives.

RECONSIDERATION

S.B. 806, a bill to provide that voter registration shall be the sole criteria for allocating voting machines among precincts, which passed third reading earlier today.

Senator Sands offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

The Chair recalls the bill from the Office of the Principal Clerk and places it before the Senate for further consideration, and the question becomes passage of the measure upon third reading.

On motion of Senator Sands, without objection, the bill is placed on the Calendar for Monday, May 10, upon third reading.

CALENDAR (Continued)

S.B. 709 (Committee Substitute), a bill to amend the Uniform Commercial Code to clarify and modify the law on layaway contracts.

The Committee Substitute bill passes its second reading (38-2).

Senator Kaplan objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, May 10, for further consideration, upon third reading.

S.B. 746, a bill to clarify the law with regard to the rejection of competitive bids for goods and services.

On motion of Senator Carpenter, consideration of the bill is postponed until Monday, May 10.

S.B. 796 (Committee Substitute), a bill to extend the statute of limitations for civil actions brought by the State to enforce the laws against bid rigging on government contracts.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

S.B. 849, a bill to provide for a voluntary program for the certification of organically produced agricultural products.

The bill passes its second (38-0) and third readings and is ordered sent to the House of Representatives.

S.B. 854, a bill to permit the issuance and purchasing of group health insurance coverage for public school students.

The bill passes its second (35-0) and third readings and is ordered sent to the House of Representatives.

S.B. 863 (Committee Substitute), a bill to require the State Board of Education to consider children with special needs when it adopts rules setting graduation standards, to direct the State Board of Education to conduct an independent study of high school graduation standards for children with special needs, and to direct the State Board of Education to suspend the application of its rule requiring Algebra I for a high school diploma to children identified as learning disabled pending its reevaluation of graduation standards for children with special needs.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 912 (Committee Substitute), a bill to allow real estate brokers to contract with real estate salespersons for the broker whereby the salesperson agrees to reimburse the broker for the cost of workers' compensation insurance, upon third reading.

The Committee Substitute bill passes its third reading (39-0) and is ordered sent to the House of Representatives.

RECALL FROM COMMITTEE

S.B. 630, a bill to permit recipients of teaching fellows scholarship loans to repay their commitment to the State by teaching for three consecutive years in school systems located in low-wealth counties, as amended by the **Education/Higher Education Committee** and re-referred to the **Appropriations Committee** on April 22.

Pursuant to notice of intention to recall from the **Appropriations Committee** given in the Senate on Tuesday, May 4, Senator Daniel offers a motion the rules be suspended to the end the bill, as amended, be recalled from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motion prevails by a two-thirds affirmative majority.

The Chair recalls the bill, as amended, from the **Appropriations Committee** and places it before the Senate for immediate consideration.

The bill, as amended, passes its second reading (42-0).

Senator Cooper objects to the third reading of the measure. The Chair orders the bill, as amended, placed on the Calendar for Monday, May 10, for further consideration, upon third reading.

CALENDAR (Continued)

S.B. 709 (Committee Substitute), a bill to amend the Uniform Commercial Code to clarify and modify the law on layaway contracts, placed earlier today on the Calendar for Monday, May 10, upon third reading.

Senator Kaplan withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Monday, May 10, and placed before the Senate for immediate consideration upon its third reading.

The Committee Substitute bill passes its third reading (42-0) and is ordered sent to the House of Representatives.

NOTICE OF INTENTION TO RECALL

S.B. 643 (Committee Substitute), a bill to make technical and other changes to the retaliatory employment discrimination law, referred to the **Appropriations Committee** on May 5.

Pursuant to Rule 47, Senator Plyler rises to give public notice of his intention to offer a motion to suspend the rules and recall the Committee Substitute bill from the **Appropriations Committee** for consideration upon its passage.

INTRODUCTION OF BILLS

Pursuant to the motion of Senator Sands prevailing earlier today, bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Daniel:
S.B. 1055, a bill to appropriate funds to establish the Rural Hospital Building Grant Program.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Daniel:
S.B. 1056, a bill to provide that court costs may be assessed against a party that files, without reasonable grounds, an affidavit charging the district attorney with grounds for removal.
Referred to **Judiciary I Committee**.

By Senators Martin of Guilford and Seymour:
S.B. 1057, a bill concerning funding of public schools in Guilford County.
Referred to **Appropriations Committee**.

By Senator Lee:
S.B. 1058, a bill to appropriate funds to the Town of Hillsborough for removal of debris and trash from the recent tornado.
Referred to **Appropriations Committee**.

By Senators Walker and Lee:
S.B. 1059, a bill to establish the Social Workers' Education Loan Fund and to appropriate funds for its implementation.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Tally:
S.B. 1060, a bill to appropriate funds for the North Carolina Foreign Language Center.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Plexico and Carpenter:
S.B. 1061, a bill to increase the costs in criminal actions before the General Court of Justice to provide funds for local "crime stoppers" programs.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Seymour, Shaw, and Martin of Guilford:
S.B. 1062, a bill to appropriate funds for Guilford Technical Community College to support its programs for the hearing impaired.
Referred to **Appropriations Committee**.

By Senator Warren:
S.B. 1063, a bill to appropriate funds for the establishment and implementation of the Teacher Leadership Development Program at East Carolina University.
Referred to **Appropriations Committee**.

By Senator Warren:
S.B. 1064, a bill to rewrite the law relating to the refund of deposits for the purchase of a manufactured home.
Referred to **Judiciary II Committee.**

By Senator Gunter:
S.B. 1065, a bill to allow State agencies to retain receipts from the sale of recyclable materials.
Referred to **Appropriations Committee.**

By Senator Gunter:
S.B. 1066, a bill to provide for voter preregistration of sixteen- and seventeen-year olds by drivers license examiners.
Referred to **Constitution and Election Laws Committee.**

By Senator Conder:
S.B. 1067, a bill to authorize local boards of education to request and receive a waiver of State laws regarding funding for teacher assistants.
Referred to **Education/Higher Education Committee.**

By Senator Edwards:
S.B. 1068, a bill to appropriate funds for construction costs for a comprehensive Sickle Cell Center in Fayetteville.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Shaw, Seymour, Martin of Guilford, Sands, and Daniel:
S.B. 1069, a bill to appropriate funds for a Child Medical Evaluation Program at Moses Cone Hospital in Greensboro.
Referred to **Appropriations Committee.**

By Senators Jordan, Soles, and Codington:
S.B. 1070, a bill relating to the powers and scope of the New Hanover County Human Relations Commission.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Gulley:
S.B. 1071, a bill to appropriate funds for a grant program to provide funds to local school administrative units to make schools safe for students and school employees.
Referred to **Appropriations Committee.**

By Senator Hyde:
S.B. 1072, a bill to allow State emergency management vehicles to be equipped with red lights and sirens.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Edwards:
S.B. 1073, a bill to appropriate funds for Teen Involvement Projects (TIPS) in Cumberland County.
Referred to **Appropriations Committee.**

By Senator Lee:
S.B. 1074, a bill providing for North Carolina to join the Drivers License Compact.
Referred to **Judiciary I Committee.**

By Senator Jordan:

S.B. 1075, a bill to clarify the applicability of the Beach Access Program to projects designed to provide access to coastal waters.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Walker, Richardson, and Edwards:

S.B. 1076, a bill to appropriate funds to increase the standard of need level for payments under the Medicaid and Aids to Families with Dependent Children Programs.

Referred to **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Pursuant to the motion of Senator Sands prevailing earlier today, messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 26 (Committee Substitute), a bill to exempt campgrounds for transients and marinas which resell electricity from the definition of a public utility.

Referred to **Public Utilities Committee.**

H.B. 106 (Committee Substitute), a bill to direct the Office of State Personnel to review State cytotechnologist salaries.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 357 (Committee Substitute), a bill to urge district court judges to obtain certification prior to hearing cases in juvenile court.

Referred to **Judiciary I Committee.**

H.B. 563 (Committee Substitute), a bill to make technical changes in statutes concerning precinct and township boundaries.

Referred to **Constitution and Election Laws Committee.**

H.B. 668 (Committee Substitute), a bill to repeal the statute pertaining to the Department of Labor's authority to require separate toilets.

Referred to **Judiciary II Committee.**

H.B. 793, a bill to allow North Carolina Amateur Sports to use State trucks and vans for the State Games of North Carolina.

Referred to **Judiciary II Committee.**

H.B. 818, a bill to define the limits of local government employee political activities.

Referred to **Judiciary II Committee.**

H.B. 838, a bill to allow the Town of Boone to install water and sewer lines in the Junaluska area with its own crew and equipment.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 856, a bill to allow the Riegelwood Sanitary District to acquire property within the district for parks, recreation, and community purposes.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 981, a bill to provide for a voluntary program for the certification of organically produced agricultural products.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 1062 (Committee Substitute), a bill to provide that a mentally retarded person convicted of first degree murder may not be sentenced to death.

Referred to **Judiciary I Committee.**

On motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 4:38 P.M. to meet Monday, May 10, at 7:00 P.M.

SIXTIETH DAY

SENATE CHAMBER,
Monday, May 10, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, forgive us for approaching You with such timidity when we need real answers to tough problems and difficult decisions. Too often we come to You already defeated, much like a child approaching a parent and expecting a negative response.

"Remind us of Abraham, who not only came boldly to Your Throne, but even bartered with You for the well-being of the righteous people of his nephew's city.

"Let us be brave then, as we bring our requests for guidance regarding important and sensitive matters of this legislative session. There we will receive mercy and find grace and answers to help us. We need Your help this week. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, May 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Albertson, who is in Chicago participating in the Trade Expo of the North Carolina Department of Agriculture.

REPORTS OF COMMITTEES

Bills and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee:**

S.B. 846, a bill to increase the amount that may be in controversy in small claims court, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 5646 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Wednesday, May 12, for further consideration.

S.B. 885, a bill to insure that consumers have the right to select the pharmacy of their choice, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 9695, which changes the title to read **S.B. 885**, a bill to ensure that consumers have the right to select the pharmacy of their choice, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

S.B. 889, a bill to provide for mandatory continuing education for North Carolina's dentists and dental hygienists, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 7709 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 987, a bill to enact the Overhead High-Voltage Line Safety Act, with an unfavorable report as to bill as amended by the **Public Utilities Committee**, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 9697 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Sands offers a motion that the bills filed for introduction tonight be read the first time and referred to committee upon the completion of tonight's Calendar, which motion prevails.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senator Sands offers a further motion that messages received from the House of Representatives, transmitting bills and resolutions, be read the first time and disposed of upon completion of tonight's Calendar, which motion prevails.

COMMITTEE REPORTS (Continued)

By Senator Sands for the **Rules and Operation of the Senate Committee**:

S.R. 1010, a Senate simple resolution amending the permanent Rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina relating to admission to the floor of the Senate, with an unfavorable report as to Senate simple resolution, but favorable as to proposed Committee Substitute Senate simple resolution PCS 4620, which proposes to change the title to read **S.R. 1010** (Proposed Committee Substitute), a Senate simple resolution amending the permanent Rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina relating to recall of bill from committee and to admission to the floor of the Senate.

The proposed Committee Substitute Senate simple resolution is placed on the Calendar for tomorrow, Tuesday, May 11, for adoption.

By Senator Parnell for the **Insurance Committee**:

S.B. 579, a bill to improve the financial monitoring and regulation of employers that self-insure their workers' compensation liabilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 3685 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

S.B. 602, a bill to provide group health insurance to businesses comprising more than twenty-five employees; to make improvements in the North Carolina Small Employer Group Health Coverage Reform Act; and to provide for uniform claim forms for health benefit plans, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 5649, which changes the title to read **S.B. 602** (Committee Substitute), a bill to provide group health insurance to businesses comprising more than twenty-five employees and to make improvements in the North Carolina Small Employer Group Health Coverage Reform Act, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

S.B. 603, a bill to make substantive changes in various insurance and insurance-related laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 2680 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

S.B. 622, a bill to make miscellaneous amendments to laws governing health insurance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 3684 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

S.B. 623, a bill to make improvements in the laws governing health maintenance organizations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Committee Substitute bill 9689, which changes the title to read **S.B. 623** (Committee Substitute), a bill to make improvements in the laws governing health maintenance organizations and to provide for the licensing and regulation of preferred provider organizations, exclusive provider panels, and other managed care operations, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 952, a bill to change the law regarding hospital authorities to offer health care services outside the city or county creating the authority, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Walker, the rules are suspended, and the proposed Committee Substitute bill 4612 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

S.B. 872, a bill to provide that family care homes shall be treated as residences for purposes in addition to zoning, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 910, a bill to require that prescription drug labels contain the expiration or disposal date of the medication, with a favorable report, as amended.

RE-REFERRAL

S.B. 588, a bill to require that nursing homes and domiciliary care facilities be charged for certain non-emergency medical services calls, referred to **Children and Human Resources Committee** on March 29.

Senator Walker offers a motion that the bill be taken from the **Children and Human Resources Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee**.

REPORTS OF COMMITTEES (Continued)

By Senator Warren for the **Banks and Thrift Institutions Committee:**

S.B. 466, a bill to allow the original contracting preneed licensee to retain up to ten percent of the funds when transferring trust deposits to a successor funeral establishment, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended, and the proposed Committee Substitute bill 5635 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

By Senator Hyde for the **Constitution and Election Laws Committee:**

S.B. 78, a bill to change the date of the primary to the first Tuesday in September, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hyde, the rules are suspended, and the proposed Committee Substitute bill 2679, which changes the title to read **S.B. 78** (Committee Substitute), a bill to change the date of the primary to the Tuesday nine weeks before the general election and to make conforming changes, is placed before the Senate for immediate consideration.

On motion of Senator Hyde, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

S.B. 921, a bill to allow faxing of absentee ballots from military voters and persons outside the United States, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hyde, the rules are suspended, and the proposed Committee Substitute bill 5640 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

By Senator Kerr for the **Manufacturing and Labor Committee:**

S.B. 811, a bill to make changes to the employment security law to conform to federal law, with a favorable report, as amended.

S.B. 906, a bill to make various substantive amendments to the Workers' Compensation Act and to provide for the termination of a worker's compensation insurance policy when the employer fails to fully disclose certain information, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 7705, which changes the title to read **S.B. 906** (Committee Substitute), a bill to make various substantive amendments to the Workers' Compensation Act, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 120
(Senate Committee Substitute)

House of Representatives
May 6, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 120**, A BILL TO BE ENTITLED AN ACT TO AMEND THE OPEN MEETINGS LAWS AND TO AMEND THE PUBLIC RECORDS LAW AS IT RELATES TO THE HOSPITAL LICENSURE ACT AND THE JOINT MUNICIPAL ELECTRIC POWER AND ENERGY ACT, and requests conferees. The Speaker has appointed Representative G. Miller, Chair; Representative H. Hunter, Representative Richardson, Representative Jarrell, Representative Michaux, Representative Lemmond, Representative Russell, Representative Wilkins, Representative Nesbitt, Representative Brubaker, and Representative Hackney on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 416

House of Representatives
May 7, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment #2 to **HB 416**, A BILL TO ENTITLED AN ACT TO PROHIBIT THE ISSUANCE OF NEW SHELLFISH CULTIVATION LEASES IN CORE SOUND, and requests conferees. The Speaker has appointed Representative Smith, Representative Grady, and Representative Wainwright on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

REPORTS TO GENERAL ASSEMBLY

A commission and an agency directed to report to the General Assembly submit reports (see Addendum) which are disposed of, as follows:

Pursuant to G.S. 143-250, the Wildlife Resources Commission Report to the Legislative Commission on Governmental Operations is submitted by Senator Basnight, Co-Chairman of the Joint Legislative Commission on Governmental Operations, which is ordered referred to the **Appropriations Committee.**

The North Carolina Department of Human Resources submits its Study of the Mentally Retarded/Developmentally Disabled Population in Domiciliary Care Homes, a Companion Report to the March 1, 1993, Plan to Address the Escalating Use and Costs of Community Intermediate Care facilities for the Mentally Retarded/Developmentally Disabled, which is ordered placed on file in the Legislative Library.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 767, a bill to modify the authority of Mecklenburg County and the City of Charlotte to undertake local development activities, upon second reading.

On motion of Senator Folger, Committee Amendment No. 1 is adopted, held to be material, constituting the first reading of the measure.

On motion of Senator Odom, further consideration of the bill, as amended, upon second reading, is postponed until Wednesday, May 12.

S.B. 505 (Committee Substitute), a bill to establish the Community Colleges and Future Excellence Task Force to examine the mission of the North Carolina Community College System, and to make an appropriation.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Perdue, the Committee Substitute bill is recommitted to the **Education/Higher Education Committee.**

S.B. 773, a bill amending the Charter of the City of Durham concerning the effective dates of ordinances annexing territory to the City and annexations by petition, and concerning annexation boundaries, as amended, upon second reading.

Without objection, on motion of Senator Tally, the bill, as amended, is temporarily displaced.

S.B. 794, a bill to allow the Town of Wrightsville Beach to exercise the power of eminent domain for purposes of engaging in beach erosion control and flood and hurricane protection works, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Harris, Hartsell, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration, upon third reading.

S.B. 613 (Committee Substitute), a bill to change the manner of election of the Charlotte-Mecklenburg Board of Education to provide for district and at-large election,

with nonpartisan plurality elections in the odd-numbered year, and to use the same districts for election of the Mecklenburg County Board of Commissioners, all subject to a referendum.

Without objection, on motion of Senator Winner of Mecklenburg, the Committee Substitute bill is temporarily displaced.

S.B. 768 (Committee Substitute), a bill to allow the City of Charlotte to enter into a joint development project.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 774, a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the City Manager the authority to make, approve, award, and execute service contracts and make contracts for the purchase of apparatus, supplies, equipment and material.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 782, a bill to amend the Charlotte City Charter to raise the threshold below which the City Manager may approve the acquisition or sale of real property when the property is being acquired or sold for the purpose of increasing the supply of affordable housing available to low or moderate income persons.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 795, a bill to make election day a holiday for all children enrolled in the Burke County schools.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 817, a bill to exempt Rockingham County from certain zoning notice requirements.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 825 (Committee Substitute), a bill to prohibit hunting from certain State roads in Craven County.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 855, a bill to exempt Stokes County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 859, a bill to amend the Charter of the City of Reidsville to alter the size and method of electing the City Council.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 897 (Committee Substitute), a bill to exempt Mecklenburg County from provisions of the North Carolina Building Code that require building inspection departments to review residential plans.

Without objection, on motion of Senator Odom, the Committee Substitute bill is temporarily displaced.

S.B. 981, a bill to amend the Charter of the City of Albemarle with respect to the distribution of the net proceeds from the operation of alcoholic beverage control stores.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 983, a bill to adopt the council-manager form of government for the Town of Manteo.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 613 (Committee Substitute), a bill to change the manner of election of the Charlotte-Mecklenburg Board of Education to provide for district and at-large election, with nonpartisan plurality elections in the odd-numbered year, and to use the same districts for election of the Mecklenburg County Board of Commissioners, all subject to a referendum, temporarily displaced earlier.

Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (41-0).

The Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 897 (Committee Substitute), a bill to exempt Mecklenburg County from provisions of the North Carolina Building Code that require building inspection departments to review residential plans, temporarily displaced earlier.

Senator Odom offers Amendment No. 1 which is adopted (40-0).

The Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 806, a bill to provide that voter registration shall be the sole criteria for allocating voting machines among precincts, upon third reading.

The Chair rules the bill a public bill.

Senator Sands offers a motion that the vote by which the bill passed its second reading be reconsidered, which motion prevails, and the question becomes passage of the measure upon second reading.

The bill passes its second (39-1) and third readings and is ordered sent to the House of Representatives.

S.B. 837, a bill to allow the County of Durham to permit the inclusion of disadvantaged business enterprise requirements in specifications for contracts, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

S.B. 838, a bill to amending the Charter of the City of Durham to permit the inclusion of disadvantaged business enterprise requirements in specifications for contracts, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

S.B. 61 (Committee Substitute), a bill to require that the North Carolina Alcoholic Beverage Control Commission consider various factors prior to granting ABC permits, to lengthen the period of notice to local governments, and to clarify that no notice need be given to local governments unless the permit is permanent.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 120 (Senate Committee Substitute), a bill to amend the open meetings laws and to amend the public records law as it relates to the Hospital Licensure Act and the Joint Municipal Electric Power and Energy Act.

Pursuant to the message from the House of Representatives received earlier tonight requesting conferees, Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Cooper, Hyde, Cochrane, Hunt, Winner of Mecklenburg, and Carpenter, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 416, a bill to prohibit the issuance of new shellfish cultivation leases in Core Sound.

Pursuant to the message from the House of Representatives received earlier tonight requesting conferees, Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Perdue (Chairman), Martin of Pitt, and Albertson, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 135 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to clarify policy concerning correction enterprises.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 242 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to direct the Governor to conduct organizational and staffing analyses of State agencies.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 334, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Child and Adolescent Alcohol and other Drug Abuse Plan as policy guidance for the development of services.

The joint resolution passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 455, a bill to implement a recommendation of the General Statutes Commission to require that maps recorded in the office of the register of deeds must have a surveyor's original signature and seal in order to be relied upon and that all other maps must contain a cautionary legend.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 483, a bill to enact Article 4A of the Uniform Commercial Code as recommended by the General Statutes Commission.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 773, a bill amending the Charter of the City of Durham concerning the effective dates of ordinances annexing territory to the City and annexations by petitions, as amended, upon second reading, temporarily displaced earlier.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Johnson, Jordan, Kaplan,

Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration, upon third reading.

S.B. 535, a bill to clarify remedies for returned checks as recommended by the General Statutes Commission.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 536, a bill to change the date for publication of the roster of licensed general contractors and to make other conforming and technical changes as recommended by the General Statutes Commission.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 558 (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the Senate President *Pro Tempore*.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 586 (Committee Substitute), a bill to make technical amendments, clarifications, and corrections in various insurance and insurance-related laws.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 594, a joint resolution supporting the establishment of the North Carolina Center for the Book.

The joint resolution passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 746, a bill to clarify the law with regard to the rejection of competitive bids for goods and services.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

MESSAGES TO THE HOUSE OF REPRESENTATIVES

Senator Sands offers a motion to the end all messages ordered sent to the House of Representatives from tomorrow, Tuesday, May 11, continuing through Thursday, May 13, be sent by special messenger, which motion prevails with unanimous consent.

CALENDAR (Continued)

S.B. 760 (Committee Substitute), a bill to prohibit purchasing agents in State agencies from accepting gifts over twenty-five dollars in value and to prohibit persons and organizations from offering or giving gifts over twenty-five dollars in value to State purchasing agents.

The Committee Substitute bill passes its second reading (45-1).

The Committee Substitute bill, as amended, remains before the Senate for consideration upon third reading, with unanimous consent.

Senator Ballance offers Amendment No. 1 which is adopted (45-1)

The Committee Substitute bill, as amended, passes its third reading (44-1) and is ordered engrossed and sent to the House of Representatives.

S.B. 761, a bill to require the Governor's Coordinating Committee on the Americans with Disabilities Act to report quarterly to the Joint Legislative Commission on Governmental Operations.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 772 (Committee Substitute), a bill clarifying the authority of the cities to permit the closing of unopened streets, the retention of utility easements, and the division of right-of-way in typical street closings, and establishing procedures for appeals of street closings.

The Committee Substitute bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives.

S.B. 793, a bill to make it a misdemeanor for a person under eighteen years of age to possess or carry a handgun and to make it a misdemeanor to sell or transfer any handgun to a person who is under eighteen years of age.

Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (42-0).

Senator Odom offers Amendment No. 2 which is adopted (47-0).

The bill, as amended, passes its second reading (39-8).

Senator Harris objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration, upon third reading.

S.B. 799 (Committee Substitute), a bill to provide that a person, after a finding of probable cause or indictment for committing certain sex offenses and a finding of probable cause of transmission of the AIDS virus, shall be tested for AIDS upon the request of the victim through the district attorney.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 832, a bill to provide a timetable within which the Department of Revenue must hold administrative hearings and render decisions.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 834, a bill to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure.

The bill passes its second reading (45-0).

Senator Hyde objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration, upon third reading.

S.B. 873 (Committee Substitute), a bill to protect a person's access to health care facilities.

Senator Kincaid offers Amendment No. 1.

Senator Winner of Mecklenburg offers a motion that Amendment No. 1 do lie upon the table, seconded by Senator Johnson, which motion prevails (32-15).

Amendment No. 1 lies upon the table.

Senator Ballance calls the previous question, seconded by Senator Johnson. The call is sustained (39-8).

The Committee Substitute bill passes its second reading (37-11).

Senator Harris objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 11, for further consideration, upon third reading.

S.B. 902 (Committee Substitute), a bill to clarify the laws concerning bicycle hand signals.

The Committee Substitute bill passes its second (39-8) and third readings and is ordered sent to the House of Representatives.

With bills and a resolution remaining on the Calendar, Senator Basnight offers a motion, seconded by Senator Daniel, pursuant to the introduction of bills, messages from the House of Representatives, the reading of notices and announcements and the recognition of pages, that the Senate do now adjourn to meet tomorrow, Tuesday, May 11, at 1:30 P.M., which motion prevails.

NOTICE OF INTENTION TO RECALL FROM COMMITTEE

S.B. 1057, a bill concerning funding of public schools in Guilford County, referred to the **Appropriations Committee** on May 6.

Pursuant to Rule 47, Senator Daniel rises to give one day's public notice of his intention to suspend the rules to recall the bill from the **Appropriations Committee** for consideration by the Senate upon its passage.

S.B. 812, a bill to amend the law regarding the Supplemental Retirement Fund for Firefighters in the City of Hendersonville, referred to the **Appropriations Committee** on April 27.

Pursuant to Rule 47, Senator Plyler rises to give one day's public notice of his intention to suspend the rules to recall the bill from the **Appropriations Committee** for consideration by the Senate upon its passage.

S.B. 123 (Committee Substitute), a bill to change the reporting requirements of the Charlotte-Mecklenburg School funding pilot, to define "World Class Pilot School" and to make other technical and conforming changes, referred to the **Appropriations Committee** on May 6.

Pursuant to Rule 47, Senator Daniel rises to give one day's public notice of his intention to suspend the rules to recall the bill from the **Appropriations Committee** for consideration by the Senate upon its passage.

The President recognizes the following pages serving in the Senate this week: Brandy Victoria Adams, Rocky Mount; Chez LeAnder Adams, Gastonia; Michelle Cardwell, Mayodan; Jennifer Coffey, Burlington; Jennifer A. Erwin, Charlotte; William Brian Faucette, Graham; Paul Litton Fletcher III, Greenville; Daniel L. Gould, Raleigh; Stephanie Holt, Burlington; Marguita Renee' Johnson, Knightdale; Kenneth David Knight, Stoneville; Camesha Shante' McAllister, Wilmington; Deborah L. Morse, Rockingham; C. Spring Patterson, Reidsville; Angela Pryor, Wilmington; Cynthia L. Simons, Louisburg; Travis B. Sowers, Burgaw; and Christina Evonne Suggs, Burlington.

With unanimous consent, Senator Daniel withdraws his second to the motion offered by Senator Basnight that the Senate adjourn pursuant to the introduction of bills, and the reading of messages from the House of Representatives.

With unanimous consent, Senator Basnight withdraws his motion to adjourn pursuant to the introduction of bills, and the reading of messages from the House of Representatives.

RE-REFERRAL

S.B. 905, a bill to establish a limitation for civil actions based on personal injury or illness caused by childhood sexual abuse, referred to the **Judiciary I Committee** on April 19.

Senator Ballance offers a motion that the bill be taken from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

INTRODUCTION OF BILLS

With unfinished business remaining on the Calendar, Senator Basnight, seconded by Senator Daniel, offers a motion the Senate do adjourn pursuant to the introduction of bills, and the reading of messages from the House of Representatives, which motion prevails. Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Parnell, Odom, Jordan, and Albertson:
S.B. 1077, a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities.
Referred to **Appropriations Committee.**

By Senators Marshall, Ballance, and Seymour:
S.B. 1078, a bill to establish a salary schedule for personnel of the North Carolina Community College System.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:
S.B. 1079, a bill to allocate funds from the Department of Insurance Fund to the Department of Insurance to establish new positions and fund computer operations.
Referred to **Appropriations Committee.**

By Senator Lee:
S.B. 1080, a bill to appropriate funds for a pedestrian call signal at Horton Middle School in the Town of Pittsboro in Chatham County.
Referred to **Appropriations Committee.**

By Senator Cooper:
S.B. 1081, a bill to provide that the Department of Justice may provide criminal record checks to hospitals and other health care facilities.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Cooper:
S.B. 1082, a bill to exempt Nash County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Sands:
S.B. 1083, a bill to fulfill the intent of the insurance equality statute by correcting omissions in that statute.
Referred to **Insurance Committee.**

By Senator Sands:
S.B. 1084, a bill to make substantive and technical changes and improvements in the laws regulating service agreements and to enable the Department of Insurance to properly administer those laws.
Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Walker:
S.B. 1085, a bill to appropriate funds for the Department of Secretary of State.
Referred to **Appropriations Committee.**

By Senator Walker:
S.B. 1086, a bill to appropriate funds for the Department of State Treasurer.
Referred to **Appropriations Committee.**

By Senator Walker:
S.B. 1087, a bill to authorize the issuance of eleven million four hundred thousand dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for facilities for the Head Start Program.
Referred to **Select Committee on Bonds** and upon a favorable report, re-referred to the **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Lee and Smith:
S.B. 1088, a bill to provide that the tax on diesel fuel shall be paid partly at the pump and partly by reporting.
Referred to **Finance Committee.**

By Senator Gulley:
S.B. 1089, a bill to require the Commission for Health Services to adopt rules governing the sanitation of shelters for homeless persons.
Referred to **Children and Human Resources Committee.**

By Senators Gulley and Hunt:
S.B. 1090, a bill to appropriate funds for the 1993-95 biennium to the Department of Commerce for the Durham Service Corps.
Referred to **Appropriations Committee.**

By Senator Daniel:
S.B. 1091, a bill to appropriate funds for the North Carolina Physician Fellows Program.
Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Sands, Winner of Buncombe, Soles, Kerr, Hartsell, Folger, Marshall, Ballance, Johnson, Allran, Odom, Gulley, Daniel, Winner of Mecklenburg, and Seymour:
S.B. 1092, a bill directing the General Statutes Commission to study issues relating to computerized legal research of general law and administrative rules, including the problem of incorporating documents by reference which cannot be searched in the database.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Seymour, Marshall, Tally, Winner of Mecklenburg, Gunter, Perdue, Cochrane, and Martin of Guilford:
S.B. 1093, a bill to fund a program to help displaced homemakers.
Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Cooper and Gunter:
S.B. 1094, a bill to appropriate funds for alternative programs for suspended students.
Referred to **Appropriations Committee.**

By Senator Cooper:
S.B. 1095, a bill to appropriate funds to provide training for employers for the Americans with Disabilities Act.
Referred to **Appropriations Committee.**

By Senators Cooper and Gunter:

S.B. 1096, a bill to appropriate funds for community coordinators to establish and coordinate a School Safety Task Force in each local school administrative unit.

Referred to **Appropriations Committee.**

By Senator Ballance:

S.B. 1097, a bill to provide that the Northampton County Board of Education shall take office in July of the year of election.

Referred to **Constitution and Election Laws Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Pursuant to the motion of Senator Basnight upon adjournment prevailing earlier tonight, messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 95, a bill to amend the law for the North Carolina Capital Planning Commission to allow for a meeting to be called by five members of the Commission.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 358 (Committee Substitute), a bill to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives.

Referred to **Judiciary II Committee.**

H.B. 382 (Committee Substitute No. 2), a bill to amend the statutes regulating professional engineers and land surveyors.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 398 (Committee Substitute No. 2), a bill to amend the Charter of the City of High Point and to allow High Point to take prospective tax revenues into account when transferring certain property held for economic development.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 428, a bill to repeal the prohibition on hunting wild turkeys in Gates County.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 446 (Committee Substitute), a bill to require fees that are imposed for the inspection and grading of farm products and are collected under agreements with the federal government to be used as required by the agreements, and to clarify the authority of the Commissioner of Agriculture concerning these agreements.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 449 (Committee Substitute), a bill to include interest and penalties in refunds of monies collected by mistake from borrowers and customers.

Referred to **Judiciary II Committee.**

H.B. 457 (Committee Substitute), a bill to remove barriers in insurance policies and plans to provide for reimbursement to advanced practice registered nurses providing services within the scope of their practice.

Referred to **Insurance Committee.**

H.B. 496, a bill to permit investment of trust assets in mutual funds advised by a corporate trustee.

Referred to **Judiciary II Committee.**

H.B. 538 (Committee Substitute), a bill to provide for immediate income withholding in non-IV-D child support cases, as required by the Family Support Act.
Referred to **Judiciary I Committee.**

H.B. 564 (Committee Substitute), a bill to increase the examination fee and the fees for annual renewals of all types of licenses for general contractors.
Referred to **Finance Committee.**

H.B. 567 (Committee Substitute), a bill to provide for the issuance of replacement data plates for LP-gas tanks, to provide civil penalties for violations of the laws regarding LP-gas, and to provide for suspension or revocation of an LP-gas dealer's registration for violations of these laws.
Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 568 (Committee Substitute No. 2), a bill to require taxpayer identification numbers be shown on all vendor invoices to the State and State agencies.
Referred to **State Personnel and State Government Committee.**

H.B. 606 (Committee Substitute), a bill to establish a fee for the accreditation and renewal of accreditation of reinsurance companies.
Referred to **Finance Committee.**

H.B. 636 (Committee Substitute), a bill concerning the procedure for adopting rules for underwater archaeology sites.
Referred to **State Personnel and State Government Committee.**

H.B. 654, a bill to expand the number of counties in which the tax credit for creating jobs is available.
Referred to **Finance Committee.**

H.B. 663, a bill to delineate the responsibilities of the Department of Commerce and the Department of Environment, Health, and Natural Resources regarding the development of the State's recycling industry and markets for recyclable materials.
Referred to **State Personnel and State Government Committee.**

H.B. 677, a bill to revert certain precinct boundaries in Buncombe County to their status on December 31, 1991, and to grant certain limited powers to the Buncombe County Board of Elections.
Referred to **Constitution and Election Laws Committee.**

H.B. 692, a bill to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni & Friends, Inc., a North Carolina nonprofit corporation.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 703, a bill to provide that the Town of Nags Head may regulate certain commercial fishing activities on the foreshore, beach strand, and barrier dune system within and along its boundaries.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 713, a bill to repeal a 1992 local act which would have called a referendum on the question of electing the Mitchell County Tax Collector.
Referred to **Constitution and Election Laws Committee.**

H.B. 715 (Committee Substitute), a bill to increase the pistol permit fee in Martin County and Pitt County from five dollars to twenty dollars.
Referred to **Finance Committee.**

H.B. 752, a bill to clarify the child-caring institutions' licensing exemptions.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 794, a bill amending the Charter of the City of Durham with respects to the service of complaints and orders in housing code cases.
Referred to **Local Government and Regional Affairs Committee**.

H.B. 796, a bill granting to Durham County reduction of the notice period for closing roads and easements, clarifying the County's authority to permit the closing of unopened roads, the division of right-of-way in typical road closings, and establishing procedures for appeals of road closings.
Referred to **Transportation Committee**.

H.B. 803, a bill to exempt the Town of Denton from certain zoning notice requirements.
Referred to **Local Government and Regional Affairs Committee**.

H.B. 815, a bill authorizing Burke County to assist thoroughfare plan implementation.
Referred to **Transportation Committee**.

H.B. 817, a bill to remove the State Auditor from the State Fire and Rescue Commission.
Referred to **State Personnel and State Government Committee**.

H.B. 842, a bill to repeal the definition of subdivision for Lincoln County.
Referred to **Local Government and Regional Affairs Committee**.

H.B. 847 (Committee Substitute), a bill to amend the Charter of the City of Charlotte to authorize the construction, design, and operation of sludge management facilities.
Referred to **Local Government and Regional Affairs Committee**.

H.B. 869, a bill to exempt Stokes County from certain notice requirements for the purpose of adopting or amending a zoning ordinance for water supply watershed protection.
Referred to **Local Government and Regional Affairs Committee**.

H.B. 881, (Committee Substitute) a bill to establish seasons for hunting and trapping foxes in Granville County and to establish seasons for hunting and trapping foxes in Brunswick County.
Referred to **Agriculture, Marine Resources, and Wildlife Committee**.

H.B. 1112, a bill to restrict the time period within which unsolicited automatic dialing and recorded messages may be made by phone.
Referred to **Constitution and Election Laws Committee**.

H.B. 1133, a bill to permit men who are divorced or widowed to resume use of the surname they used before marriage.
Referred to **Judiciary I Committee**.

H.B. 1143, a bill to clarify that breast feeding does not violate indecency laws.
Referred to **Judiciary I Committee**.

H.B. 1157, a bill to make changes in the law relating to the North Carolina Courts Commission.
Referred to **State Personnel and State Government Committee**.

H.B. 1172, a bill to extend the qualified tort liability protection for health care personnel to include medical services rendered by health care personnel without compensation at their place of employment to indigent patients.
Referred to **Judiciary II Committee**.

With bills and a resolution remaining on the Calendar, pursuant to the motion of Senator Basnight, seconded by Senator Daniel, the Senate adjourns at 9:50 P.M. to meet tomorrow, Tuesday, May 11, at 1:30 P.M.

SIXTY-FIRST DAY

SENATE CHAMBER,
Tuesday, May 11, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we open every session of the Senate with a prayer for Your Help and Guidance.

"Often we pray for that which is already ours, but neglected or unused. Sometimes we pray for that which can never be ours and sometimes for that which we must do ourselves.

"Give us discernment to know the difference and to understand that faith without works is dead, and works without faith can never live. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, May 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Albertson, who is participating in a Trade Exposition of the North Carolina Department of Agriculture in Chicago, Illinois; and to Senator Parnell for business reasons.

MESSAGES

In view of rules requiring all Senate bills sent to the House of Representatives be read into that Body by May 13, Senator Sands offers a motion to the end that all bills and resolutions passing the Senate and ordered sent to the House of Representatives be sent, for the remainder of this week, by special messenger. The motion prevails.

Senator Sands offers a further motion to the end that bills and resolutions presented for introduction and received on messages from the House of Representatives be moved from the regular order of business and read immediately preceding adjournment. The motion prevails and the President orders the items of business moved to the end of the Calendar.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Sands for the **Rules and Operation of the Senate Committee:**

S.B. 479, a bill to establish the Senior Tar Heel Legislature, with a favorable report.

CALENDAR

Bills and a resolution on the Calendar carried forward as unfinished business from Monday, May 10, are taken up and disposed of, as follows:

S.B. 925 (Committee Substitute), a bill to limit police pursuits by establishing a prima facie rule of evidence concerning the operator of a vehicle speeding in excess of twenty-five miles an hour over the speed limit to elude arrest and to increase the penalty.

Senator Winner of Buncombe offers Amendment No. 1 which is adopted (26-17).

The Committee Substitute bill, as amended, passes its second (42-1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 961 (Committee Substitute), a bill to allow certain counties to regulate junkyards on North Carolina routes.

On motion of Senator Basnight, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 773, a bill amending the Charter of the City of Durham concerning the effective dates of ordinances annexing territory to the City and annexations by petition, and concerning annexation boundaries, as amended, upon third reading.

With unanimous consent, on motion of Senator Basnight, the bill, as amended, is taken up out of its regular order of business.

Senator Basnight offers a motion that the measure be placed at the end of today's Calendar for consideration, which motion prevails. The Chair orders the measure placed at the end of the regular order of business.

S.B. 995, a bill to provide that there shall be no requirement that directors or officers of a corporation own stock in a corporation if the State of North Carolina owns a majority of the stock.

The Chair orders, without objection, the bill temporarily displaced.

S.B. 1007, a bill to make various technical and conforming revisions to the Nursing Practice Act.

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 995, a bill to provide that there shall be no requirement that directors or officers of a corporation own stock in a corporation if the State of North Carolina owns a majority of the stock, temporarily displaced earlier.

On motion of Senator Perdue, consideration of the bill is postponed until tomorrow, May 12.

S.B. 1009, a bill to provide that stockholders of corporations of which the State of North Carolina owns a majority of the stock may remove directors without cause and may amend the articles of incorporation to change the terms of office of directors of the corporation.

On motion of Senator Perdue, consideration of the bill is postponed until tomorrow, May 12.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

S.B. 1012, a bill to require economic impact assessments for certain rules proposed by State agencies.

The bill passes its second reading (27-19).

Senator Tally objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, May 12, for further consideration, upon third reading.

Senator Basnight, President *Pro Tempore*, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

S.J.R. 1017, a joint resolution expressing opposition to a federal requirement to withhold federal-aid highway funds unless certain statutes are enacted to suspend the drivers license of felony convictions of drug-related offenses.

The joint resolution passes its second (40-4) and third readings and is ordered sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

S.B. 453, a bill to repeal the requirement for health certificates for marriage license applicants, with a favorable report.

Pursuant to Rule 43, the bill is referred to the **Finance Committee.**

S.B. 475, a bill to make it a crime to sell handicapped parking placards, with a favorable report.

S.B. 700, a bill in support of Desert Storm Veterans and other young citizens by decriminalizing certain malt beverage sales and the possession of malt beverages by certain persons, with a favorable report.

S.B. 901, a bill to prohibit bicyclists and others from clinging to other vehicles while on a roadway, with a favorable report.

S.B. 955, a bill to authorize a method for parents to authorize consent by another for health care for the parents' minor child, with a favorable report.

S.B. 970, a bill to provide that it is a misdemeanor to assemble for the purpose of teaching any techniques to be used for the purpose of intimidating a person because of that person's race, color, religion, nationality, or country of origin, with a favorable report.

S.B. 971, a bill to increase the maximum lawful capacity of tear gas containers for use by individuals for self-defense purposes, with a favorable report.

S.B. 1033, a bill to provide that a defendant who agrees to a suspended sentence, probation, or an alternative sentence or punishment and who willfully violates a condition of that judgment may be held in civil or criminal contempt for the violation, with a favorable report.

H.B. 283 (Committee Substitute), a bill recommended by the Juvenile Law Study Commission to establish a pilot program under the Administrative Office of the Courts regarding juvenile court jurisdiction over juveniles between sixteen and eighteen years of age who are beyond the disciplinary control of their parents, with a favorable report, as amended.

S.B. 431, a bill recommended by the Juvenile Law Study Commission to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors, with a favorable report, as amended.

S.B. 559, a bill to resolve the conflict between the State and federal special education law regarding the procedure of filing a civil action, with a favorable report, as amended.

S.B. 831, a bill to provide for truth in sentencing for the North Carolina Criminal Justice System, with a favorable report, as amended.

S.B. 446, a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08 percent; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08 percent; to reduce the blood alcohol level to be considered as slight impairment from 0.11 to 0.09 percent; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; and to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the proposed Committee Substitute bill 7719, which changes the title to read **S.B. 446** (Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to reduce the blood alcohol level to be considered as slight impairment from 0.11 to 0.09; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require expunction of civil revocations following acquittal of impaired driving offenses, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Speed for the **Transportation Committee:**

S.B. 625, a bill to amend the General Statutes in order to allow full implementation of the flexible funding and alternative uses authorized under the Federal Intermodal Surface Transportation Efficiency Act of 1991, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the proposed Committee Substitute bill 7713 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 758, a bill to allow the filing of an affidavit by the Secretary of Transportation or by an officer of the railroad to state an intention to preserve a railroad easement for future transportation purposes and negate the presumption of abandonment, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Committee Substitute bill 9705, which changes the title to read **S.B. 758** (Committee Substitute), a bill to allow the filing of an affidavit by the Secretary of Transportation to state an intention to preserve a railroad easement for future transportation purposes and negate the presumption of abandonment, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Wednesday, May 12, for further consideration.

S.B. 939, a bill to clarify the right of motor vehicle dealers in North Carolina to combine franchises at a single location, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Committee Substitute 5653 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Wednesday, May 12, for further consideration.

CALENDAR (Continued)

S.B. 961 (Committee Substitute), a bill to allow certain counties to regulate junkyards on North Carolina routes, temporarily displaced earlier.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

S.B. 581, a bill to provide hospital- and home-based instructional services to children other than children with special needs and to appropriate funds for that purpose, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 101, a bill to authorize locals boards of education to waive the age requirements for enrollment in public schools, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 6649, which changes the title to read **S.B. 101** (Committee Substitute), a bill to make the limitations placed on the employment of spouses of the Board of Governors of the University of North Carolina more equitable, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Wednesday, May 12, for further consideration.

S.B. 462, a bill to implement a recommendation of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee to establish a Principal Fellows Program to encourage excellence in the recruitment of candidates for educational leadership programs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 7717 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 729, a bill to merge the Franklin County and Franklinton City School Administrative Units, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 9703 is placed before the Senate for immediate consideration, and on her further motion is adopted.

On motion of Senator Perdue, the Committee Substitute bill is placed on the Calendar for Wednesday, May 12, for further consideration.

S.B. 883, a bill to require the State Board of Education to report on the National Board for Professional Teaching Standards' Program for identifying highly professional

teachers and recommend a plan for providing monetary incentives for teachers to participate in that Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 5652, which changes the title to read **S.B. 883** (Committee Substitute), a bill to create the North Carolina Professional Teaching Standards Board, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

On motion of Senator Perdue, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 170, a bill to implement a recommendation of the Government Performance Audit Committee that division traffic services be realigned to focus on signal-related services, with a favorable report.

S.B. 253, a bill to implement a recommendation of the Government Performance Audit Committee to establish and implement a State strategic planning process, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 4628, which changes the title to read **S.B. 253** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to provide funds for performance budgeting needs, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted and on his further motion re-referred to the **Appropriations Committee.**

Senator Albertson arrives and the Chair announces his presence. The leave of absence granted earlier today is set aside.

CONFERENCE REPORT

H.B. 416

Senator Perdue, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 416**, a bill to prohibit the issuance of new shellfish cultivation leases in Core Sound, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 416, A BILL TO PROHIBIT THE ISSUANCE OF NEW SHELLFISH CULTIVATION LEASES IN CORE SOUND, wish to report as follows: The Senate recedes from Senate Amendment #2.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 11th day of May, 1993.

May 11, 1993

S/Beverly M. Perdue	S/Ronald L. Smith
S/Charles W. Albertson	S/Robert Grady
S/R. L. Martin	S/William L. Wainwright
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Perdue, the Conference Report is adopted (45-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 1021, a bill to provide that the cost of emergency medical services for an inmate in a local confinement facility shall be paid by a third-party insurer if the inmate has such insurance.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 630, a bill to permit recipients of teaching fellows scholarship loans to repay their commitment to the State by teaching for three consecutive years in school systems located in low-wealth counties, as amended by the **Education/Higher Education Committee**, upon third reading.

The bill, as amended, passes its third reading (46-0).

The bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

Bills and a resolution standing on the general orders for today are taken up and disposed of, as follows:

S.R. 1010 (Proposed Committee Substitute), a Senate simple resolution amending the permanent Rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina relating to recall of bill from committee and to admission to the floor of the Senate, for adoption.

On motion of Senator Sands, the Senate Committee Substitute simple resolution is adopted (46-0).

The text of the Committee Substitute Senate simple resolution is as follows:

Be it resolved by the Senate:

Section 1. The Permanent Rules of the Senate for the Regular Sessions of the 1993 General Assembly, as contained in Simple Senate Resolution 823 (adopted April 19, 1993), are modified in the following ways:

(a) Rule 47(b) reads as rewritten:

"(b) Notwithstanding anything to the contrary, the chairman of a committee to which a bill or other matter is assigned may, with the consent of two-thirds of the membership of the Senate present and voting, recall the measure to be referred to another ~~committee.~~ committee or the floor."

(b) A new rule is added to read:

"RULE 67A. **Restricted admission to the floor of the Senate prior to the daily session.**—No person, except members of the Senate; members of the House of Representatives; staff of the General Assembly; the staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the Presiding Officer, shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any other provision of this rule, no registered lobbyist shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session. This rule is repealed effective June 10, 1993."

Sec. 2. This resolution is effective upon adoption.

RECALL FROM COMMITTEE

S.B. 453, a bill to repeal the requirement for health certificates for marriage license applicants, referred to the **Finance Committee** earlier today upon a favorable report from the **Judiciary I Committee.**

Pursuant to Senate Rule 47(b) just adopted, Senator Winner of Buncombe offers a motion that the bill be taken from the **Finance Committee** and placed on the Calendar for tomorrow, May 12, upon its passage, which motion prevails.

The Chair orders the bill taken from the **Finance Committee** and placed on the Calendar for tomorrow in its regular order of business.

CALENDAR (Continued)

S.B. 794, a bill to allow the Town of Wrightsville Beach to exercise the power of eminent domain for purposes of engaging in beach erosion control and flood and hurricane protection works, as amended, upon third reading.

The bill, as amended, passes it third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill, as amended, ordered engrossed on May 6, is ordered sent to the House of Representatives by special messenger.

S.B. 342, a bill to repeal the law providing that a defendant may choose imprisonment, rather than probation or an alternative punishment and to amend the Constitution to provide that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense, as amended, upon second reading.

Receiving a three-fifths affirmative majority vote, the bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

With unanimous consent, the bill, as amended, remains before the Senate for consideration upon third reading.

Receiving a three-fifths majority affirmative vote, the bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1012, a bill to require economic impact assessments for certain rules proposed by State agencies, placed earlier today on the Calendar for tomorrow, May 12, upon third reading.

Senator Sherron, Chairman of the **Ways and Means Committee**, requests a fiscal note on the bill.

Pursuant to Rule 42.1, the Chair orders the measure to remain on the Calendar for tomorrow, May 12, for receipt of the fiscal note.

RECALL FROM COMMITTEE

S.B. 744 (Committee Substitute), a bill to amend various statutes to delete obsolete references to warrants issued by the State Auditor, to make technical corrections in references to the State Auditor's oversight, and to repeal Chapter 112 of the General Statutes Confederate Homes and Pensions, referred to the **Appropriations Committee** on April 26.

Senator Daniel offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, May 12, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders it placed on the Calendar for tomorrow, May 12, for consideration upon its passage.

S.B. 1057, a bill concerning funding of public schools in Guilford County, referred to the **Appropriations Committee** on May 6.

Pursuant to notice of intent to recall from committee, under a suspension of the rules, announced May 10 in the Senate Chamber, Senator Daniel offers a motion that the bill be taken from the **Appropriations Committee** and placed on the Calendar for today, pursuant to Rule 47(b), which motion prevails.

The Chair recalls the bill from the **Appropriations Committee** and orders it placed on the Calendar for today at the end of the regular order of business.

CALENDAR (Continued)

S.B. 531, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice, as amended, upon second reading.

Senator Hyde calls the previous question, seconded by Senator Kaplan. The call is sustained (34-13).

Senator Sands rises to a point of order as to an actuarial note attached to the measure. The Chair announces no actuarial note is attached. Senator Sands offers a motion the bill, as amended, be taken from today's Calendar and placed on the Calendar for tomorrow for receipt of an actuarial note, which motion the Chair rules out of order.

The Chair takes the point of order under advisement and orders the measure temporarily displaced with the call for the previous question pending.

S.B. 735, a bill to amend the Natural and Scenic Rivers Act to strengthen the protection of rivers and the rivers designation process and to require approval by the Department of Environment, Health, and Natural Resources of county land-use controls prior to designation of rivers, upon second reading.

Receiving a three-fifths affirmative majority vote, the bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico,

Plyler, Richardson, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

With unanimous consent, the bill remains before the Senate for consideration upon its third reading.

Receiving a three-fifths affirmative majority vote, the bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special messenger.

S.B. 952 (Committee Substitute), a bill to change the law regarding hospital authorities to offer health care services outside the city or county creating the authority, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, May 12, for further consideration, upon third reading.

S.B. 78 (Committee Substitute), a bill to change the date of the primary to the Tuesday nine weeks before the general election and to make conforming changes.

The Committee Substitute bill passes its second reading (40-7).

Senator Perdue objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, May 12, for further consideration, upon third reading.

S.B. 466 (Committee Substitute), a bill to allow the original contracting preneed licensee to retain up to ten percent of the funds when transferring trust deposits to a successor funeral establishment.

With unanimous consent, the following Senators are excused from voting for the stated reasons:

Senator Harris: "conflict of interest";

Senator Jordan: "conflict of interest (Funeral Director)."

The Committee Substitute bill passes its second (43-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 579 (Committee Substitute), a bill to improve the financial monitoring and regulation of employers that self-insure their workers' compensation liabilities.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger.

Senator Johnson offers a motion that the rules be suspended to the end that Bill Hale, Legislative Counsel for the Department of Insurance, be extended privileges of the floor for the purpose of assisting in the explanation of S.B. 602, S.B. 603, S.B. 622, and S.B. 623, which motion prevails. The Chair directs Mr. Hale to his seat.

S.B. 602 (Committee Substitute), a bill to provide group health insurance to businesses comprising more than twenty-five employees and to make improvements in the North Carolina Small Employer Group Health Coverage Reform Act.

The Committee Substitute bill passes its second reading (41-0).

Senator Johnson objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, May 12, for further consideration, upon third reading.

S.B. 603 (Committee Substitute), a bill to make substantive changes in various insurance and insurance-related laws.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representative by special messenger.

S.B. 622 (Committee Substitute), a bill to make miscellaneous amendments to laws governing health insurance.

The Committee Substitute bill passes its second reading (43-0).

Senator Kaplan objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, May 12, for further consideration, upon third reading.

S.B. 623 (Committee Substitute), a bill to make improvements in the laws governing health maintenance organizations and to provide for the licensing and regulation of preferred provider organizations, exclusive provider panels, and other managed care operations.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 811, a bill to make changes to the employment security law to conform to federal law.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 885 (Committee Substitute), a bill to ensure that consumers have the right to select the pharmacy of their choice.

The Committee Substitute bill passes its second reading (44-3).

Senator Daniel objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, May 12, for further consideration, upon third reading.

S.B. 906 (Committee Substitute), a bill to make various substantive amendments to the Workers' Compensation Act.

Senator Daniel offers Amendment No. 1 which is adopted (47-1).

On motion of Senator Daniel, the Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee** and pursuant to Rule 45.1, the Chair orders the Committee Substitute bill, as amended, engrossed.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kaplan for the **Capital Expenditures and Improvements Committee:**

S.B. 942, a bill authorizing Burke County to assist thoroughfare plan implementation, with a favorable report.

S.B. 992, a bill to allow Pamlico County to use alternative construction delivery systems, with a favorable report, as amended.

S.B. 950, a bill to require that all new hospices receive a certificate of need, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kaplan, the proposed Committee Substitute bill 4629 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Children and Human Resources Committee.**

H.B. 813, a bill to amend the powers of the New Hanover County Airport Authority, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kaplan, the proposed Senate Committee Substitute bill 7266, which changes the title, upon concurrence, to read **H.B. 813** (Senate Committee Substitute), a bill to amend the powers of the New Hanover County Airport Authority, and relating to the Dare County Airport Authority, is placed before the Senate for immediate consideration.

On motion of Senator Kaplan, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Cooper for the **Judiciary II Committee:**

S.B. 493, a bill to implement a recommendation of the Child Fatality Task Force to develop joint training on child abuse and neglect investigations and criminal prosecution, with a favorable report.

S.B. 657, a bill to require job listing services to secure a bond as a condition of licensure, with a favorable report.

S.B. 884, a bill to allow school superintendents to choose not to put all letters of complaints in teachers' personnel files, with a favorable report.

S.B. 914, a bill to provide that any provision in a contract to improve real property that provides that the contract is subject to the laws of another State or subject to litigation and arbitration in another State is void as against public policy, with a favorable report.

S.B. 869, a bill to implement a master application system for business licenses and to appropriate funds to the Department of the Secretary of State to implement the master application system, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 936 (Committee Substitute), a bill to authorize nationwide interstate branch banking and savings and loan and savings bank branching, with a favorable report.

S.B. 629, a bill to make changes in the General Statutes relating to certified public accountants, with a favorable report.

S.B. 894, a bill to clarify the authority of water and sewer authorities to assess penalties for violations of water and sewer use ordinances, with a favorable report.

S.B. 986, a bill to authorize a mediation program for the Office of Administrative Hearings, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 4621 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Wednesday, May 12, for further consideration.

INTRODUCTION OF BILLS

With unanimous consent, the Senate reconsiders the motion prevailing earlier today to read bills filed for introduction and all messages received from the House of Representatives immediately preceding adjournment, and the President calls for the introduction of bills filed.

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Speed:
S.B. 1098, a bill to provide that separate contract bids may be required for a project that has plumbing and fire sprinkler work.
Referred to **Manufacturing and Labor Committee.**

By Senator Speed:
S.B. 1099, a bill to appropriate funds for a tractor-plow hauling unit and related expenses.
Referred to **Appropriations Committee.**

By Senator Walker:
S.B. 1100, a bill to appropriate funds for the Department of Administration.
Referred to **Appropriations Committee.**

By Senator Walker:
S.B. 1101, a bill to appropriate funds for the Department of Commerce.
Referred to **Appropriations Committee.**

By Senator Walker:
S.B. 1102, a bill to implement a recommendation of the Child Fatality Task Force to mandate maximum case load and other standards for child protective services workers and to appropriate funds.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to **Appropriations Committee.**

By Senator Walker:
S.B. 1103, a bill to appropriate funds for the Office of the State Controller.
Referred to **Appropriations Committee.**

By Senator Walker:
S.B. 1104, a bill to appropriate funds for the Department of Crime Control and Public Safety.
Referred to **Appropriations Committee.**

By Senator Gulley:
S.B. 1105, a bill to appropriate funds for the City of Durham Leigh Farm Park.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Conder and Warren:
S.B. 1106, a bill to appropriate funds for the renovation of Minges Coliseum at East Carolina University.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Martin of Pitt and Warren:
S.B. 1107, a bill to appropriate funds to establish a Regional Mediation Center in Pitt County to provide mediation services to Eastern North Carolina.
Referred to **Appropriations Committee.**

By Senator Marshall:

S.B. 1108, a bill to expand the property tax exemption for nonprofit organizations providing low- and moderate-income housing to include real property held as a site for future low- and moderate-income housing or held for sale to provide funds for low- and moderate-income housing.

Referred to the **Finance Committee.**

By Senator Walker:

S.B. 1109, a bill to appropriate funds for training in home and community living arrangements for the developmentally disabled.

Referred to **Appropriations Committee.**

By Senators Daniel, Plyler, Warren, Sands, and Folger:

S.B. 1110, a bill to appropriate funds to the Board of Governors for the UNC Educational Consortia.

Referred to **Appropriations Committee.**

By Senator Hoyle:

S.B. 1111, a bill to allow each of the members of the Farmers Mutual Fire Insurance Association of North Carolina to be independently chartered.

Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Hoyle:

S.B. 1112, a bill to amend the North Carolina Clean Water Revolving Loan and Grant Program to allow municipalities to pledge user fees or any available sources of revenues for the payment of revolving funds.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Seymour:

S.B. 1113, a bill amending the insurance laws relating to title insurance companies to give the Insurance Commissioner discretion where premiums have been understated or overstated through inadvertence, mistake, or miscalculation.

Referred to **Insurance Committee.**

By Senator Sands:

S.B. 1114, a bill to allow revocation of notarial commissions for notaries who fail to administer oaths or affirmations, and to provide that applicants for recommissioning need not complete the course of study required for new applicants.

Referred to **Judiciary I Committee.**

By Senator Sands:

S.B. 1115, a bill creating Article 27A of the insurance laws relating to title insurance to clarify and strengthen the prohibitions against kickbacks, rebates, and controlled business and denominating these practices as unfair methods of competition.

Referred to **Insurance Committee.**

By Senator Cooper:

S.B. 1116, a bill to increase the penalties for various criminal offenses regarding animal fighting.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Marshall:

S.B. 1117, a bill to appropriate funds to Harnett County for tax mapping.

Referred to **Appropriations Committee.**

By Senator Marshall:
S.B. 1118, a bill to appropriate funds to Lee County for public purposes.
Referred to **Appropriations Committee.**

By Senator Marshall:
S.B. 1119, a bill to provide that a joint obligor may direct a business entity to cease making advances on a line of credit under a credit card, charge card, or revolving account held jointly by the parties.
Referred to **Judiciary I Committee.**

By Senator Edwards:
S.B. 1120, a bill to appropriate funds for the Process Leadership Training Program at Fayetteville State University.
Referred to **Appropriations Committee.**

By Senators Cochrane, Tally, and Sherron:

S.B. 1121, a bill to make technical corrections and to remove obsolete sections of the Soil Conservation District Law.
Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Ballance, Edwards, Hunt, Jordan, Lee, Martin of Guilford, and Richardson:
S.B. 1122, a bill to appropriate funds for economic development projects and activities within the State's minority community.
Referred to **Appropriations Committee.**

By Senator Cooper:
S.B. 1123, a bill to appropriate funds to provide transition and support for deaf and hard-of-hearing students using cued speech in mainstream-education programs.
Referred to **Appropriations Committee.**

By Senator Cooper:
S.B. 1124, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.
On motion of Senator Sands, the bill is placed on the Calendar for today for consideration at the end of the regular order of business.

By Senator Sands:
S.B. 1125, a bill to provide that it is permissible to prepare and serve food and beverages in a gazebo or other structure located over nonnavigable waters.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senator Sands:
S.B. 1126, a bill to provide that when the body of a victim of a homicide is found in North Carolina, that fact is prima facie evidence that the homicide was committed in North Carolina.
Referred to **Judiciary I Committee.**

By Senators Gunter and Perdue:
S.B. 1127, a bill to appropriate funds for public school access to Learning Link.
Referred to **Appropriations Committee.**

By Senator Jordan:
S.B. 1128, a bill to appropriate funds to the Department of Labor for additional staff and equipment.
Referred to **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and a resolution which are read the first time and disposed of, as follows:

H.B. 47, a bill to amend the Teacher Training Task Force to add teacher members and make other clarifying changes.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 221 (Committee Substitute), a bill to require that all workers in all "nonregistered" day care that receives reimbursement from the State receive regularly updated pediatric CPR training.
Referred to **Judiciary I Committee.**

H.B. 257 (Committee Substitute), a bill to implement the recommendations of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee concerning school administrator programs at the constituent University of North Carolina institutions.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 356, a bill to make the presence of a child under the age of sixteen in a vehicle driven by a person convicted of driving while impaired a grossly aggravating factor in sentencing.
Referred to **Judiciary I Committee.**

H.B. 364 (Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to amend the juvenile law and other laws to protect children more effectively from abuse, neglect, and dependency.
Referred to **Judiciary I Committee.**

H.B. 495, a bill to make omnibus and technical changes to the savings institutions laws.
Referred to **Banks and Thrift Institutions Committee.**

H.B. 541, a bill to implement a recommendation of the General Statutes Commission to delete the domiciliary or residency and citizenship requirements for examination and licensure as a certified public accountant and to make technical amendments by deleting obsolete references to public accountants.
Referred to **Judiciary II Committee.**

H.B. 550 (Committee Substitute No. 2), a bill to increase the effectiveness of public participation in and enforcement of the Mining Act of 1971.
Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

H.B. 639, a bill to permit teacher assistants and other instructional personnel who do not require a substitute to take vacation leave when students are in attendance.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 650 (Committee Substitute No. 2), a bill to authorize the imposition of administrative penalties for violations of asbestos hazard management provisions, and to transfer asbestos rule-making authority to the Commission for Health Services.
Referred to **Judiciary II Committee.**

H.B. 734, a bill to allow annexation of a described piece of property to the Town of Old Fort.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 743, a bill to authorize the merger of the Towns of Hazelwood and Waynesville.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 811, a bill to clarify that the boundaries of the Town of Atlantic Beach include an area known as The Pocket.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 860 (Committee Substitute), a bill to exempt Davidson and Davie Counties, the Towns of Forest City and Mocksville, and the Cities of Lexington and Thomasville from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 870 (Committee Substitute), a bill to exempt Watauga County from certain notice requirements for the purpose of adopting or amending a zoning ordinance for water supply watershed protection.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 922, a bill to provide that rules adopted by the Commission for Health Services pertaining to public swimming pools apply to pools constructed or remodeled on or after a certain date.

Referred to **Judiciary I Committee.**

H.B. 1002, a bill to extend the age for receiving driver education in the public schools for children with special needs.

Referred to **Education/Higher Education Committee.**

H.B. 1009 (Committee Substitute), a bill to require school principals to report certain acts occurring on school property to law enforcement.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

H.B. 1015 (Committee Substitute), a bill relating to prayers for judgment in infraction cases where the defensive driving course, or a similar approved course, has been completed by the person cited.

Referred to **Judiciary I Committee.**

H.B. 1131, a bill to direct the Governor's Commission on Work Force Preparedness to study the need for grant funds for State literacy programs.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 1149, a bill to amend the Medical Practice Act as it relates to oral surgery.

Referred to **Children and Human Resources Committee.**

H.J.R. 1209, a joint resolution setting the date for the House of Representatives and Senate to elect members to the State Board of Community Colleges.

Referred to **Education/Higher Education Committee.**

The Senate recesses at 4:10 P.M. to reconvene at 4:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

INTRODUCTION OF BILL

Senator Daniel offers a motion that Rule 40 be suspended to allow the introduction of the following bill, filed earlier today, which motion prevails by a two-thirds majority vote.

S.B. 1139, a bill to eliminate the exemption from court costs for seat belt, helmet, headlight, ABC, and hunting violations, to impose a fee for reporting failures to appear and comply, and to increase fees in the General Court of Justice.

Referred to **Finance Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

S.B. 27, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with the Report on Base Budget Reduction and Expansion Budget attached (See Addendum).

On motion of Senator Daniel, the rules are suspended, and the proposed Committee Substitute bill 4630, which changes the title to read **S.B. 27** (Committee Substitute), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

Senator Winner of Buncombe rises to a point of order as to fees contained in the measure requiring review by the **Finance Committee** under Rule 42. The Chair sustains the point of order.

Pursuant to Rule 42, the Committee Substitute bill is re-referred to the **Finance Committee**.

INTRODUCTION OF BILL

Senator Sherron offers a motion that Rule 40 be suspended to allow the introduction of the following bill, filed earlier today, which motion prevails by a two-thirds majority vote.

S.B. 1148, a bill to make clarifying changes in the Teachers' and State Employees' Comprehensive Major Medical Plan and to resolve legal issues by making clear that the legislative intent since enactment is that contracting with preferred providers is not subject to Chapter 143 of the General Statutes.

Referred to **Pensions and Retirement Committee**.

CALENDAR (Continued)

S.B. 910, a bill to require that prescription drug labels contain the expiration or disposal date of the medication.

On motion of Senator Walker, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (47-1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 921 (Committee Substitute), a bill to allow faxing of absentee ballots from military voters and persons outside the United States.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 773, a bill amending the Charter of the City of Durham concerning the effective dates of ordinances annexing territory to the City and annexations by petition, and concerning annexation boundaries, as amended, upon third reading, and earlier today, placed on the Calendar at the end of the regular order of business.

With unanimous consent, on motion of Senator Gulley, the Senate reconsiders and the bill, as amended, is taken from the end of the Calendar for today and placed before the Senate for immediate consideration.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill, as amended, ordered engrossed on May 6, is ordered sent to the House of Representatives by special messenger.

S.B. 987 (Committee Substitute), a bill to enact the Overhead High-Voltage Line Safety Act.

Senator Gulley offers Amendment No. 1 which is adopted (35-10).

Senator Hyde offers Amendment No. 2 which is adopted (33-15).

The Committee Substitute bill, as amended, passes its second reading (48-0).

Senator Odom objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, May 12, for further consideration, upon third reading.

S.B. 531, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice, as amended, upon second reading, temporarily displaced earlier, with the call for the previous question pending upon a point of order under advisement.

Senator Sands withdraws his point of order as to the requirement for review by the **Pensions and Retirement Committee** and an actuarial note attached to the measure as requested.

Failing to receive a three-fifths affirmative majority vote, the bill, as amended, fails to pass its second reading by roll-call vote, ayes 26, noes 20, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Codington, Conder, Edwards, Folger, Gulley, Hartsell, Hunt, Hyde, Marshall, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sherron, Simpson, Soles, Speed, Walker, Warren, and Winner of Buncombe—26.

Voting in the negative: Senators Ballance, Cochrane, Cooper, Daniel, Forrester, Gunter, Harris, Hoyle, Johnson, Kaplan, Kerr, Kincaid, Martin of Pitt, Odom, Sands, Seymour, Smith, Tally, Ward, and Winner of Mecklenburg—20.

S.B. 793, a bill to make it a misdemeanor for a person under eighteen years of age to possess or carry a handgun and to make it a misdemeanor to sell or transfer any handgun to a person who is under eighteen years of age, as amended, upon third reading.

Senator Simpson offers Amendment No. 3 which is adopted (43-4).

On motion of Senator Winner of Mecklenburg, the Chair orders, without objection, the bill, as amended, temporarily displaced.

S.B. 834, a bill to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure.

On motion of Senator Hyde, consideration of the bill is postponed until tomorrow, May 12.

S.B. 873 (Committee Substitute), a bill to protect a person's access to health care facilities, upon third read reading.

On motion of Senator Winner of Mecklenburg, consideration of the Committee Substitute bill is postponed until tomorrow, May 12.

S.B. 1124, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate, introduced and placed earlier today on the Calendar for consideration upon its passage.

The bill passes its second (39-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1057, a bill concerning funding of public schools in Guilford County, recalled from the **Appropriations Committee** earlier today and placed on the Calendar for consideration upon its passage.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

The Department of Human Resources submits a companion report to the March 1, 1993, report of its Study of the Mentally Retarded/Developmentally Disabled Population in Domiciliary Care Homes entitled: A Plan to Address the Escalating Use and Costs of Community Intermediate Care Facilities for the Mentally Retarded/Developmentally Disabled.

EXECUTIVE ORDERS

Executive Orders received (see Appendix) are presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 9, Commission for a Competitive North Carolina.
Referred to **Economic Development/Travel and Tourism Committee.**

Executive Order Number 10, Establishing the Quality Leadership Awards Council.
Referred to **State Personnel and State Government Committee.**

Executive Order Number 11, Governor's Council of Fiscal Advisors.
Referred to **Appropriations Committee.**

Executive Order Number 12, Public School Administrator Task Force.
Referred to **Education/Higher Education Committee.**

RECALL FROM COMMITTEE

S.B. 812, a bill to amend the law regarding the Supplemental Retirement Fund for Firefighters in the City of Hendersonville, referred to the **Appropriations Committee** on April 27.

Pursuant to notice of intent to recall from committee under a suspension of the rules announced in the Senate Chamber on May 10, Senator Plyler offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and placed before the Senate for immediate consideration, which motion prevails.

The Chair recalls the measure from the **Appropriations Committee** and the bill is placed before the Senate and the question becomes the passage of the measure.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 123 (Committee Substitute), a bill to change the reporting requirements of the Charlotte-Mecklenburg School funding pilot, to define "World Class Pilot School" and to make other technical and conforming changes, referred to the **Appropriations Committee** on May 6.

Pursuant to notice of intent to recall from committee under a suspension of the rules announced in the Senate Chamber on May 10, Senator Plyler offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and placed on the Calendar for Wednesday, May 12, which motion prevails.

The Chair recalls the bill from the **Appropriations Committee** and orders it placed on the Calendar for Wednesday, May 12, upon its passage.

CALENDAR (Continued)

S.B. 793, a bill to make it a misdemeanor for a person under eighteen years of age to possess or carry a handgun and to make it a misdemeanor to sell or transfer any handgun to a person who is under eighteen years of age, as amended, upon third reading, temporarily displaced earlier.

Senator Sands offers Amendment No. 4 which is adopted (47-0).

The bill, as amended, passes its third reading (36-10).

The bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

S.B. 505 (Committee Substitute), a bill to establish the Community Colleges and Future Excellence Task Force to examine the mission of the North Carolina Community College System, and to make an appropriation, with an unfavorable report as to **Education/Higher Education Committee** Substitute bill No. 1, but favorable as to **Education/Higher Education Committee** Substitute bill No. 2.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill No. 2, 8525, which changes the title to read **S.B. 505** (Committee Substitute No. 2), a bill to direct the State Board of Community Colleges, in conjunction with the monitoring committee of the Commission on the Future of the North Carolina Community College System, to examine the mission of the North Carolina Community College System, and to make an appropriation, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, Committee Substitute bill No. 2 is adopted.

With unanimous consent, Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, May 12, for further consideration.

S.B. 386, a bill to implement a recommendation of the Government Performance Audit Committee to replace current school tenure laws with laws and regulations that provide protection for administrators from arbitrary or capricious action by a supervisor, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 3687, which changes the title to read **S.B. 386** (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to replace current school tenure laws with laws and regulations that provide protection for school administrators from arbitrary or capricious action by a supervisor, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Wednesday, May 12, for further consideration.

RECALL FROM COMMITTEE

S.B. 188 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee regarding economic development, referred to the **Appropriations Committee** on April 5.

Senator Daniel offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, May 12, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders it placed on the Calendar for Wednesday, May 12, upon its passage.

S.B. 243 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to establish a plan to consolidate the State's smallest prisons, and to improve organizational functions and reduce staff in area offices of the Division of Prisons, referred to the **Appropriations Committee** on May 6.

Senator Daniel offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, May 12, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders it placed on the Calendar for Wednesday, May 12, upon its passage.

S.B. 132 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee regarding purchasing and contracts, referred to the **Appropriations Committee** on April 1.

Senator Daniel offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, May 12, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders it placed on the Calendar, for Wednesday, May 12, upon its passage.

S.B. 504 (Committee Substitute), a bill to modify the Economic Development Board in the Department of Commerce to require the Board to prepare and update annually a comprehensive strategic economic development plan for the State of North Carolina, and to require the Department of Commerce to establish a planning unit to support the Economic Development Board's ongoing role in economic and community development planning, referred to the **Appropriations Committee** on May 5.

Senator Daniel offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, May 12, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders it placed on the Calendar for Wednesday, May 12, upon its passage.

S.B. 366 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to create the State Workers' Compensation Office and to consolidate the administration of the State Workers' Compensation Program, referred to the **Appropriations Committee** on April 26.

Senator Daniel offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, May 12, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders it placed on the Calendar for Wednesday, May 12, upon its passage.

S.B. 369 (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee regarding the civilianization of certain job classes of State law enforcement officers and restricting the use of State funds to pay law enforcement officer benefits to State employees who do not require law enforcement officer status, referred to the **Appropriations Committee** on April 29.

Senator Daniel offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, May 12, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders it placed on the Calendar for Wednesday, May 12, upon its passage.

S.B. 315 (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee relating to information technology, telecommunications, purchase and contract, economic development, revenue, organization and staffing, and related general government matters, referred to the **Appropriations Committee** on April 1.

Senator Daniel offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, May 12, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders it placed on the Calendar for Wednesday, May 12, upon its passage.

On motion of Senator Basnight, seconded by Senator Conder, the Senate adjourns at 7:26 P.M. to meet tomorrow, Wednesday, May 12, at 1:30 P.M.

SIXTY-SECOND DAY

SENATE CHAMBER,
Wednesday, May 12, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Wisdom, it seems that we live in a world where experts have all the answers, but don't really know what the real questions are.

"It is the difficult task of the men and women of the Senate not only to deal with these people who have the answers, but also to ascertain, expose, and ask the difficult questions from which the answers are proposed.

"Be with our Senators in this continuing and sometimes difficult dialogue between perspective and inquiry. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, May 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With a reminder that the Senate may not reconsider its action once possession is relinquished, the Chair announces, pursuant to the motion prevailing on Monday, May 10, all measures ordered sent to the House of Representatives are sent by special messenger.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt for the **Finance Committee:**

S.B. 27 (Committee Substitute), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, with a favorable report, as amended.

S.B. 787 (Committee Substitute), a bill to impose a penalty for failure to comply with ESC tax reporting requirements, with a favorable report, as amended.

S.B. 711, a bill to confirm the corporate limits of the Town of Troy, and modify the laws relating to satellite annexation which apply to that Town, with a favorable report.

S.B. 730, a bill to revise and consolidate the Charter of the Town of Franklinton, with a favorable report.

S.B. 789, a bill to revise the boundaries of the Town of Oakboro, with a favorable report.

S.B. 903, a bill to provide that the Town of Pittsboro may levy a privilege license tax of up to twenty-five dollars for one-day peddling, with a favorable report.

H.B. 410 (Committee Substitute), a bill to merge the Beaufort County and Washington City School Administrative Units, with a favorable report.

H.B. 654, a bill to expand the number of counties in which the tax credit for creating jobs is available, with a favorable report.

H.B. 808, a bill to change the procedure for certifying municipal ad valorem tax valuations in Wake County to the Wake County Board of Alcoholic Control for the purpose of distributing proceeds from the sales of alcoholic beverages, with a favorable report.

H.B. 836, a bill to permit the City of Winston-Salem to levy a motor vehicle tax of up to ten dollars, with a favorable report.

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee:**

S.B. 1075, a bill to clarify the applicability of the Beach Access Program to projects designed to provide access to coastal waters, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 314, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the child support system in North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Walker, the proposed Committee Substitute bill 7706, which changes the title to read **S.B. 314** (Committee Substitute), a bill to restructure the child support system in North Carolina, to establish a Child Support Oversight Commission, and to create a Child Support Fund to offset increased costs to the child support enforcement agencies, is placed before the Senate for immediate consideration.

On motion of Senator Walker, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 848, a bill to give the Board of Pharmacy authority to regulate medical equipment intended for use in an individual's home, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Walker, the proposed Committee Substitute bill 6641 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 748, a bill to amend the Land Records Management Program to provide that the Secretary of State appoint the members of the Advisory Committee and to include a member of the North Carolina Property Mappers' Association on the Advisory Committee, with a favorable report.

S.B. 1020, a bill to change the membership of the North Carolina Arboretum, with a favorable report.

By Senator Harris for the **Pensions and Retirement Committee:**

S.B. 1148, a bill to make clarifying changes in the Teachers' and State Employees' Comprehensive Major Medical Plan and to resolve legal issues by making clear that the legislative intent since enactment is that contracting with preferred providers is not subject to Chapter 143 of the General Statutes, with a favorable report.

Senator Harris offers a motion that the rules be suspended to the end that the bill be placed at the end of today's Calendar for consideration.

Senator Daniel rises to inquire as to an actuarial note, pursuant to Rule 42.2, being attached to the jacket of the bill. In the absence of an actuarial note, the Chair rules the statutes require an actuarial note attached to the jacket of the bill.

Senator Harris subsequently withdraws his motion to place the bill at the end of today's Calendar for consideration, and as Chairman of the **Pensions and Retirement Committee**, requests an actuarial note, pursuant to Rule 42.2.

The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for receipt of an actuarial note.

By Senator Kaplan for the **Capital Expenditures and Improvements Committee:**

S.B. 929, a bill to make changes in State law concerning participation by disadvantaged businesses in highway contracts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kaplan, the proposed Committee Substitute bill 3689 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Hyde for the **Constitution and Election Laws Committee:**

S.B. 1097, a bill to provide that the Northampton County Board of Education shall take office in July of the year of election, with a favorable report.

S.B. 1066, a bill to provide for voter preregistration of sixteen- and seventeen-year olds by drivers license examiners, with a favorable report, as amended.

S.B. 15, a bill to amend the Constitution of North Carolina to limit members of the legislature to six consecutive terms in the General Assembly, with an unfavorable report.

S.B. 16, a bill to limit the number of terms of members of Congress, with an unfavorable report.

S.B. 79, a bill to amend the Constitution of North Carolina to provide for four-year terms for members of the legislature and limit them to three consecutive terms in a house, with an unfavorable report.

S.B. 660, a bill to amend the Constitution of North Carolina to provide for four-year terms for members of the legislature and limit them to three consecutive terms in a House, to limit members of the Council of State and sheriffs to three four-year terms, and to limit persons elected to Congress and to offices created by the General Assembly to twelve years in office, with an unfavorable report.

INTRODUCTION OF BILLS

Senator Sands offers a motion that the bills filed for introduction today, be read the first time and referred to committee upon the completion of today's Calendar, which motion prevails.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senator Sands offers a further motion that messages received from the House of Representatives, transmitting bills be read the first time and disposed of, upon the completion of the Calendar, which motion prevails.

COMMITTEE REPORTS (Continued)

By Senator Cooper for the **Judiciary II Committee:**

S.B. 30, a bill to establish qualified immunity for sports officials, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 4631, which changes the title to read **S.B. 30** (Committee Substitute), a bill to make it a general misdemeanor to commit an assault on a sports official, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

S.B. 839, a bill to clarify the exemption of motor vehicles from the three-day right to cancel provisions of off-premises sales to the existing exemption under the Retail Installment Sales Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 7723 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

S.B. 930, a bill to establish when a hospital or health care facility is in compliance with rules of the North Carolina Board of Pharmacy regarding counseling patients about prescription medications and devices, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 2684 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

S.B. 759, a bill to make employees personally liable for costs associated with State contracts entered into in violation of purchase and contract laws and rules, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 5657 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

S.B. 840, a bill to authorize the Commissioner to extend the time within which the parties must complete discovery and the time within which the Commissioner must hold a hearing and render a determination in contested cases under the Motor Vehicles Dealers and Manufacturers Licensing Law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 7724, which changes the title to read **S.B. 840** (Committee Substitute), a bill to extend the time for the Commissioner to render a final determination in contested franchise termination, cancellation, or failure to renew matters, based on bankruptcy, failure to stay open, loss of licenses, or conviction of felony involving moral turpitude, under the Motor Vehicles Dealers and Manufacturers Licensing Law, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

S.B. 841, a bill to clarify the warranty reimbursement rights of motor vehicle dealers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 6651 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

CALENDAR

S.B. 885 (Committee Substitute), a bill to ensure that consumers have the right to select the pharmacy of their choice, upon third reading.

With unanimous consent, on motion of Senator Sands, the Committee Substitute bill is taken up out of its regular order of business.

The Committee Substitute bill passes its third reading (43-1) and is ordered sent to the House of Representatives by special messenger.

REPORT OF COMMITTEE (Continued)

By Senator Sands for the **Rules and Operation of the Senate Committee:**

S.R. 951, a Senate simple resolution expressing the intent of the Senate to enhance further the long-term fiscal stability of the State and to take advantage of the favorable interest rate climate by authorizing State general obligation bonds, with a favorable report, for adoption.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 767, a bill to modify the authority of Mecklenburg County and the City of Charlotte to undertake local development activities, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Seymour, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, and Winner of Buncombe—39.

Voting in the negative: Senator Winner of Mecklenburg—1.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

S.B. 942, a bill authorizing Burke County to assist thoroughfare plan implementation, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Seymour, Sherron, Simpson, Smith, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

S.B. 729 (Committee Substitute), a bill to merge the Franklin County and Franklinton City School Administrative Units.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 992, a bill to allow Pamlico County to use alternative construction delivery systems.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (44-0) and third readings and is engrossed and sent to the House of Representatives by special messenger.

S.B. 952 (Committee Substitute), a bill to change the law regarding hospital authorities to offer health care services outside the city or county creating the authority, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Parnell, Perdue, Plexico,

Plyler, Richardson, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

S.B. 894, a bill to clarify the authority of water and sewer authorities to assess penalties for violations of water and sewer use ordinances, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Seymour, Sherron, Simpson, Smith, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

RECALL FROM COMMITTEE

S.B. 446 (Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to reduce the blood alcohol level to be considered as slight impairment from 0.11 to 0.09; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require expunction of civil revocations following acquittal of impaired driving offenses, referred to **Appropriations Committee** on May 11.

Senator Daniel offers a motion that the Committee Substitute bill be taken from the **Appropriations Committee** and placed at the end of today's Calendar for consideration, upon its passage, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders it placed at the end of today's Calendar for consideration.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

S.B. 803, a bill to clarify the laws relating to the State's jurisdiction over providers of health care benefits, with a favorable report.

S.B. 954, a bill to permit the direct payment of certified social workers under health insurance policies, with a favorable report, as amended.

CALENDAR (Continued)

S.B. 101 (Committee Substitute), a bill to make the limitations placed on the employment of spouses of the Board of Governors of the University of North Carolina more equitable.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 416

House of Representatives
May 12, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **HB 416**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ISSUANCE OF NEW SHELLFISH CULTIVATION LEASES IN CORE SOUND, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

CALENDAR (Continued)

S.B. 123 (Committee Substitute), a bill to change the reporting requirements of the Charlotte-Mecklenburg School funding pilot, to define "World Class Pilot School" and to make other technical and conforming changes.

Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 132 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee regarding purchasing and contracts.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second reading (43-0).

Senator Sherron objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

S.B. 170, a bill to implement a recommendation of the Government Performance Audit Committee that division traffic services be realigned to focus on signal-related services.

On motion of Senator Martin of Guilford, consideration of the bill is postponed until Wednesday, May 26.

S.B. 188 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee regarding economic development.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 243 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to establish a plan to consolidate the State's smallest prisons, and to improve organizational functions and reduce staff in area offices of the Division of Prisons.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

WITHDRAWAL FROM CALENDAR

S.B. 954, a bill to permit the direct payment of certified social workers under health insurance policies, placed on the Calendar for tomorrow, Thursday, May 13, earlier today, upon a favorable report, as amended, from the **Insurance Committee**.

On motion of Senator Parnell the rules are suspended, the Senate reconsiders and the bill is taken from the Calendar for tomorrow, Thursday, May 13, and placed at the end of today's Calendar for consideration upon its passage.

RECALL FROM COMMITTEE

S.B. 809 (Committee Substitute), a bill to make sundry amendments relating to local governments in Orange and Chatham Counties, referred to the **Finance Committee** on May 6.

Senator Winner of Buncombe offers a motion that the Committee Substitute bill be taken from the **Finance Committee** and placed on the Calendar for tomorrow, Thursday, May 13, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Finance Committee** and orders it placed on the Calendar for tomorrow, Thursday, May 13, for consideration upon its passage.

CALENDAR (Continued)

S.B. 315 (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee relating to information technology, telecommunications, purchase and contract, economic development, revenue, organization and staffing, and related general government matters.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (42-0), changing the title to read **S.B. 315** (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee relating to information technology, telecommunications, purchase and contract, economic development, and related general government matters.

Without objection, on motion of Senator Martin of Guilford, the Committee Substitute bill, as amended, is temporarily displaced.

S.B. 366 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to create the State Workers' Compensation Office and to consolidate the administration of the State Workers' Compensation Program.

The Committee Substitute bill passes its second reading (44-1).

Senator Cooper objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

RECALL FROM COMMITTEE

S.B. 889 (Committee Substitute), a bill to provide for mandatory continuing education for North Carolina's dentists and dental hygienists, referred to the **Finance Committee** on May 10.

Senator Winner of Buncombe offers a motion that the Committee Substitute bill be recalled from the **Finance Committee** and placed at the end of today's Calendar for consideration. which motion prevails.

The Chair recalls the Committee Substitute bill and orders it placed at the end of today's Calendar for consideration upon its passage.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 950 (Committee Substitute), a bill to require that all new hospices receive a certificate of need, with a favorable report.

S.B. 1054, a bill to direct the Board of Medical Examiners to develop medical practice parameters for certain medical specialties, with a favorable report, as amended.

S.B. 533, a bill to institute a statewide reporting system for occupational diseases, illnesses, conditions, and injuries, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Walker, the rules are suspended, and the proposed Committee Substitute bill 2685 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Walker, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 833, a bill to provide for the certification of property mappers, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 871, a bill to authorize cities and towns to license contractors engaged in the business of making improvements to buildings and structures and to increase the collectibility of municipal privilege license taxes, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 1019, a bill to facilitate voluntary additions to the extraterritorial jurisdiction and to permit additional voluntary annexations to the Town of Apex, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 143 (Committee Substitute), a bill making a qualified exception for the Cities of Greensboro and High Point and Pitt County from the Public Records Act for certain geographical information systems, with a favorable report.

H.B. 156, a bill repealing a local act relating to the Winston-Salem Sports Commission, with a favorable report.

H.B. 265, a bill to exempt the City of Washington from Article 12, Chapter 160A of the General Statutes in the conveyance of certain real estate to the Greater Washington Chamber of Commerce, Inc., with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 389, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Mitchell County weapon permits, with a favorable report.

H.B. 430, a bill to increase the maximum vehicle tax that can be levied in the City of Greenville, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 517, a bill to expand the Alleghany County Board of Commissioners from three to five members, with a favorable report.

H.B. 898, a bill to allow the Town of Cary to levy a motor vehicle tax of up to ten dollars, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 957, a bill to authorize Surry County to levy an additional privilege license tax on beer and wine retailers, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee**.

S.B. 1082, a bill to exempt Nash County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, with a favorable report, as amended.

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, with a favorable report, as amended.

S.B. 792, a bill to allow the City of Eden to negotiate annexation contracts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the proposed Committee Substitute bill 7712, which changes the title to read **S.B. 792** (Committee Substitute), a bill to allow the City of Eden to negotiate annexation contracts and to authorize Rockingham County to participate in the redevelopment of certain abandoned property, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 1070, a bill relating to the powers and scope of the New Hanover County Human Relations Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Committee Substitute bill 3690 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

H.B. 160, a bill to allow certain counties to rename all roads within unincorporated areas of the county, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 7274, which changes the title, upon concurrence, to read **H.B. 160** (Senate Committee Substitute), a bill to allow all counties to rename all roads within unincorporated areas of the county, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 994, a bill to revise the membership of the Tryon Palace Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the rules are suspended, and the proposed Committee Substitute bill 3691 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

WITHDRAWAL FROM CALENDAR

S.B. 1097, a bill to provide that the Northampton County Board of Education shall take office in July of the year of election, placed on the Calendar for tomorrow, Thursday, May 13, earlier today, upon a favorable report from the **Constitution and Election Laws Committee.**

Senator Ballance offers a motion that the rules be suspended and the bill be taken from the Calendar for tomorrow, Thursday, May 13, and placed at the end of today's Calendar for consideration, which motion prevails.

The Chair orders the bill, taken from tomorrow's Calendar and placed at the end of today's Calendar following **S.B. 889** for consideration upon its passage.

CALENDAR (Continued)

S.B. 369 (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee regarding the civilianization of certain job classes of State law enforcement officers and restricting the use of State funds to pay law enforcement officer benefits to State employees who do not require law enforcement officer status.

Senator Hyde offers Amendment No. 1 which is adopted (39-3).

The Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 315 (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee relating to information technology, telecommunications, purchase and contract, economic development, and related general government matters, as amended, temporarily displaced earlier.

The Committee Substitute bill, as amended, passes its second reading (43-0).

Senator Martin of Guilford objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

S.B. 386 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to replace current school tenure laws with laws and regulations that provide protection for school administrators from arbitrary or capricious action by a supervisor.

Senator Winner of Mecklenburg offers Amendment No. 1.

Without objection, on motion of Senator Martin of Guilford, the Committee Substitute bill is temporarily displaced, with Amendment No. 1 pending.

S.B. 431, a bill recommended by the Juvenile Law Study Commission to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 453, a bill to repeal the requirement for health certificates for marriage license applicants

The bill passes its second (39–1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 475, a bill to make it a crime to sell handicapped parking placards.

The bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 479, a bill to establish the Senior Tar Heel Legislature.

The bill passes its second reading (39–4).

Senator Kerr objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

S.B. 493, a bill to implement a recommendation of the Child Fatality Task Force to develop joint training on child abuse and neglect investigations and criminal prosecution.

The bill passes its second (43–0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 504 (Committee Substitute), a bill to modify the Economic Development Board in the Department of Commerce to require the Board to prepare and update annually a comprehensive strategic economic development plan for the State of North Carolina, and to require the Department of Commerce to establish a planning unit to support the Economic Development Board's ongoing role in economic and community development planning.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (44–0).

The Committee Substitute bill, as amended, passes its second reading (47–0).

Senator Winner of Mecklenburg objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

RECALL FROM THE HOUSE OF REPRESENTATIVES

S.B. 101 (Committee Substitute), a bill to make the limitations placed on the employment of spouses of the Board of Governors of the University of North Carolina more equitable, ordered sent to the House of Representatives by special messenger earlier today.

Senator Martin of Pitt offers a motion that the Committee Substitute bill be recalled from the House of Representatives for further consideration, which motion prevails. The Chair orders a message sent to the House of Representatives requesting the return of the bill.

WITHDRAWAL FROM CALENDAR

S.B. 27 (Committee Substitute), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, placed on the Calendar for tomorrow, Thursday, May 13, earlier today, upon a favorable report, as amended, by the **Finance Committee.**

Senator Daniel offers a motion that the Committee Substitute bill be taken from the Calendar for tomorrow, Thursday, May 13, and be recommitted to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the Committee Substitute bill taken from the Calendar of May 13, and recommitted to the **Appropriations Committee**, without adopting the recommended amendment.

RECONSIDERATION

S.B. 531, a bill to amend the Constitution of North Carolina to make the terms of office for district court judges consistent with the terms for all other judges of the General Court of Justice, as amended, which failed to pass its second reading on May 11 for lack of a three-fifths majority affirmative vote.

Senator Cooper offers a motion that the bill be recalled from the Office of the Principal Clerk and placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails.

The bill is presented to the Senate and Senator Cooper offers a motion that the vote by which the bill, as amended, failed to pass its second reading for lack of a three-fifths majority affirmative vote, be reconsidered, which motion prevails (33-9), and the question becomes passage of the bill, as amended, upon second reading.

Failing to receive a three-fifths majority affirmative vote, the bill, as amended, fails to pass its second reading by roll-call vote, ayes 27, noes 21, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Carpenter, Codington, Conder, Cooper, Edwards, Folger, Gulley, Hartsell, Hunt, Hyde, Johnson, Jordan, Lee, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sherron, Simpson, Speed, Tally, Walker, and Winner of Buncombe—27.

Voting in the negative: Senators Ballance, Cochrane, Daniel, Forrester, Gunter, Harris, Hoyle, Kaplan, Kerr, Kincaid, Marshall, Martin of Pitt, Odom, Sands, Seymour, Shaw, Smith, Soles, Ward, Warren, and Winner of Mecklenburg—21.

RECONSIDERATION

Senator Sands offers a motion that the vote by which the motion prevailed to place the reading of introductions of bills filed and messages from the House of Representatives at the end of today's Calendar be reconsidered prevailed, which motion prevails. Senator Sands subsequently offers a motion that the introduction of bills and the reading of messages from the House of Representatives be prior to recess, which motion prevails.

INTRODUCTION OF BILLS

Pursuant to the motion offered by Senator Sands, bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Walker, Lee, Edwards, Gunter, Cochrane, Conder, Marshall, Smith, Johnson, Tally, Soles, Parnell, Speed, and Sherron:

S.B. 1129, a bill to appropriate funds to restore equity in mental health funding and services in the South Central Region.

Referred to **Appropriations Committee**.

By Senators Walker and Lee:

S.B. 1130, a bill to appropriate funds for Pinetree Enterprises' Vocational Rehabilitation Services in West End, North Carolina.

Referred to **Appropriations Committee**.

By Senators Walker, Harris, and Soles:

S.B. 1131, a bill to appropriate funds for the developmentally disabled for independent living.

Referred to **Appropriations Committee**.

By Senators Walker, Richardson, Seymour, and Lee:
S.B. 1132, a bill to appropriate funds for the operation of five additional Head Start Parent and Child Centers.
Referred to **Appropriations Committee.**

By Senators Walker, Richardson, Edwards, Lee, and Seymour:
S.B. 1133, a bill to appropriate funds to increase the personal needs allowance for certain domiciliary care residents.
Referred to **Appropriations Committee.**

By Senators Seymour, Martin of Guilford, and Shaw:
S.B. 1134, a bill to appropriate funds for the North Carolina Shakespeare Festival.
Referred to **Appropriations Committee.**

By Senators Martin of Guilford, Seymour, Shaw, Kaplan, Ward, Sands, Daniel, Lee, Cochrane, Walker, Smith, and Folger:
S.B. 1135, a bill to appropriate funds to the Board of Governors of the University of North Carolina for the establishment of the Piedmont Triad Engineering Research Center.
Referred to **Appropriations Committee.**

By Senator Martin of Guilford:
S.B. 1136, a bill to appropriate funds to the Department of Labor for expansion of the Apprenticeship Division.
Referred to **Appropriations Committee.**

By Senator Gulley:
S.B. 1137, a bill to appropriate funds to the Department of Labor for expansion of computerized linkage of statewide information and resource capabilities.
Referred to **Appropriations Committee.**

By Senators Lee and Walker:
S.B. 1138, a bill to appropriate funds to the University of North Carolina at Chapel Hill for the Bicentennial Observance.
Referred to **Appropriations Committee.**

By Senators Tally, Parnell, and Edwards:
S.B. 1140, a bill to appropriate funds for the Airborne and Special Operations Museum at Fort Bragg.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Kerr, Albertson, Odom, Perdue, Seymour, Soles, and Speed:
S.B. 1141, a bill to expand the tax credits for qualified business investments.
Referred to **Finance Committee.**

By Senator Johnson:
S.B. 1142, a bill to appropriate funds to provide State-mandated vaccines without charge to physicians and local health departments.
Referred to **Appropriations Committee.**

By Senators Odom, Carpenter, Marshall, Seymour, and Speed:
S.B. 1143, a bill to provide property tax deferral as an alternative form of property tax relief for the elderly and disabled and, if a State-operated lottery is implemented, to increase the property tax homestead exemption for the elderly and disabled and reimburse local governments for their revenue lost due to the homestead exemption.
Referred to **Finance Committee.**

By Senator Lee:
S.B. 1144, a bill to extend certain exemptions to the federal bridge formula on State highways, except interstates.
Referred to **Transportation Committee.**

By Senator Soles:
S.B. 1145, a bill to appropriate funds for marine sciences at the University of North Carolina at Wilmington and at Elizabeth City State University.
Referred to **Appropriations Committee.**

By Senator Sherron:
S.B. 1146, a bill to increase the State privilege license tax for itinerant merchants and specialty market operators, to modify the privilege license tax requirements for flea market vendors, and to prohibit sales of over-the-counter drugs at flea markets.
Referred to **Finance Committee.**

By Senator Sherron:
S.B. 1147, a bill to amend Chapter 20 to provide increased penalties for falsifying records and the use of fraudulently obtained licenses and identification cards.
Referred to **Judiciary I Committee.**

By Senators Hoyle and Perdue:
S.B. 1149, a bill to appropriate funds to increase parental involvement in the public schools.
Referred to **Appropriations Committee.**

By Senators Hoyle and Perdue:
S.B. 1150, a bill to establish the Legislative Commission on the quality of undergraduate education in the University of North Carolina, and to make an appropriation.
Referred to **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Pursuant to the motion offered by Senator Sands, special messages received from the House of Representatives transmitting the following bills are read the first time and disposed of, as follows:

H.B. 20 (Committee Substitute), a bill to make employees personally liable for costs associated with State contracts entered into in violation of purchase and contract laws and rules.
Referred to **Judiciary II Committee.**

H.B. 22, a bill directing the Division of Purchase and Contract to monitor purchasing activity more closely.
Referred to **State Personnel and State Government Committee.**

H.B. 419, a bill to provide that evidence that a motor vehicle passed a stopped school bus is prima facie evidence that the owner of the vehicle was operating it at the time of the violation.
Referred to **Judiciary I Committee.**

H.B. 621 (Committee Substitute), a bill regarding coupling devices for trailers and towed vehicles.
Referred to **Transportation Committee.**

H.B. 757 (Committee Substitute), a bill concerning public-private reimbursement agreements for infrastructure development by the Town of Garner.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 823 (Committee Substitute), a bill regulating the possession of firearms in Wake County while under the influence and authorizing the City of Raleigh to enact an ordinance to regulate or prohibit the possession of firearms by minors.
Referred to **Judiciary I Committee.**

H.B. 837, a bill to allow the Town of Wrightsville Beach to exercise the power of eminent domain for purposes of engaging in beach erosion control and flood and hurricane protection works.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 844 (Committee Substitute), a bill to provide that Alamance County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 858 (Committee Substitute), a bill to make it a misdemeanor for a person under eighteen years of age to possess or carry a handgun and to make it a misdemeanor to sell or transfer any handgun to a person who is under eighteen years of age.
Referred to **Judiciary I Committee.**

H.B. 863 (Committee Substitute), a bill to raise some of the offenses that constitute the impersonation of a law-enforcement officer from misdemeanors to felonies.
Referred to **Judiciary I Committee.**

H.B. 873 (Committee Substitute), a bill to fulfill the intent of the insurance equality statute by correcting omissions in that Statute.
Referred to **Judiciary II Committee.**

H.B. 883, a bill to exempt Mecklenburg County from provisions of the North Carolina Building Code that require building inspection departments to review residential plans.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 920 (Committee Substitute), a bill to reduce the State unemployment insurance tax rate under certain circumstances.
Referred to **Finance Committee.**

H.B. 971 (Committee Substitute), a bill to approve a system to develop and implement a system for building improvement reports.
Referred to **Education/Higher Education Committee.**

H.B. 977 (Committee Substitute), a bill to amend the Entry of Judgment Rule, Rule 58 of the Rules of Civil Procedure, as requested by the North Carolina Bar Association.
Referred to **Judiciary II Committee.**

H.B. 982 (Committee Substitute), a bill to permit increased weights for hauling North Carolina agricultural commodities.
Referred to **Transportation Committee.**

H.B. 991 (Committee Substitute), a bill to provide for the recognition and enforcement in North Carolina of certain judgments rendered by courts in foreign countries.
Referred to **Judiciary II Committee.**

H.B. 1083 (Committee Substitute), a bill to conform State gas pipeline penalty standards to the newly enacted amendments to the Federal Natural Gas Pipeline Safety Act of 1968.
Referred to **Public Utilities Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1089 (Committee Substitute), a bill relating to the definition of pyrotechnics under Chapter 14 of the North Carolina General Statutes.
Referred to **Judiciary I Committee.**

H.B. 1122, a bill to direct the Health Services Commission to adopt rules restricting the offering of unwrapped food samples.
Referred to **Children and Human Resources Committee.**

Pursuant to the motion offered by Senator Sands, messages received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 548 (Committee Substitute), a bill to prohibit the discharge of a firearm on the premises of the North Carolina Seafood Industrial Park Authority.
Referred to **Judiciary I Committee.**

H.B. 625, a bill to amend the law regarding the definition of "neglected" juvenile.
Referred to **Judiciary I Committee.**

H.B. 659, a bill to authorize the Commissioner of Labor to file as judgments final orders assessing civil money penalties under the Wage and Hour Act.
Referred to **Judiciary II Committee.**

H.B. 720, a bill to increase the income tax credit for child and dependent care expense for families with income below forty thousand dollars a year.
Referred to **Finance Committee.**

H.B. 801 (Committee Substitute), a bill to prohibit the discharge of a centerfire rifle in Cabarrus County without the written permission of the landowner or lessee and to permit deer hunting from stationary stands in Cabarrus County with the written permission of the landowner or lessee.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee:**

H.B. 1004, a bill to exempt public airport traffic signs from the requirement for uniform signs and traffic control devices on highways, with a favorable report.

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 754, a bill to amend the laws governing the acquisition, disposition, and management of State real property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Johnson, the proposed Committee Substitute bill 7710 is placed before the Senate for immediate consideration, and on his further motion is adopted.
Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Tally for the **Environment and Natural Resources Committee:**

S.B. 550, a bill to amend the North Carolina Commercial Fertilizer Law, with a favorable report.

CALENDAR (Continued)

S.B. 315 (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee relating to information technology, telecommunications, purchase and contract, economic development, and related general government matters, as amended, upon third reading, placed earlier today on the Calendar for tomorrow, Thursday, May 13.

Senator Martin of Guilford withdraws his objection to third reading. Whereupon Senator Sherron further objects to the third reading of the measure. The Chair orders the measure to remain on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

S.B. 504 (Committee Substitute), a bill to modify the Economic Development Board in the Department of Commerce to require the Board to prepare and update annually a comprehensive strategic economic development plan for the State of North Carolina, and to require the Department of Commerce to establish a planning unit to support the Economic Development Board's ongoing role in economic and community development planning, as amended, upon third reading, placed earlier today on the Calendar for tomorrow, Thursday, May 13.

Senator Winner of Mecklenburg withdraws her objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of tomorrow, Thursday, May 13, and placed before the Senate for further consideration upon its third reading.

Senator Perdue offers Amendment No. 2 which is adopted (32-0).

The Committee Substitute bill, as amended, passes its third reading (31-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

On motion of Senator Basnight, the Senate recesses at 4:30 P.M. for the purpose of committee meetings, to reconvene at 5:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Continued)

S.B. 505 (Committee Substitute No. 2), a bill to direct the State Board of Community Colleges, in conjunction with the monitoring committee of the Commission on the Future of the North Carolina Community College System, to examine the mission of the North Carolina Community College System, and to make an appropriation.

Senator Simpson rises to a point of order as to the measure requiring a special appropriation and not properly before the Senate prior to the enactment of the current operations bill pursuant to GS 143-15.

The Chair rules the Committee Substitute bill No. 2 contains no appropriation requirement and is properly before the Senate.

The Committee Substitute bill No. 2 passes its second (41-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 479, a bill to establish the Senior Tar Heel Legislature, upon third reading, placed earlier today on the Calendar for tomorrow, Thursday, May 13.

Senator Kerr withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of tomorrow, Thursday, May 13, and placed before the Senate for further consideration upon its third reading.

Senator Kerr offers Amendment No. 1 which is adopted (45-1).

Senator Allran offers Amendment No. 2 which is adopted (46-1).

The bill, as amended, passes its third reading (45-2) and is ordered engrossed and sent to the House of Representatives by special messenger.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

S.B. 1139, a bill to eliminate the exemption from court costs for seat belt, helmet, headlight, ABC, and hunting violations, to impose a fee for reporting failures to appear and comply, and to increase fees in the General Court of Justice, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 6655, which changes the title to read **S.B. 1139** (Committee Substitute), a bill to increase fees in the General Court of Justice, to establish the percentage rates for the public utility regulatory fee and the insurance regulatory charge, and to provide for hearings for persons who fail to appear in criminal court, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill, held to be material, is adopted, constituting the first reading of the measure.

The Chair orders the Committee Substitute bill placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon second reading.

S.B. 710, a bill to authorize Nash County to use the proceeds of its occupancy tax for economic development projects, with a favorable report.

CALENDAR (Continued)

S.B. 386 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to replace current school tenure laws with laws and regulations that provide protection for school administrators from arbitrary or capricious action by a supervisor, with Amendment No. 1 pending, temporarily displaced earlier.

Senator Winner of Mecklenburg offers Amendment No. 2, amending Amendment No. 1, which is adopted (44-1).

Amendment No. 1, as amended by Amendment No. 2, offered by Senator Winner of Mecklenburg, is adopted (46-1).

The Committee Substitute bill, as amended, passes its second (38-10) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 446 (Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to reduce the blood alcohol level to be considered as slight impairment from 0.11 to 0.09; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly

aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require expunction of civil revocations following acquittal of impaired driving offenses, recalled from the **Appropriations Committee** and placed earlier today at the end of today's Calendar.

With unanimous consent, on motion of Senator Odom, the Senate reconsiders and the Committee Substitute bill is taken from the end of today's Calendar and placed before the Senate for immediate consideration.

Senator Sands offers Amendment No. 1 which is adopted (25-24), changing the title to read **S.B. 446** (Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.02 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.02 to 0.08; to reduce the blood alcohol level to be considered as slight impairment from 0.11 to 0.09; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require expunction of civil revocations following acquittal of impaired driving offenses.

Senator Winner of Buncombe offers Amendment No. 2 which he subsequently withdraws.

Senator Winner of Mecklenburg offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered.

Senator Sands, seconded by Senator Soles, offers a motion that the motion offered by Senator Winner of Mecklenburg to reconsider the vote by which Amendment No. 1 was adopted be reconsidered, do lie upon the table, which motion fails to prevail (17-32), and the question reverts to the motion to reconsider the vote by which Amendment No. 1 was adopted.

The motion offered by Senator Winner of Mecklenburg that the vote by which Amendment No. 1 was adopted be reconsidered prevails, and the question becomes the adoption of Amendment No. 1.

Amendment No. 1, offered by Senator Sands, fails of adoption (18-32) which changes the title to read **S.B. 446**, a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08 percent; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08 percent; to reduce the blood alcohol level to be considered as slight impairment from 0.11 to 0.09 percent; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; and to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes.

Senator Winner of Buncombe offers Amendment No. 3 which is adopted (39-10), changing the title to read **S.B. 446** (Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require expunction of civil revocations following acquittal of impaired driving offenses.

Senator Odom calls the previous question, seconded by Senator Harris. The call is sustained (49-1).

The Committee Substitute bill, as amended, passes its second (49-1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee:**

S.B. 628, a bill to prohibit the sale or other transfer of a crossbow or the bolts used with the crossbow unless the purchaser has a permit for the weapon, with a favorable report.

By Senator Cooper for the **Judiciary II Committee:**

S.B. 865, a bill to provide that information on rabies vaccination certificates is not public, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 2686, which changes the title to read **S.B. 865** (Committee Substitute), a bill to provide that information on rabies vaccination certificates held by county agencies not be used for commercial purposes, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

S.B. 899, a bill to enact new Article 2A of the Uniform Commercial Code, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 8526 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

CALENDAR (Continued)

S.B. 366 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to create the State Workers' Compensation Office and to consolidate the administration of the State Workers' Compensation Program, upon third reading, placed earlier today on the Calendar for tomorrow, Thursday, May 13.

Senator Cooper withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of tomorrow, Thursday, May 13, and placed before the Senate for immediate consideration, upon its third reading and is consequently temporarily displaced.

RECALL FROM COMMITTEE

S.B. 754 (Committee Substitute), a bill to amend the laws governing the acquisition, disposition, and management of State real property, referred to **Appropriations Committee** earlier today.

Senator Plyler offers a motion that the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Thursday, May 13, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders it placed on the Calendar for tomorrow, Thursday, May 13, for consideration upon its passage.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 708 (Committee Substitute), an act to allow Burke, Harnett, Lee, McDowell, Madison, Nash, Polk, Sampson, and Yancey Counties and the Cities of Angier, Broadway, Burnsville, Clinton, Coats, Connelly Springs, Drexel, Dunn, Erwin, Glen Alpine, Hildebran, Hot Springs, Lillington, Marion, Mars Hill, Marshall, Monroe, Morganton, Old Fort, Rhodhiss, Rocky Mount, Sanford and Valdese to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance. (Ch. 42)

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a resolution and a bill are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee:**

H.J.R. 1209, a joint resolution setting the date for the House of Representatives and Senate to elect members to the State Board of Community Colleges, with a favorable report.

S.B. 989, a bill to require local Boards of Education to report acts of school violence to the State Board of Education and to adopt clear rules regarding the consequences of committing violent acts at school, to require the implementation and use of conflict resolution programs and parent involvement programs in schools, and to require employers to grant a minimum of four hours per year leave to employees for involvement at their children's schools, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 7726, which changes the title to read **S.B. 989** (Committee Substitute), a bill to require local Boards of Education to report acts of school violence to the State Board of Education and to adopt clear rules regarding the consequences of committing violent acts at school, to encourage the implementation and use of conflict resolution programs and parent involvement programs in schools, and to require employers to grant leave at a mutually agreed upon time to employees for involvement at their children's schools, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

With unanimous consent, on motion of Senator Perdue, the Senate reconsiders and the Committee Substitute bill is taken from the Calendar for tomorrow, Thursday, May 13, and placed at the end of today's Calendar for consideration.

CALENDAR (Continued)

S.B. 366 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to create the State Workers' Compensation Office and to consolidate the administration of the State Workers' Compensation Program, upon third reading, temporarily displaced earlier.

Senator Cooper offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

S.B. 559, a bill to resolve the conflict between the State and federal special education law regarding the procedure of filing a civil action.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (48-0) and third (48-0) readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 629, a bill to make changes in the General Statutes relating to certified public accountants.

Senator Soles offers a motion that consideration of the bill be postponed until tomorrow, Thursday, May 13.

Senator Plyler, Co-Chairman of the **Appropriations Committee**, requests a fiscal note on the bill.

Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for receipt of the fiscal note.

S.B. 657, a bill to require job listing services to secure a bond as a condition of licensure.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 700, a bill in support of Desert Storm Veterans and other young citizens by decriminalizing certain malt beverage sales and the possession of malt beverages by certain persons.

On motion of Senator Ballance, the bill is recommitted to the **Judiciary I Committee**.

S.B. 744 (Committee Substitute), a bill to amend various statutes to delete obsolete references to warrants issued by the State Auditor, to make technical corrections in references to the State Auditor's oversight, and to repeal Chapter 112 of the General Statutes Confederate Homes and Pensions.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 758 (Committee Substitute), a bill to allow the filing of an affidavit by the Secretary of Transportation to state an intention to preserve a railroad easement for future transportation purposes and negate the presumption of abandonment.

The Committee Substitute bill passes its second (40-4) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 831, a bill to provide for truth in sentencing for the North Carolina Criminal Justice System.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

Senator Basnight, President *Pro Tempore*, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 846 (Committee Substitute), a bill to increase the amount that may be in controversy in small claims court.

The Committee Substitute bill passes its second (38-5) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 884, a bill to allow school superintendents to choose not to put all letters of complaints in teachers' personnel files.

The Chair declares the voting printer malfunctioning.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 901, a bill to prohibit bicyclists and others from clinging to other vehicles while on a roadway.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 914, a bill to provide that any provision in a contract to improve real property that provides that the contract is subject to the laws of another State or subject to litigation and arbitration in another State is void as against public policy.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 936 (Committee Substitute), a bill to authorize nationwide interstate branch banking and savings and loan and savings bank branching.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 939 (Committee Substitute), a bill to clarify the right of motor vehicle dealers in North Carolina to combine franchises at a single location.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 955, a bill to authorize a method for parents to authorize consent by another for health care for the parents' minor child.

Senator Marshall offers Amendment No. 1 which is adopted.

Without objection, on motion of Senator Forrester, the bill, as amended, is temporarily displaced.

S.B. 970, a bill to provide that it is a misdemeanor to assemble for the purpose of teaching any techniques to be used for the purpose of intimidating a person because of that person's race, color, religion, nationality, or country of origin.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 955, a bill to authorize a method for parents to authorize consent by another for health care for the parents' minor child, as amended, temporarily displaced earlier.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 971, a bill to increase the maximum lawful capacity of tear gas containers for use by individuals for self-defense purposes.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

S.B. 1074, a bill providing for North Carolina to join the Drivers License Compact, with a favorable report.

S.B. 945, a bill permitting the use of deadly force against an intruder under certain circumstances, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 9710 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for further consideration.

CALENDAR (Continued)

S.B. 986 (Committee Substitute), a bill to authorize a mediation program for the Office of Administrative Hearings.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 995, a bill to provide that there shall be no requirement that directors or officers of a corporation own stock in a corporation if the State of North Carolina owns a majority of the stock.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1009, a bill to provide that stockholders of corporations of which the State of North Carolina owns a majority of the stock may remove directors without cause and may amend the articles of incorporation to change the terms of office of directors of the corporation.

Being advised the voting equipment printer is functioning, the Chair calls for an electronic vote.

The bill passes its second reading (36-6).

Senator Simpson objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

S.B. 1033, a bill to provide that a defendant who agrees to a suspended sentence, probation, or an alternative sentence or punishment and who willfully violates a condition of that judgment may be held in civil or criminal contempt for the violation.

The bill passes its second (39-0) and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 283 (Committee Substitute), a bill recommended by the Juvenile Law Study Commission to establish a pilot program under the Administrative Office of the Courts regarding juvenile court jurisdiction over juveniles between sixteen and eighteen years of age who are beyond the disciplinary control of their parents.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (36-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

S.B. 78 (Committee Substitute), a bill to change the date of the primary to the Tuesday nine weeks before the general election and to make conforming changes, upon third reading.

The Committee Substitute bill passes its third reading (39-5) and is ordered sent to the House of Representatives by special messenger.

S.B. 602 (Committee Substitute), a bill to provide group health insurance to businesses comprising more than twenty-five employees and to make improvements in the North Carolina Small Employer Group Health Coverage Reform Act, upon third reading.

The Committee Substitute bill passes its third reading (40-0) and is ordered sent to the House of Representatives by special messenger.

WITHDRAWALS FROM CALENDAR

S.B. 945 (Committee Substitute), a bill permitting the use of deadly force against an intruder under certain circumstances, placed on the Calendar for tomorrow, Thursday, May 13, earlier today, upon the adoption of a Committee Substitute bill as recommended by the **Judiciary I Committee.**

Senator Sands offers a motion that the Committee Substitute bill be taken from the Calendar for tomorrow, Thursday, May 13, and be placed at the end of today's Calendar, which motion prevails with unanimous consent.

The Committee Substitute bill is placed at the end of today's Calendar for consideration upon its passage.

H.B. 654, a bill to expand the number of counties in which the tax credit for creating jobs is available, placed on the Calendar for tomorrow, Thursday, May 13, earlier today upon a favorable report by the **Finance Committee.**

Senator Sands offers a motion that the bill be taken from the Calendar for tomorrow, Thursday, May 13, and be placed at the end of today's Calendar, which motion prevails with unanimous consent.

The bill is placed at the end of today's Calendar for consideration upon its passage.

INTRODUCTION OF BILLS

Senator Sands offers a motion that Rule 40 be suspended to allow the introduction of the following bills filed earlier today, which motion prevails by a two-thirds majority vote.

By Senators Tally, Parnell, Soles, and Edwards:

S.B. 1163, a bill to allow projects financed under the Industrial and Pollution Control Facilities Financing Act and the North Carolina Industrial and Pollution Control Facilities Pool Program Financing Act to be located in more than one county.

Referred to **Environment and Natural Resources Committee.**

By Senator Tally:

S.B. 1164, a bill to conform the means by which solid waste management facilities may demonstrate financial responsibility to the requirements of federal law.

Referred to **Environment and Natural Resources Committee.**

By Senator Tally:

S.B. 1165, a bill to provide for refund or fees in excess of the amount needed to operate the resident inspectors program and to revise the method by which resident inspectors are assigned.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

S.B. 27 (Committee Substitute), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, with an unfavorable report as to **Appropriations Committee** Substitute bill No. 1, but favorable as to **Appropriations Committee** Substitute bill No. 2.

On motion of Senator Daniel, the rules are suspended, and the proposed Committee Substitute bill 4632 is placed before the Senate for immediate consideration, and on his further motion is adopted. (See Addendum)

With unanimous consent, on motion of Senator Daniel, the Committee Substitute bill No. 2 is placed at the end of today's Calendar for consideration upon its passage.

WITHDRAWAL FROM CALENDAR

S.R. 951, a Senate simple resolution expressing the intent of the Senate to enhance further the long-term fiscal stability of the State and to take advantage of the favorable interest rate climate by authorizing State general obligation bonds, placed on the Calendar for tomorrow, Thursday, May 13, earlier today with a favorable report by the **Rules and Operation of the Senate Committee.**

Senator Daniel offers a motion that the Senate simple resolution be taken from the Calendar for tomorrow, Thursday, May 13, and be placed at the end of today's Calendar, preceding **S.B.27** (Committee Substitute No. 2), which motion prevails with unanimous consent.

The Chair orders the Senate simple resolution placed at the end of today's Calendar for adoption preceding **S.B.27** (Committee Substitute No. 2).

CALENDAR (Continued)

S.B. 622 (Committee Substitute), a bill to make miscellaneous amendments to laws governing health insurance, upon third reading.

Senator Kaplan offers Amendment No. 1 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its third reading (45-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 834, a bill to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure, upon third reading.

Senator Hyde offers Amendment No. 1 which is adopted (42-0).

The bill, as amended, passes its third reading (42-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

RECALL FROM THE HOUSE OF REPRESENTATIVES

S.B. 101 (Committee Substitute), a bill to make the limitations placed on the employment of spouses of the Board of Governors of the University of North Carolina more equitable, ordered recalled from the House of Representatives earlier today.

The Committee Substitute bill not having been presented to the House of Representatives for consideration, is returned to the Senate for further consideration by the Principal Clerk of the House of Representatives.

Senator Martin of Pitt offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails, and the question becomes passage of the measure upon third reading.

On motion of Senator Martin of Pitt, the Committee Substitute bill is recommitted to the **Education/Higher Education Committee.**

CALENDAR (Continued)

S.B. 873 (Committee Substitute), a bill to protect a person's access to health care facilities, upon third reading.

Senator Hoyle offers Amendment No. 2 which is adopted (43-4), changing the title to read **S.B. 873** (Committee Substitute), a bill to protect a person's access to public or private buildings, businesses, or facilities.

Senator Winner of Mecklenburg calls the previous question, seconded by Senator Johnson. The call is sustained (44-4).

The Committee Substitute bill, as amended, passes its third reading (44-2) and is ordered engrossed and sent to the House of Representatives by special messenger.

The Senate recesses at 9:10 P.M. to reconvene at 9:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Continued)

S.B. 987 (Committee Substitute), a bill to enact the Overhead High-Voltage Line Safety Act, as amended, upon third reading.

The bill, as amended, passes its third reading (34-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1012, a bill to require economic impact assessments for certain rules proposed by State agencies, upon third reading, with fiscal note attached.

Senator Tally offers Amendment No. 1 which is adopted (24-18).

The bill, as amended, passes its third reading (29-17) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 954, a bill to permit the direct payment of certified social workers under health insurance policies.

On motion of Senator Parnell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (41-6).

Senator Marshall objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

S.B. 1009, a bill to provide that stockholders of corporations of which the State of North Carolina owns a majority of the stock may remove directors without cause and may amend the articles of incorporation to change the terms of office of directors of the corporation, upon third reading, placed earlier today on the Calendar for tomorrow, Thursday, May 13.

Senator Simpson withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of tomorrow, Thursday, May 13, and placed before the Senate for immediate consideration, upon its third reading.

Senator Simpson offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its third reading (44-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 889 (Committee Substitute), a bill to provide for mandatory continuing education for North Carolina's dentists and dental hygienists.

Senator Harris offers Amendment No. 1 which is adopted (47-1).

The Committee Substitute bill, as amended, passes its second reading (46-0).

Senator Johnson objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

S.B. 1097, a bill to provide that the Northampton County Board of Education shall take office in July of the year of election.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 989 (Committee Substitute), a bill to require local Boards of Education to report acts of school violence to the State Board of Education and to adopt clear rules regarding the consequences of committing violent acts at school, to encourage the implementation and use of conflict resolution programs and parent involvement programs in schools, and to require employers to grant leave at a mutually agreed upon time to employees for involvement at their children's schools.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.R. 951, a Senate simple resolution expressing the intent of the Senate to enhance further the long-term fiscal stability of the State and to take advantage of the favorable interest rate climate by authorizing State general obligation bonds, placed by motion on the Calendar for today preceding **S.B. 27**, for adoption.

Senator Daniel offers a motion that the vote by which the motion to withdraw the Senate simple resolution from the Calendar of tomorrow, Thursday, May 13, and place the measure on today's Calendar prevailed, be reconsidered, which motion prevails and the question becomes the motion to withdraw the measure from the Calendar of tomorrow, Thursday, May 13, and place it on today's Calendar.

With unanimous consent, Senator Daniel withdraws his motion to withdraw the measure from the Calendar of tomorrow, Thursday, May 13, and the Senate simple resolution remains on the Calendar for tomorrow, Thursday, May 13, for adoption.

S.B. 27 (Committee Substitute No. 2), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

The Chair announces the Report on Base Budget Reduction and Expansion Budget accompanying the Committee Substitute bill No. 1, is applicable to Committee Substitute bill, No. 2, and is by reference a part of this measure. (See Addendum)

The Committee Substitute bill No. 2 passes its second reading (50-0).

Senator Daniel objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

S.B. 945 (Committee Substitute), a bill permitting the use of deadly force against an intruder under certain circumstances.

Without objection, on motion of Senator Kincaid, the Committee Substitute bill is temporarily displaced.

RECALL FROM COMMITTEE

S.B. 643 (Committee Substitute), a bill to make technical and other changes to the retaliatory employment discrimination law, re-referred to the **Appropriations Committee** on May 5.

Pursuant to notice of intention to recall from committee announced on May 6, Senator Plyler offers a motion the rules be suspended to the end that the Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Thursday, May 13, for consideration upon its passage, which motion prevails by a two-thirds affirmative majority.

The Chair orders the Committee Substitute bill recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Thursday, May 13, for consideration.

RE-REFERRAL

S.B. 920, a bill to include expense allowances as compensation under the Legislative Retirement System, referred to **Pensions and Retirement Committee** on April 20.

Senator Harris offers a motion that the bill be taken from the **Pensions and Retirement Committee** and re-referred to the **Rules and Operation of the Senate Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Rules and Operation of the Senate Committee**.

CALENDAR (Continued)

H.B. 654, a bill to expand the number of counties in which the tax credit for creating jobs is available.

The bill passes its second (46-0) and third readings and is ordered enrolled.

S.B. 945 (Committee Substitute), a bill permitting the use of deadly force against an intruder under certain circumstances, temporarily displaced earlier.

Senator Sands offers Amendment No. 1 which is adopted (48-0).

Senator Gulley offers Amendment No. 2 which is adopted (48-1).

The Committee Substitute bill, as amended, passes its second reading (40-7).

Senator Sands objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, May 13, for further consideration, upon third reading.

RECONSIDERATION

S.B. 1012, a bill to require economic impact assessments for certain rules proposed by State agencies, which passed third reading earlier today and ordered engrossed and sent to the House of Representatives by special messenger.

Senator Kaplan offers a motion that the bill, as amended, be recalled from the Office of the Principal Clerk.

The bill, as amended, is presented to the Senate, and Senator Kaplan offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered.

Senator Tally, seconded by Senator Ballance, offers a motion that the Senate do now adjourn.

Pursuant to Rule 26(b), Senator Soles calls for the ayes and noes. The Chair, having stated the question, rules the call for the ayes and noes out of order. The motion to adjourn fails to prevail (17-30), and the question reverts to the motion offered by Senator Kaplan to reconsider the vote by which the bill, as amended, passed its third reading.

The motion offered by Senator Kaplan that the vote by which the bill, as amended, passed its third reading be reconsidered prevails (27-21) and the question becomes passage of the bill, as amended, upon third reading.

Senator Kaplan offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered.

Senator Soles, seconded by Senator Harris, offers a motion that the Senate do now adjourn to meet tomorrow, Thursday, May 13, at 11:00 A.M., which motion fails to prevail (24-25).

Senator Soles offers a motion that the motion offered by Senator Kaplan to reconsider the vote by which Amendment No. 1 was adopted, do lie upon the table, seconded by Senator Plexico, which motion fails to prevail (20-29). The question reverts to the motion offered by Senator Kaplan to reconsider the vote by which Amendment No. 1 was adopted.

Senator Soles, seconded by Senator Tally, offers a motion that the Senate do now adjourn to meet tomorrow, Thursday, May 13, at 11:00 A.M., which motion fails to prevail (22-26).

On motion of Senator Kaplan, further consideration of the bill, as amended, is postponed until tomorrow, Thursday, May 13.

On motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 11:02 P.M. to meet tomorrow, Thursday, May 13, at 11:00 A.M.

SIXTY-THIRD DAY

SENATE CHAMBER,
Thursday, May 13, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Guide us with Your Wisdom as individuals and as members of the Senate. Make us aware of Your Judgment as we deal with the events of this time. Help us to live up to Your Standards as we serve as Your stewards. Bless the decisions that we have made this week that will help to meet the needs in the lives of millions of our North Carolina people. As we have acted with maturity and integrity, may we win the honor, respect and thanks of the citizens that we represent. We ask in Thy Name.
Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, May 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Ballance.

Pursuant to the motion prevailing on Monday, May 10, all measures ordered sent to the House of Representatives are sent by special messenger.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Edwards, Richardson, Allran, Gunter, Seymour, and Lee:
S.B. 1151, a bill to authorize the Division of Motor Vehicles to issue specialized license plates to county commissioners.
Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Sands:
S.B. 1152, a bill to appropriate funds for the Center for Employment Training.
Referred to **Appropriations Committee.**

By Senator Sands:
S.B. 1153, a bill to repeal Chapter 104F of the General Statutes.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Winner of Buncombe amd Gunter:
S.B. 1154, a bill to require that Norplant implantation is made available and accessible to recipients of aid to families with dependent children and to appropriate funds.
Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Plexico:
S.B. 1155, a bill to appropriate funds for capital improvements to the Flat Rock Playhouse.
Referred to **Capital Expenditutes Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Odom:
S.J.R. 1156, a joint resolution to authorize the Legislative Research Commission to study the application of chiropractic care for the cost-effective delivery of health care.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Winner of Buncombe and Hunt:
S.B. 1157, a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects.
Referred to **Select Committee on Bonds** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Hoyle, Perdue, and Gunter:
S.B. 1158, a bill to appropriate funds to ensure that every public school child in every class has a textbook or other appropriate instructional materials.
Referred to **Appropriations Committee.**

By Senator Ballance:
S.J.R. 1159, a joint resolution authorizing the Legislative Research Commission to study a system for compensating for medical malpractice that is a substitute for the present tort system of recovery.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Seymour and Gunter:
S.J.R. 1160, a joint resolution providing for the confirmation of the appointment of John Thomas made by the Governor to membership on the North Carolina Utilities Commission.
Referred to **Public Utilities Committee.**

By Senator Seymour:
S.J.R. 1161, a joint resolution providing for the confirmation of the appointment of Judy Frances Hunt made by the Governor to membership on the North Carolina Utilities Commission.
Referred to **Public Utilities Committee.**

By Senator Seymour:

S.J.R. 1162, a joint resolution providing for the confirmation of the appointment of Ralph A. Hunt made by the Governor to membership on the North Carolina Utilities Commission.

Referred to **Public Utilities Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senator Sands offers a motion to the end that all messages from the House of Representatives be read immediately preceding adjournment and held in the Office of the Principal Clerk for referral to committee on Tuesday, May 18, which motion prevails.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

Senator Sands offers a motion that all House bills appearing on today's Calendar be placed at the end of the Calendar, following the consideration of Senate bills, which motion prevails. The Chair orders the following bills taken from their place in the regular order of business and placed at the end of today's Calendar: **H.B. 410** (Committee Substitute), **H.B. 836**, **H.B. 143** (Committee Substitute), **H.B. 156**, **H.B. 389**, **H.B. 466**, **H.B. 517**, **H.B. 808**, **H.B. 160** (Senate Committee Substitute), **H.B. 1004**, and **H.J.R. 1209**.

S.B. 767, a bill to modify the authority of Mecklenburg County and the City of Charlotte to undertake local development activities, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—40.

Voting in the negative: Senator Winner of Mecklenburg—1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 942, a bill authorizing Burke County to assist thoroughfare plan implementation, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special messenger.

S.B. 711, a bill to confirm the corporate limits of the Town of Troy, and modify the laws relating to satellite annexation which apply to that Town, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler,

Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, May 17, for further consideration, upon third reading.

S.B. 730, a bill to revise and consolidate the Charter of the Town of Franklinton, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, May 17, for further consideration, upon third reading.

S.B. 789, a bill to revise the boundaries of the Town of Oakboro, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, May 17 for further consideration, upon third reading.

S.B. 809 (Committee Substitute), a bill to make sundry amendments relating to local governments in Orange and Chatham Counties, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, May 17, for further consideration, upon third reading.

S.B. 903, a bill to provide that the Town of Pittsboro may levy a privilege license tax of up to twenty-five dollars for one-day peddling, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, May 17, for further consideration, upon third reading.

S.B. 710, a bill to authorize Nash County to use the proceeds of its occupancy tax for economic development projects.

The bill passes its second and third reading and is ordered sent to the House of Representatives by special messenger.

S.B. 1070 (Committee Substitute), a bill relating to the powers and scope of the New Hanover County Human Relations Commission.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1082, a bill to exempt Nash County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection.

On motion of Senator Cooper, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third reading and is ordered engrossed and sent to the House of Representatives by special messenger.

S.R. 951, a Senate simple resolution expressing the intent of the Senate to enhance further the long-term fiscal stability of the State and to take advantage of the favorable interest rate climate by authorizing State general obligation bonds, for adoption.

With unanimous consent, on motion of Senator Daniel, the Senate simple resolution is taken from its regular order of business and placed immediately preceding **S.B. 27** (Committee Substitute No. 2), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

S.B. 894, a bill to clarify the authority of water and sewer authorities to assess penalties for violations of water and sewer use ordinances, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Martin of Pitt, Odom, Parnell, Plexico, Plyler, Sands, Seymour, Shaw, Simpson, Smith, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special messenger.

S.B. 787 (Committee Substitute), a bill to impose a penalty for failure to comply with ESC tax reporting requirements, upon second reading.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kerr, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: Senator Kaplan—1.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, May 17, for further consideration, upon third reading.

S.B. 1139 (Committee Substitute), a bill to increase fees in the General Court of Justice, to establish the percentage rates for the public utility regulatory fee and the insurance regulatory charge, and to provide for hearings for persons who fail to appear in criminal court, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: Senator Kaplan—1.

The Committee Substitute bill is ordered placed on the Calendar for Monday, May 17, for further consideration, upon third reading.

S.B. 30 (Committee Substitute), a bill to make it a general misdemeanor to commit an assault on a sports official.

The Committee Substitute bill passes its second (43-2) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 550, a bill to amend the North Carolina Commercial Fertilizer Law.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

Upon the arrival of Senator Ballance, the Chair announces his presence and the leave of absence granted earlier is set aside.

S.B. 628, a bill to prohibit the sale or other transfer of a crossbow or the bolts used with the crossbow unless the purchaser has a permit for the weapon.

The bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 629, a bill to make changes in the General Statutes relating to certified public accountants.

On motion of Senator Hunt, the Chair orders, without objection, the bill temporarily displaced.

S.B. 643 (Committee Substitute), a bill to make technical and other changes to the retaliatory employment discrimination law.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 748, a bill to amend the Land Records Management Program to provide that the Secretary of State appoint the members of the Advisory Committee and to include a member of the North Carolina Property Mappers' Association on the Advisory Committee.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 754 (Committee Substitute), a bill to amend the laws governing the acquisition, disposition, and management of State real property.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 759 (Committee Substitute), a bill to make employees personally liable for costs associated with State contracts entered into in violation of purchase and contract laws and rules.

On motion of Senator Sherron, the Committee Substitute bill is recommitted to the **Judiciary II Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

S.B. 1115, a bill creating Article 27A of the insurance laws relating to title insurance to clarify and strengthen the prohibitions against kickbacks, rebates, and controlled business and denominating these practices as unfair methods of competition, with a favorable report.

On motion of Senator Parnell, the rules are suspended, and the bill is placed on the Calendar for today at the end of the regular order of business, for consideration upon its passage.

S.B. 1113, a bill amending the insurance laws relating to title insurance companies to give the Insurance Commissioner discretion where premiums have been understated or overstated through inadvertence, mistake, or miscalculation, with a favorable report, as amended.

On motion of Senator Seymour, the bill is placed on the Calendar for today in its regular order of business, for consideration upon its passage.

CALENDAR (Continued)

S.B. 803, a bill to clarify the laws relating to the State's jurisdiction over providers of health care benefits.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 839 (Committee Substitute), a bill to clarify the exemption of motor vehicles from the three-day right to cancel provisions of off-premises sales to the existing exemption under the Retail Installment Sales Act.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 840 (Committee Substitute), a bill to extend the time for the Commissioner to render a final determination in contested franchise termination, cancellation, or failure to renew matters, based on bankruptcy, failure to stay open, loss of licenses, or conviction of felony involving moral turpitude, under the Motor Vehicles Dealers and Manufacturers Licensing Law.

The Committee Substitute bill passes its second (46-0) and third readings is ordered sent to the House of Representatives by special messenger.

S.B. 841 (Committee Substitute), a bill to clarify the warranty reimbursement rights of motor vehicle dealers.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 865 (Committee Substitute), a bill to provide that information on rabies vaccination certificates held by county agencies not be used for commercial purposes.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 899 (Committee Substitute), a bill to enact new Article 2A of the Uniform Commercial Code.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 930 (Committee Substitute), a bill to establish when a hospital or health care facility is in compliance with rules of the North Carolina Board of Pharmacy regarding counseling patients about prescription medications and devices.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 950 (Committee Substitute), a bill to require that all new hospices receive a certificate of need.

On motion of Senator Daniel, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 994 (Committee Substitute), a bill to revise the membership of the Tryon Palace Commission.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to House of Representatives by special messenger.

S.B. 1020, a bill to change the membership of the North Carolina Arboretum.

On motion of Senator Winner of Buncombe, consideration of the bill is postponed temporarily.

S.B. 1054, a bill to direct the Board of Medical Examiners to develop medical practice parameters for certain medical specialties.

On motion of Senator Forrester, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1066, a bill to provide for voter preregistration of sixteen- and seventeen-year old by drivers license examiners.

On motion of Senator Gunter, Committee Amendment No. 1 is adopted.

On motion of Senator Gunter, further consideration of the bill, as amended, is postponed temporarily.

S.B. 1074, a bill providing for North Carolina to join the Drivers License Compact.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1113, a bill amending the insurance laws relating to title insurance companies to give the Insurance Commissioner discretion where premiums have been understated or overstated through inadvertence, mistake, or miscalculation, placed earlier today on the Calendar under a suspension of the rules, with a favorable report, as amended, by the **Insurance Committee.**

On motion of Senator Seymour, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1148, a bill to make clarifying changes in the Teachers' and State Employees' Comprehensive Major Medical Plan and to resolve legal issues by making clear that the legislative intent since enactment is that contracting with preferred providers is not subject to Chapter 143 of the General Statutes, with a request for an actuarial note.

The Chair announces an actuarial note is not attached to the jacket.

The bill passes its second (40-3) and third readings and is ordered sent to the House of Representatives by special messenger.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

S.B. 1112, a bill to amend the North Carolina Clean Water Revolving Loan and Grant Program to allow municipalities to pledge user fees or any available sources of revenues for the payment of revolving funds, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 1163, a bill to allow projects financed under the Industrial and Pollution Control Facilities Financing Act and the North Carolina Industrial and Pollution Control Facilities Pool Program Financing Act to be located in more than one county, with a favorable report.

On motion of Senator Tally, the rules are suspended, and the bill is placed at the end of the Calendar for today, for consideration upon its passage.

S.B. 1164, a bill to conform the means by which solid waste management facilities may demonstrate financial responsibility to the requirements of federal law, with a favorable report.

On motion of Senator Tally, the rules are suspended, and the bill is placed at the end of the Calendar for today, for consideration upon its passage.

S.B. 898, a bill to provide that an owner of an on-site land clearing and inert debris landfill does not have to obtain a State permit and to regulate such landfills, with a favorable report, as amended.

On motion of Senator Tally, the rules are suspended, and the bill is placed at the end of the Calendar for today, for consideration upon its passage.

S.B. 1121, a bill to make technical corrections and to remove obsolete sections of the Soil Conservation District Law, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee.**

By Senator Kerr for the **Manufacturing and Labor Committee:**

S.B. 1032, a bill to control medical costs under the Workers' Compensation Act by limiting the employer's liability for medical compensation to schedules of fees established by the Industrial Commission, with a favorable report, as amended.

On motion of Senator Kerr, the rules are suspended, and the bill is placed at the end of the Calendar for today, for consideration upon its passage.

CALENDAR (Continued)

S.B. 1020, a bill to change the membership of the North Carolina Arboretum, temporarily displaced earlier.

Senator Winner of Buncombe offers Amendment No. 1 which is adopted (46-0).

The bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.R. 951, a Senate simple resolution expressing the intent of the Senate to enhance further the long-term fiscal stability of the State and to take advantage of the favorable interest rate climate by authorizing State general obligation bonds, placed earlier today on the Calendar to precede **S.B. 27**.

On motion of Senator Daniel, the Chair orders, without objection, the Senate simple resolution temporarily displaced.

S.B. 27 (Committee Substitute No. 2), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, upon third reading.

On motion of Senator Daniel, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

S.B. 132 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee regarding purchasing and contracts, as amended, upon third reading.

Senator Martin of Guilford offers Amendment No. 2 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its third reading (46-0).

The Chair orders the Committee Substitute bill, as amended, engrossed and sent to the House of Representatives by special messenger.

S.B. 315 (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee relating to information technology, telecommunications, purchase and contract, economic development, revenue, organization and staffing, and related general government matters, as amended, upon third reading.

On motion of Senator Martin of Guilford, the Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

The Senate recesses at 1:30 P.M. for the purpose of committee meetings to reconvene at 1:35 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

COMMITTEE REPORT

A bill is reported from a standing committee, out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee**:

H.B. 969, a bill to remove the sunset on the act permitting the use of demolition asphalt as fill, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Senate Committee Substitute bill 6194, which changes the title, upon concurrence, to read **H.B. 969** (Senate Committee Substitute), a bill to remove the sunset on the act permitting the use of demolition asphalt as fill, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, May 17, for further consideration.

CALENDAR (Continued)

S.B. 315 (Committee Substitute), a bill to implement recommendations of the Government Performance Audit Committee relating to information technology, telecommunications, purchase and contract, economic development, revenue,

organization and staffing, and related general government matter, as amended, temporarily displaced earlier, upon third reading.

The Committee Substitute bill, as amended, passes its third reading.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 889 (Committee Substitute), a bill to provide for mandatory continuing education for North Carolina's dentists and dental hygienists, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message.

S.B. 945 (Committee Substitute), a bill permitting the use of deadly force against an intruder under certain circumstances, as amended, upon third reading.

On motion of Senator Winner of Mecklenburg, the Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

RECONSIDERATION

S.B. 1148, a bill to make clarifying changes in the Teachers' and State Employees' Comprehensive Major Medical Plan and to resolve legal issues by making clear that the legislative intent since enactment is that contracting with preferred providers is not subject to Chapter 143 of the General Statutes, which passed third reading earlier today and ordered sent to the House of Representatives.

Senator Kaplan offers a motion the bill be recalled from the Office of the Principal Clerk and placed before the Senate for further consideration, which motion prevails.

The bill is presented to the Senate and Senator Kaplan offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails, and the question becomes the passage of the bill upon third reading.

Senator Kaplan rises to a point of order as to the receipt of an actuarial note. The Chair rules none is attached to the jacket as announced earlier today and further rules G.S. 120-111 requires a note of actuarial impact to be attached prior to consideration of the measure.

On motion of Senator Kaplan, the bill subsequently is placed on the Calendar for Tuesday, May 18, upon third reading.

CALENDAR (Continued)

S.B. 954, a bill to permit the direct payment of certified social workers under health insurance policies, as amended, upon third reading.

Senator Kerr offers Amendment No. 2 which Amendment he subsequently withdraws.

On motion of Senator Kerr, the Chair orders, without objection, the bill, as amended, temporarily displaced.

COMMITTEE REPORT

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

S.B. 980, a bill to define septage, to make some technical corrections, and to allow the use of chemical or portable toilets, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the proposed Committee Substitute bill 4635, which changes the title to read **S.B. 980** (Committee Substitute), a bill to define septage, to

clarify when chemical or portable toilets may be used, to amend the fee schedule applicable to septage management firms, and to make technical and conforming corrections, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

S.B. 1003, a bill to prohibit, within five years of filing an application for a new or existing permit for a sanitary landfill, a substantial change to any document that affects the application or permit under consideration and to require a public hearing for a new permit, a permit renewal, and a substantial amendment to an existing application or permit for a sanitary landfill, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Committee Substitute bill 4636, which changes the title to read **S.B. 1003** (Committee Substitute), a bill to require that a public hearing be held prior to the approval of an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted, and on her further motion is placed at the end of the Calendar for today, for further consideration upon its passage.

CALENDAR (Continued)

S.B. 954, a bill to permit the direct payment of certified social workers under health insurance policies, as amended, upon third reading, temporarily displaced earlier.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1012, a bill to require economic impact assessments for certain rules proposed by State agencies, as amended, upon third reading.

Senator Sherron offers Amendment No. 2 which is adopted (49-1), changing the title to read **S.B. 1012**, a bill to require economic impact assessments for certain rules proposed by State agencies and to appropriate funds to the Rules Review Commission.

Senator Sherron offers a motion the bill, as amended, be taken from the Calendar and re-referred to the **Appropriations Committee.**

Senator Winner of Buncombe offers a substitute motion the bill, as amended, be taken from the Calendar and recommitted to the **Ways and Means Committee,** which motion prevails.

Pursuant to Rule 45.1, the Chair orders the bill, as amended, engrossed and recommitted to the **Ways and Means Committee.**

S.B. 945 (Committee Substitute), a bill permitting the use of deadly force against an intruder under certain circumstances, as amended, upon third reading, temporarily displaced earlier.

Senator Ballance rises to a point of order as to a fiscal note under Rule 42.3A and G.S. 120-36.7(d). The Chair determines a fiscal note is not attached to the jacket and orders the Fiscal Research Office notified to present the fiscal note to the Chamber, a copy having been delivered earlier to the sponsor of the measure.

Senator Winner of Mecklenburg offers Amendment No. 3. Senator Ballance, seconded by Senator Kincaid, calls the previous question upon the adoption of Amendment No. 3. The call is sustained. Amendment No. 3 fails of adoption (20-28) and the question reverts to passage of the bill, as amended, upon third reading.

Senator Odom offers a motion the bill, as amended, be taken from the Calendar and re-referred to the **Judiciary II Committee.**

Following extended debate, Senator Martin of Pitt offers a motion to the end the rules be suspended to allow him to call the previous question. Senator Kincaid, sponsor of the measure, calls the previous question on the motion to suspend the rules offered by Senator Martin of Pitt, which motion the Chair rules out of order and Senator Kincaid, consequently, withdraws the motion and calls the previous question on the motion of Senator Odom to re-refer the measure to the **Judiciary II Committee** which motion the Chair rules out of order and Senator Kincaid, consequently, withdraws the motion.

Senator Martin of Pitt withdraws his motion to suspend the rules to allow him to call the previous question.

Senator Odom calls the previous question on the motion he offered to take the bill, as amended, from the Calendar and re-refer it to the **Judiciary II Committee**, seconded by Senator Johnson. The call is sustained (41-4). The motion to re-refer the measure to the **Judiciary II Committee** fails to prevail (14-35) and the question reverts to the passage of the bill, as amended, upon third reading.

Senator Kincaid calls the previous question on the passage of the bill, as amended, seconded by Senator Winner of Buncombe. The call is sustained (45-3).

The bill, as amended, passes its third reading (38-11) and is ordered engrossed and sent to the House of Representatives by special messenger.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

S.B. 1066, a bill to provide for voter preregistration of sixteen- and seventeen-year olds by drivers license examiners, as amended, temporarily displaced earlier.

Senator Gunter offers Amendment No. 2 which is adopted (40-1).

On motion of Senator Gunter, further consideration of the bill, as amended, is postponed temporarily.

Senator Basnight, President *Pro Tempore,* relinquishes the gavel to the President of the Senate, Lieutanant Governor Wicker, who presides.

CALENDAR (Continued)

S.B. 1032, a bill to control medical costs under the Workers' Compensation Act by limiting the employer's liability for medical compensation to schedules of fees established by the Industrial Commission, placed earlier today at the end of the Calendar for today, with a favorable report, as amended, by the **Manufacturing and Labor Committee.**

Senator Sands offers a motion to reconsider the motion to place the measure at the end of the Calendar, and that the rules be suspended to the end the bill be taken up out of order, which motion prevails.

On motion of Senator Sands, Committee Amendment No. 1 is adopted (35-0).

On motion of Senator Sands, further consideration of the bill, as amended, is postponed temporarily.

S.B. 1066, a bill to provide for voter preregistration of sixteen- and seventeen-year olds by drivers license examiners, as amended, temporarily displaced earlier.

The bill, as amended, passes its second (37-2) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1032, a bill to control medical costs under the Workers' Compensation Act by limiting the employer's liability for medical compensation to schedules of fees established by the Industrial Commission, as amended, temporarily displaced earlier.

The President of the Senate relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Senator Sands offers Amendment No. 2, which is adopted (44-0).

The bill, as amended, passes its second reading (45-0) and third reading (46-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

COMMITTEE REPORT

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

S.B. 519, a bill to improve the enforcement of the North Carolina Liming Materials and Landplaster Act, with a favorable report.

The Chair orders the bill re-referred to **Agriculture, Marine Resources, and Wildlife Committee.**

Senator Albertson offers a motion the measure be withdrawn from the **Agriculture, Marine Resources, and Wildlife Committee** and placed on today's Calendar at the end of business, which motion prevails.

The Chair reconsiders and orders the measure placed at the end of the Calendar for today, for consideration upon its passage.

S.B. 633, a bill to provide for staggered terms for members of the Parole Commission, with a favorable report, as amended.

On motion of Senator Ballance, the bill is placed on the Calendar for today, at the end, for consideration upon its passage.

CALENDAR (Continued)

S.B. 1115, a bill creating Article 27A of the insurance laws relating to title insurance to clarify and strengthen the prohibitions against kickbacks, rebates, and controlled business and denominating these practices as unfair methods of competition, placed earlier today on the Calendar, with a favorable report from the **Insurance Committee.**

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1163, a bill to allow projects financed under the Industrial and Pollution Control Facilities Financing Act and the North Carolina Industrial and Pollution Control Facilities Pool Program Financing Act to be located in more than one county, placed earlier today on the Calendar, with a favorable report from the **Environment and Natural Resources Committee.**

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 950 (Committee Substitute), a bill to require that all new hospices receive a certificate of need, temporarily displaced earlier.

The Committee Substitute bill passes its second (41-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1164, a bill to conform the means by which solid waste management facilities may demonstrate financial responsibility to the requirements of federal law, placed earlier today on the Calendar with a favorable report from the **Environment and Natural Resources Committee.**

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 898, a bill to provide that an owner of an on-site land clearing and inert debris landfill does not have to obtain a State permit and to regulate such landfills, placed earlier today on the Calendar with a favorable report, as amended, from the **Environment and Natural Resources Committee.**

On motion of Senator Tally, Committee Amendment No. 1 is adopted.

On motion of Senator Winner of Buncombe, further consideration of the bill is postponed temporarily.

Senator Basnight, President *Pro Tempore*, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

S.B. 1003 (Committee Substitute), a bill to require that a public hearing be held prior to the approval of an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill, adopted as recommended by the **Environment and Natural Resources Committee**, and placed earlier today on the Calendar.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 898, a bill to provide that an owner of an on-site land clearing and inert debris landfill does not have to obtain a State permit and to regulate such landfills, as amended, temporarily displaced earlier.

Senator Winner of Buncombe offers Amendment No. 2 which he subsequently withdraws.

Senator Kerr offers Amendment No. 3 which is adopted (43-0).

Senator Odom calls the previous question, seconded by Senator Plyler. The call is sustained (41-4).

The bill, as amended, passes its second (38-6) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.R. 951, a Senate simple resolution expressing the intent of the Senate to enhance further the long-term fiscal stability of the State and to take advantage of the favorable interest rate climate by authorizing State general obligation bonds, for adoption, temporarily displaced earlier.

On motion of Senator Daniel, the Senate simple resolution is adopted (45-0).

(The text of this resolution appears in the Appendix.)

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 218, an act to direct the Joint Committee on Teacher Education to report to the Joint Legislative Education Oversight Committee instead of the Joint Legislative Commission on Governmental Operations. (Ch. 43)

H.B. 416, an act to prohibit the issuance of new shellfish cultivation leases in Core Sound. (Ch. 44)

H.B. 654, an act to expand the number of counties in which the tax credit for creating jobs is available. (Ch. 45)

CALENDAR (Continued)

S.B. 27 (Committee Substitute No. 2), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, upon third reading, temporarily displaced earlier.

Pursuant to Sec. 252, see Addendum for the text of the Senate Appropriations Committee Report on Base Budget Reductions and Expansion Budget dated May 11, 1993, and considered a part of this act.

Senator Daniel offers Amendment No. 1, which is adopted (41-0).

Senator Daniel offers Amendment No. 2, which is adopted (42-0).

Senator Daniel offers Amendment No. 3, which is adopted (43-0).

Senator Daniel offers Amendment No. 4, which is adopted (44-0).
Senator Daniel offers Amendment No. 5, which is adopted (44-0).
Senator Ward offers Amendment No. 6, which is adopted (30-6).
Senator Daniel offers Amendment No. 7, which is adopted (36-0).
Senator Daniel offers Amendment No. 8, which is adopted (42-0).
Senator Marshall offers Amendment No. 9. Senator Lee calls the previous question, seconded by Senator Marshall. The call is sustained. Amendment No. 9 fails of adoption (9-34).
Senator Sands offers Amendment No. 10, which fails of adoption (4-38).
Senator Daniel offers Amendment No. 11, which is adopted (37-1).
The Committee Substitute bill No. 2 passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

COMMITTEE REPORTS

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee:**

S.B. 1006, a bill providing for the regulation of purchases of regulated metals property by secondary metals recyclers in North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 6658 is placed before the Senate for immediate consideration, and on his further motion is adopted.
On motion of Senator Ballance, the Committee Substitute bill is adopted, and on his further motion is placed at the end of the Calendar for today for further consideration upon its passage.

By Senator Kerr for the **Manufacturing and Labor Committee:**

S.B. 1051, a bill to exempt certain seasonal and recreational business establishments from minimum wage requirements under the Wage and Hour Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 6657, which changes the title to read **S.B. 1051** (Committee Substitute), a bill to exempt certain employees of certain seasonal and recreational business establishments from overtime requirements under the Wage and Hour Act, is placed before the Senate for immediate consideration.
On motion of Senator Kerr, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 17, for further consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 13, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that in accordance with House Rule 31.1 (d) and Senate Rule 41 the following bills have passed

the House of Representatives and were ordered engrossed prior to being sent to the Senate:

HB 513 Comm.Sub.-Nye-DEVELOPMENTAL DISABILITIES (DD)/ SINGLE PORTAL.
HB 524 Redwine-FAMILY BUSINESS/YOUTH EMPLOYMENT.
HB 772 Holt-STATEWIDE EARLY VOTING.
HB 915 Griffin-HEALTH CARE CONSENT/MINOR.
HB 957 Michaux-REGULATE SMOKING IN PUBLIC.
HB 978 Hackney-NC BAR/ALIMONY LAW CHANGES.
HB 1001 Jack Hunt-ENCOURAGE SCHOOL BUILDING RENOVATIONS.
HB 1008 Comm. Sub.-Hensley-INCREASE PENALTIES/WEAPONS IN SCHOOL.
HB 1027 Hackney-FORUM SELECTION FOR NC CONTRACTS.
HB 1043 Holt-HEALTH CARE ATTORNEY/ANATOMICAL GIFT ACT.
HB 1045 Miner-NONEMPLOYEE INSPECTORS.
HB 1050 Comm. Sub.-Richardson-DNA DATABASE AND DATABANK.
HB 1077 Comm. Sub.-H. Hunter-DEFINE SEPTAGE.
HB 1091 Baddour-STATEWIDE SUPERIOR COURT MEDIATION.
HB 1094 Cole-DELIVERY OF MOTOR VEHICLES.
HB 1095 Cole-MV INSURANCE REPAIR REFERRALS.
HB 1102 Comm. Sub.-DeVane-PESTICIDE ENVIRONMENTAL TRUST FUND.
HB 1119 Comm. Sub.-Braswell-PATERNITY ESTABLISHMENT CHANGES.
HB 1151 Justus-MORE ARRESTS/SERVICE FOR LITTERERS.

S/Denise G. Weeks
House Principal Clerk

CALENDAR (Continued)

S.B. 629, a bill to make changes in the General Statutes relating to certified public accountants, temporarily displaced earlier.

Senator Hunt offers a motion that the bill be postponed indefinitely, which motion prevails. The bill lies upon the table.

S.B. 633, a bill to provide for staggered terms for members of the Parole Commission, placed earlier today on the Calendar, with a favorable report, as amended, from the **Judiciary I Committee**.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (41-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 519, a bill to improve the enforcement of the North Carolina Liming Materials and Landplaster Act, placed earlier today on the Calendar, with a favorable report from the **Judiciary I Committee.**

The bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1006 (Committee Substitute), a bill providing for the regulation of purchases of regulated metals property by secondary metals recyclers in North Carolina, adopted as recommended by the **Judiciary I Committee**, and placed earlier today on the Calendar.

Senator Kerr offers Amendment No. 1 which is adopted (35-0).

The Committee Substitute bill, as amended, passes its second (36-1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Pursuant to the motion of Senator Sands prevailing earlier today to the end that messages received from the House of Representatives be read a first time and held in the Office of the Principal Clerk for referral to committee on Tuesday, May 18, the following bills received as messages from the House of Representatives are presented, read a first time and ordered held in the Office of the Senate Principal Clerk:

H.B. 396 (Committee Substitute), a bill to clarify the authority of Registers of Deeds to adopt local indexing rules and to delay the effective date of the law requiring registers of deeds to comply with minimum indexing standards for land records management.

H.B. 459, a bill to prohibit the sale or other disposal of tobacco to minors, knowingly or otherwise, and to provide that it is an affirmative defense that the seller requested identification or had other facts that reasonably indicated that the purchaser was of legal age.

H.B. 504 (Committee Substitute), a bill to clarify record protection during ongoing OSHA investigations.

H.B. 544, a bill to make technical amendments to the General Statutes as recommended by the General Statutes Commission.

H.B. 599 (Committee Substitute), a bill to amend the requirement of notice to employees about wage and hour terms of employment.

H.B. 611 (Committee Substitute), a bill to amend the composition, appointment process, terms, compensation, and duties of the Advisory Council for the Division of Vocational Rehabilitation Services.

H.B. 665 (Committee Substitute), a bill to improve the regulation of credit insurance and lower premium rates charged for credit insurance.

H.B. 763, a bill to allow Pender County and its municipalities to specify by interlocal agreement a redistribution of local sales tax revenues not restricted by law.

H.B. 867, a bill restricting expenditures of funds donated to the Fire Department of the Town of Newport.

H.B. 946 (Committee Substitute), a bill to allow certain nonprofit businesses that provide supported employment for the disabled to come within the purview of the State policy that promotes the use of minority, physically handicapped, and women contractors for State contracts.

H.B. 986 (Committee Substitute), a bill to amend the law regarding dangerous dogs.

H.B. 1053 (Committee Substitute), a bill to limit the construction of billboards to promote the safety and recreational value of public travel, and to enhance natural beauty.

H.B. 1092 (Committee Substitute), a bill to require juvenile court counselors to notify school officials in certain cases when a juvenile is adjudicated delinquent and is ordered to attend school as a condition of probation.

H.J.R. 1247, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education.

H.B. 153 (Committee Substitute), a bill to create a rail council within the Department of Transportation and to broaden the authority of the Board of Transportation.

H.B. 284 (Committee Substitute No. 2), a bill to implement a recommendation of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee to establish an independent Standards Board for School Administration and to allow that Board to charge examination fees.

H.B. 363, a bill to implement a recommendation of the Child Fatality Task Force to develop joint training on child abuse and neglect investigations and criminal prosecution.

H.B. 439 (Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives.

H.B. 474, a bill to enlarge the purposes of the North Carolina Seafood Industrial Park Authority to include the promotion of general maritime activities.

H.B. 514, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification.

H.B. 521, a bill to authorize the City Council of the City of Durham to delegate to the city manager authority to approve petitions for water and sewer service.

H.B. 533 (Committee Substitute), a bill to ensure the reimbursement of unearned commissions to employees from private personnel services.

H.B. 539, a bill to amend the North Carolina Business Corporation Act and to amend G.S. 54-139 relating to foreign cooperative corporations as recommended by the General Statutes Commission.

H.B. 558, a bill to clarify the employment status of select staff in the Department of Community Colleges.

H.B. 644 (Committee Substitute No. 2), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective.

H.B. 657 (Committee Substitute), a bill to authorize a mediation program for the Office of Administrative Hearings.

H.B. 658, a bill to authorize a mediation program for the Industrial Commission.

H.B. 726 (Committee Substitute), a bill to expand the Carteret County Board of Commissioners from five to seven members and reapportion the nomination and election districts.

H.B. 753 (Committee Substitute), a bill to clarify the law relating to acquisition by the Town of Cary of street right-of-way outside the corporate limits.

H.B. 781, a bill to permit the City of Durham to proceed with condemnation of real property when ownership is transferred.

H.B. 788, a bill to require the reporting of burn-related injuries from fires.

H.B. 795, a bill to amend the law pertaining to the prohibition of certain solicitation by health care providers.

H.B. 826, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.

H.B. 827, a bill to establish uniformity in the regulation of roadside hunting.

H.B. 877 (Committee Substitute), a bill to clarify the definition of coin-operated machines, video games, and devices and to increase the punishment for certain gambling offenses.

H.B. 937, a bill to require the parties to a claim for equitable distribution to exchange an inventory affidavit.

H.B. 1007, a bill to establish a second Juvenile Code Revision Committee to study the provisions of the existing Juvenile Code that relate to delinquency and recommend necessary revisions.

H.B. 1020, a bill to prohibit placement of antifreeze in areas where it may poison animals.

H.B. 1021 (Committee Substitute), a bill to require that all State agencies issuing business licenses or privilege licenses report quarterly to the Business License Information Office the number of licenses issued by category.

H.B. 1115, a bill to provide a civil action remedy for persons who are sexually exploited by their psychotherapist.

H.B. 1158, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County.

On motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns at 6:44 P.M. to meet Monday, May 17, at 8:00 P.M.

SIXTY-FOURTH DAY

SENATE CHAMBER,
Monday, May 17, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God, Our Father, an ancient saying suggests that there are two wings by which we rise, one being a personal relationship with You and the other community charity.

"As we begin a new week, teach us anew that it is impossible to do the full will of God without the guidance and empowerment of a vital personal relationship with You.

"Devotional vitality and social action is also emphasized in the two great commandments: to love You with all one's being and to love others as ourselves.

"Remind us, O Lord, that none of us can fly by flapping only one wing. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, May 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Hartsell, who is attending a County Commissioner's meeting, and to Senator Daniel.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Sands offers a motion that the bills and resolutions filed for introduction tonight be read the first time and referred to committee upon the completion of tonight's Calendar which motion prevails.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senator Sands offers a further motion that messages received from the House of Representatives, transmitting bills and resolutions, be read the first time and disposed of, upon the completion of tonight's Calendar, which motion prevails.

RE-REFERRAL

S.B. 1157, a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects, referred to the **Select Committee on Bonds** on May 13.

Senator Winner of Mecklenburg offers a motion that the bill be taken from the **Select Committee on Bonds**, and re-referred to the **Finance Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Finance Committee**.

CALENDAR

Bills and a resolution on the Calendar carried forward as unfinished business from Thursday, May 13, are taken up and disposed of, as follows:

The Chair announces the voting equipment inoperative.

VOTING EQUIPMENT MALFUNCTION

S.B. 1012

The Chair announces to the Senate a malfunction in the voting equipment on Wednesday, May 12, during debate on **S.B. 1012**, a bill to require economic impact assessments for certain rules proposed by State agencies and to appropriate funds to the Rules Review Commission, and presents to the Senate the sequence of action, as follows:

The motion to reconsider the vote by which the bill, as amended, passed its third reading having prevailed by a vote of ayes 27, noes 21, Senator Kaplan offers a motion to reconsider the vote by which Amendment No. 1 was adopted. Senator Soles, consequently, offers a motion to adjourn and the voting board displayed a vote of ayes 24, noes 25 and the Chair ruled the motion failed to prevail.

Subsequently, a motion to table the motion to reconsider Amendment No. 1 failed to prevail ayes 20, noes 29; a motion to adjourn failed to prevail ayes 22, noes 26; and a motion to place the measure upon the Calendar for the next legislative day prevailed. The Chair, consequently, ordered the bill, as amended, placed on the Calendar for Thursday, May 13, upon third reading.

On Thursday, May 13, Amendment No. 2 was adopted and the bill, as amended, was, upon motion, ordered taken from the Calendar, engrossed, and re-referred to the **Ways and Means Committee.**

Upon review of the voting printouts, on the vote by which the first motion to adjourn failed to prevail by the vote of ayes 24, noes 25, the actual number of votes printed reflect 25 ayes, noes 24.

Hearing no motion to reconsider the action of the preceding legislative days, the Chair rules and with unanimous consent orders the bill, as amended, to remain in the **Ways and Means Committee** for review and recommendation to the full Senate.

H.B. 410 (Committee Substitute), a bill to merge the Beaufort County and Washington City School Administrative Units, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 18, for further consideration, upon third reading.

H.B. 836, a bill to permit the City of Winston-Salem to levy a motor vehicle tax of up to ten dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Codington, Conder, Cooper, Edwards, Folger, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—39.

Voting in the negative: Cochrane, Forrester, Kaplan, Kincaid, Shaw, Simpson, Smith, and Winner of Buncombe—8.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 18, for further consideration, upon third reading.

H.B. 143 (Committee Substitute), a bill making a qualified exception for the Cities of Greensboro and High Point and Pitt County from the Public Records Act for certain geographical information systems.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 156, a bill repealing a local act relating to the Winston-Salem Sports Commission.

The bill passes its second and third readings and is ordered enrolled.

H.B. 389, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Mitchell County weapon permits.

The bill passes its second and third readings and is ordered enrolled.

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

The Chair orders, without objection, the bill temporarily displaced.

H.B. 517, a bill to expand the Alleghany County Board of Commissioners from three to five members.

The bill passes its second and third readings and is ordered enrolled.

H.B. 808, a bill to change the procedure for certifying municipal ad valorem tax valuations in Wake County to the Wake County Board of Alcoholic Control for the purpose of distributing proceeds from the sales of alcoholic beverages.

The bill passes its second and third readings and is ordered enrolled.

H.B. 143 (Committee Substitute), a bill making a qualified exception for the Cities of Greensboro and High Point and Pitt County from the Public Records Act for certain geographical information systems, temporarily displaced earlier.

Senator Seymour offers Amendment No. 1 which is adopted, changing the title, upon concurrence, to read **H.B. 143** (Committee Substitute), a bill making a qualified

exception for the Cities of Greensboro and High Point and Guilford County and Pitt County from the Public Records Act for certain geographical information systems.

On motion of Senator Seymour, further consideration of the Committee Substitute bill, as amended, is postponed until Wednesday, May 19.

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, temporarily displaced earlier.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

Senator Kerr offers Amendment No. 2 which is adopted, changing the title, upon concurrence, to read **H.B. 466**, a bill to authorize Wayne County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

On motion of Senator Harris, further consideration of the bill, as amended, is postponed until tomorrow, Tuesday, May 18.

H.B. 160 (Senate Committee Substitute), a bill to allow all counties to rename all roads within unincorporated areas of the county.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1004, a bill to exempt public airport traffic signs from the requirement for uniform signs and traffic control devices on highways.

The bill passes its second and third readings and is ordered enrolled.

H.J.R. 1209, a joint resolution setting the date for the House of Representatives and Senate to elect members to the State Board of Community Colleges.

The joint resolution passes its second and third readings and is ordered enrolled.

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 711, a bill to confirm the corporate limits of the Town of Troy, and modify the laws relating to satellite annexation which apply to that Town.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 730, a bill to revise and consolidate the Charter of the Town of Franklinton, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 789, a bill to revise the boundaries of the Town of Oakboro, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 809 (Committee Substitute), a bill to make sundry amendments relating to local governments in Orange and Chatham Counties, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 903, a bill to provide that the Town of Pittsboro may levy a privilege license tax of up to twenty-five dollars for one-day peddling, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 787 (Committee Substitute), a bill to impose a penalty for failure to comply with ESC tax reporting requirements, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1139 (Committee Substitute), a bill to increase fees in the General Court of Justice, to establish the percentage rates for the public utility regulatory fee and the insurance regulatory charge, and to provide for hearings for persons who fail to appear in criminal court, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1051 (Committee Substitute), a bill to exempt certain employees of certain seasonal and recreational business establishments from overtime requirements under the Wage and Hour Act.

On motion of Senator Carpenter, the Committee Substitute bill is recommitted to the **Manufacturing and Labor Committee.**

H.B. 969 (Senate Committee Substitute), a bill to remove the sunset on the act permitting the use of demolition asphalt as fill.

On motion of Senator Odom, consideration of the Senate Committee Substitute bill is postponed until Wednesday, May 19.

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 13, Amendment of Executive Order Number 10, concerning the Quality Leadership Awards Council.

Referred to **State Personnel and State Government Committee.**

The President recognizes the following pages serving in the Senate this week: Furman Robert Angel, Franklin; Fanella Suzanne Bell, Havelock; Kevin James Chewning, Pinetops; Reed Maverick Davis, Raleigh; Mindy Dellasega, Greenville; Lelie Marie Dunn, Raleigh; Rebecca W. Hanni, Havelock; Adam Maurice Harlan, Charlotte; Heather Dawn Matthews, Knightdale; Moira Rigutto, Raleigh; Clinton Heath Smith, Deep Run; Shea Reza Sohooli, Ahoskie; Allison Minges Taylor, Greenville; Raynicka Shawn Wilder, Wilmington; Jamie Wilkins, Rocky Mount; and Pier Williamson, Louisburg.

INTRODUCTION OF BILLS AND RESOLUTIONS

Pursuant to the motion prevailing earlier tonight, bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Codington:

S.B. 1166, a bill to appropriate funds for the acquisition and rehabilitation of the Topsail Island Assembly Building.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Ballance:

S.J.R. 1167, a joint resolution authorizing the Legislative Research Commission to study the current system for allocation of the clear proceeds of fines and forfeitures.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Plexico (by request):
S.B. 1168, a bill to make it unlawful to remove or destroy electronic collars on dogs.
Referred to **Judiciary I Committee.**

By Senator Sands:
S.B. 1169, a bill to require the public schools to provide instruction in American ethics.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Perdue:
S.B. 1170, a bill to appropriate funds for various water resources development projects and various coastal dredging projects.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Parnell:
S.B. 1171, a bill to appropriate funds for dispute settlement centers in Gaston and Robeson Counties.
Referred to **Appropriations Committee.**

By Senator Parnell:
S.J.R. 1172, a joint resolution authorizing the Legislative Research Commission to study the issue of recovery care centers and their role in developing a system of affordable, quality health care.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Parnell:
S.B. 1173, a bill to appropriate funds for the construction of the Southeastern Farmers' Market and Agricultural Center.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Albertson, Perdue, Hoyle, Kerr, Martin of Pitt, Jordan, Hunt, Martin of Guilford, Conder, Winner of Buncombe, Gunter, Allran, Forrester, Cochrane, Lee, Smith, Edwards, Richardson, Seymour, Tally, Cooper, Hyde, Walker, Carpenter, Blackmon, Kincaid, Odom, Hartsell, Codington, Shaw, Speed, Simpson, Sherron, Ballance, Warren, Plexico, Marshall, Soles, Ward, and Kaplan:
S.B. 1174, a bill to appropriate funds to increase the exports of North Carolina agricultural products to the former Soviet Union.
Referred to **Appropriations Committee.**

By Senators Speed, Lee, Carpenter, Smith, Cochrane, and Forrester:
S.B. 1175, a bill to impose a fine for failure to surrender a vehicle registration plate within twenty days of notice of cancellation of financial responsibility coverage.
Referred to **Judiciary II Committee.**

By Senators Smith, Cochrane, Plyler, and Daniel:
S.B. 1176, a bill to appropriate funds to the North Carolina Transportation History Corporation, Inc., for restoration at Historic Spencer Shops.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Winner of Buncombe and Hyde:
S.B. 1177, a bill to appropriate funds for capital improvements at the North Carolina Arboretum.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Sherron:

S.B. 1178, a bill to create an independent study commission to study the State purchasing system.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Kerr:

S.B. 1179, a bill to provide that the additional revenue generated by allowing payment of the cigarette tax by reporting rather than by tax stamps shall be earmarked for an Historic Properties Grant Program.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Finance Committee.**

On motion of Senator Basnight, seconded by Senator Folger, the Senate adjourns at 8:54 P.M. to meet tomorrow, Tuesday, May 18, at 1:30 P.M.

SIXTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, May 18, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Douglas Vaughan, Minister of First Presbyterian Church, Wilmington, as follows:

"God of Heaven and Earth, we stand before You today as citizens of a State richly blessed by a benevolent Creator. How grateful we are for the stirring mountains and calming seas, the rapid rivers and fertile fields, dynamic cities and quiet hamlets of North Carolina. And how enriched we are by the cultures and customs of many lands and races whose people have come here and whose talents and toil have built our State. Truly, we are blessed to live in so gracious and so generous a place. And we thank You for that blessing.

"And we acknowledge that with blessing comes responsibility. We ask for Your Guidance to be given to these members of the North Carolina Senate whom we have asked to exercise responsibility on our behalf. Guide them, we pray, through the labyrinth of decisions of today's complex circumstances in which choices are not always so clear between exploiting nature to benefit people, between supporting policies that benefit some but not others, between short-term gains with long-term consequences, between compassion and competition.

"Yet, we know that You are more concerned even than we with the decisions that are made in these chambers. So help these Senators to know the right and to do it. Give them the joy of work well done. Be a part, too, of their personal and family relationships, and may all the people of our State be strengthened by Your Presence with us here in this session today. We ask it in the Name of Jesus Christ. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, May 17, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Perdue, who is involved in constituent service; and to Senator Ballance.

The Chair extends courtesies of the floor to Julienne Winner, mother of Senator Winner of Mecklenburg and Senator Winner of Buncombe and to Lily Schorr, daughter of Senator Winner of Mecklenburg.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 156, an act repealing a local act relating to the Winston-Salem Sports Commission. (Ch. 46)

H.B. 283 (Committee Substitute), an act recommended by the Juvenile Law Study Commission to establish a pilot program under the Administrative Office of the Courts regarding juvenile court jurisdiction over juveniles between sixteen and eighteen years of age who are beyond the disciplinary control of their parents. (Ch. 47)

H.B. 389, an act to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Mitchell County weapon permits. (Ch. 48)

H.B. 517, an act to expand the Alleghany County Board of Commissioners from three to five members. (Ch. 49)

H.B. 808, an act to change the procedure for certifying municipal ad valorem tax valuations in Wake County to the Wake County Board of Alcoholic Control for the purpose of distributing proceeds from the sales of alcoholic beverages. (Ch. 50)

H.B. 1004, an act to exempt public airport traffic signs from the requirement for uniform signs and traffic control devices on highways. (Ch. 51)

H.J.R. 1209, a joint resolution setting the date for the House of Representatives and Senate to elect members to the State Board of Community Colleges. (Res. 13)

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Martin of Guilford, Conder, Perdue, Gunter, Hunt, Cooper, and Cochrane:

S.B. 1180, a bill to provide a supplemental package to certain teaching fellows.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Conder:

S.B. 1181, a bill authorizing the Legislative Research Commission to study the imposition of exactions by local governments upon commercial, industrial, and residential development and to appropriate funds for the study.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Warren:

S.B. 1182, a bill to appropriate funds for Beaufort Community College campus building construction.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Speed and Albertson:

S.B. 1183, a bill to appropriate funds for mycotoxin analyses through the North Carolina Department of Agriculture and for research on mycotoxins at North Carolina State University.

Referred to **Appropriations Committee**.

By Senators Gunter, Speed, Gulley, Martin of Guilford, Lee, and Ballance:

S.B. 1184, a bill to require a motor vehicle repair facility to prepare a written statement for repairs that cost more than three hundred fifty dollars prior to commencing the repairs.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Plyler, Conder, and Smith:

S.B. 1185, a bill to establish the Uninsured Employees Injury Fund to provide compensation for injured employees whose employers failed to secure the payment of compensation and to require insurers that write workers' compensation insurance in this State to contribute to this Fund.

Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Finance Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senator Sands offers a motion to the end that all special messages and messages received from the House of Representatives transmitting bills and resolutions with the exception of **H.B. 514**, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification, be read the first time and disposed of upon completion of today's Calendar, which motion prevails.

POINT OF ORDER

H.B. 514, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification.

Senator Sands rises to a point of order as to the identical bill, **S.B. 576**, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification, referred to the **Education/ Higher Education Committee** on March 25, and given an unfavorable report on April 22, containing identical provisions in **H.B. 514**.

The Chair takes the point of order under advisement and sets the bill aside.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 410 (Committee Substitute), a bill to merge the Beaufort County and Washington City School Administrative Units, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 836, a bill to permit the City of Winston-Salem to levy a motor vehicle tax of up to ten dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hunt, Hyde, Johnson, Jordan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: Senators Cochrane, Forrester, Hoyle, Kaplan, Shaw, and Smith—6.

The bill is ordered enrolled.

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, as amended to change the title upon concurrence to read **H.B. 466**, a bill to authorize Wayne County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, upon third reading.

On motion of Senator Kerr, consideration of the bill, as amended, is postponed until tomorrow, Wednesday, May 19.

S.B. 1148, a bill to make clarifying changes in the Teachers' and State Employees' Comprehensive Major Medical Plan and to resolve legal issues by making clear that the legislative intent since enactment is that contracting with preferred providers is not subject to Chapter 143 of the General Statutes, upon third reading, with actuarial note requested.

The Chair announces the Senate is in receipt of an actuarial note, which is attached to the jacket.

Senator Kaplan rises to a point of order as to the provisions of G.S. 120-114 requiring an actuarial note attached to the jacket prior to consideration of the measure by any committee.

Stating the statutes clearly cite the requirement for an actuarial note for committee consideration, and further stating the timeliness of the point of order upon the presentation of the committee report, the Chair takes the point of order under advisement and sets the bill aside.

VOTING EQUIPMENT

The Chair is advised, upon examination of voting equipment printouts, the tally misrepresents the number of printed votes, and declares the voting equipment inoperative.

WITHDRAWAL FROM CALENDAR

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, as amended to change the title upon concurrence to read **H.B. 466**, a bill to authorize Wayne County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, placed on the Calendar for tomorrow, Wednesday, May 19, earlier today.

Upon motion of Senator Kerr, the Senate reconsiders and the bill, as amended, is taken from the Calendar for tomorrow, Wednesday, May 19, and placed before the Senate for further consideration and the question becomes the passage of the measure upon third reading.

Senator Kerr offers Amendment No. 3 which is adopted (45-2), further changing the title, upon concurrence, to read **H.B. 466**, a bill to authorize Cleveland, Mecklenburg and Wayne Counties to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1, No. 2, and No. 3

POINT OF ORDER

H.B. 514, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification, set aside earlier today with a point of order under advisement.

Pursuant to the point of order raised by Senator Sands earlier today, the Chair sustains the point of order and rules **H.B. 514** containing the defeated provisions of **S.B. 576** ineligible for consideration in the Senate and orders the measure held in the Office of the Principal Clerk.

CALENDAR (Continued)

S.B. 1148, a bill to make clarifying changes in the Teachers' and State Employees' Comprehensive Major Medical Plan and to resolve legal issues by making clear that the legislative intent since enactment is that contracting with preferred providers is not subject to Chapter 143 of the General Statutes, upon third reading, set aside earlier with point of order under advisement.

With unanimous consent, on motion of Senator Sherron, the bill is recommitted to the **Pensions and Retirement Committee**, with a point of order under advisement.

Senator Basnight offers a motion that the Senate do now recess, which motion he subsequently withdraws.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Pursuant to the motion of Senator Sands prevailing earlier today, special messages are received from the House of Representatives transmitting the following bills and a resolution which are read the first time and disposed of, as follows:

H.B. 153 (Committee Substitute), a bill to create a rail council within the Department of Transportation and to broaden the authority of the Board of Transportation.

Referred to **Rules and Operation of the Senate Committee**.

H.B. 284 (Committee Substitute No. 2), a bill to implement a recommendation of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee to establish an independent Standards Board for School Administration and to allow that Board to charge examination fees.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 363, a bill to implement a recommendation of the Child Fatality Task Force to develop joint training on child abuse and neglect investigations and criminal prosecution.

Referred to **Rules and Operation of the Senate Committee**.

H.B. 396 (Committee Substitute), a bill to clarify the authority of Registers of Deeds to adopt local indexing rules and to delay the effective date of the law requiring registers of deeds to comply with minimum indexing standards for land records management.

Referred to **Judiciary II Committee**.

H.B. 439 (Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 459, a bill to prohibit the sale or other disposal of tobacco to minors, knowingly or otherwise, and to provide that it is an affirmative defense that the seller requested identification or had other facts that reasonably indicated that the purchaser was of legal age.
Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 474, a bill to enlarge the purposes of the North Carolina Seafood Industrial Park Authority to include the promotion of general maritime activities.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 504 (Committee Substitute), a bill to clarify record protection during ongoing OSHA investigations.
Referred to **Judiciary II Committee.**

H.B. 513 (Committee Substitute), a bill to mandate a single portal of entry and exit policy for services for individuals with developmental disabilities.
Referred to **Children and Human Resources Committee.**

H.B. 521, a bill to authorize the City Council of the City of Durham to delegate to the city manager authority to approve petitions for water and sewer service.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 524, a bill to permit children under sixteen years of age to be employed by their parents on the premises of a business holding an ABC permit.
Referred to **Manufacturing and Labor Committee.**

H.B. 533 (Committee Substitute), a bill to ensure the reimbursement of unearned commissions to employees from private personnel services.
Referred to **Judiciary II Committee.**

H.B. 539, a bill to amend the North Carolina Business Corporation Act and to amend G.S. 54-139 relating to foreign cooperative corporations as recommended by the General Statutes Commission.
Referred to **Judiciary II Committee.**

H.B. 544, a bill to make technical amendments to the General Statutes as recommended by the General Statutes Commission.
Referred to **Judiciary II Committee.**

H.B. 558, a bill to clarify the employment status of select staff in the Department of Community Colleges.
Referred to **Education/Higher Education Committee.**

H.B. 599 (Committee Substitute), a bill to amend the requirement of notice to employees about wage and hour terms of employment.
Referred to **Manufacturing and Labor Committee.**

H.B. 611 (Committee Substitute), a bill to amend the composition, appointment process, terms, compensation, and duties of the Advisory Council for the Division of Vocational Rehabilitation Services.
Referred to **State Personnel and State Government Committee.**

H.B. 644 (Committee Substitute No. 2), a bill to amend the Sedimentation Pollution Control Act of 1973 to make it more effective.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 657 (Committee Substitute), a bill to authorize a mediation program for the Office of Administrative Hearings.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 658, a bill to authorize a mediation program for the Industrial Commission.

Referred to **Judiciary II Committee.**

H.B. 665 (Committee Substitute), a bill to improve the regulation of credit insurance and lower premium rates charged for credit insurance.

Referred to **Insurance Committee.**

H.B. 726 (Committee Substitute), a bill to expand the Carteret County Board of Commissioners from five to seven members and reapportion the nomination and election districts.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 753 (Committee Substitute), a bill to clarify the law relating to acquisition by the Town of Cary of street right-of-way outside the corporate limits.

Referred to **Transportation Committee.**

H.B. 763, a bill to allow Pender County and its municipalities to specify by interlocal agreement a redistribution of local sales tax revenues not restricted by law.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 772, a bill to allow early voting.

Referred to **Constitution and Election Laws Committee.**

H.B. 781, a bill to permit the City of Durham to proceed with condemnation of real property when ownership is transferred.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 788, a bill to require the reporting of burn-related injuries from fires.

Referred to **Judiciary II Committee.**

H.B. 795, a bill to amend the law pertaining to the prohibition of certain solicitation by health care providers.

Referred to **Judiciary II Committee.**

H.B. 826, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 827, a bill to establish uniformity in the regulation of roadside hunting.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Judiciary I Committee.**

H.B. 867, a bill restricting expenditures of funds donated to the Fire Department of the Town of Newport.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 877 (Committee Substitute), a bill to clarify the definition of coin-operated machines, video games, and devices and to increase the punishment for certain gambling offenses.
Referred to **Judiciary II Committee.**

H.B. 915, a bill to authorize a method for parents to authorize consent by another for health care for the parents' minor child.
Referred to **Judiciary I Committee.**

H.B. 937, a bill to require the parties to a claim for equitable distribution to exchange an inventory affidavit.
Referred to **Judiciary I Committee.**

H.B. 946 (Committee Substitute), a bill to allow certain nonprofit businesses that provide supported employment for the disabled to come within the purview of the State policy that promotes the use of minority, physically handicapped, and women contractors for State contracts.
Referred to **State Personnel and State Government Committee.**

H.B. 957, a bill to regulate smoking in public places and to establish standards for local governments electing to regulate smoking.
Referred to **Judiciary I Committee.**

H.B. 978, a bill to make changes in the laws pertaining to alimony, as recommended by the Family Law Section of the North Carolina Bar Association.
Referred to **Judiciary I Committee.**

H.B. 986 (Committee Substitute), a bill to amend the law regarding dangerous dogs.
Referred to **Judiciary I Committee.**

H.B. 1001, a bill to encourage local boards of education to renovate old school buildings instead of replacing them.
Referred to **Capital Expenditures and Improvements Committee.**

H.B. 1007, a bill to establish a second Juvenile Code Revision Committee to study the provisions of the existing Juvenile Code that relate to delinquency and recommend necessary revisions.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 1008 (Committee Substitute), a bill to make it a Class I felony to possess or carry a firearm on school property or to aid a minor to possess or carry a weapon on school property, to require the reporting of weapons on school property, to require safe storage of firearms to protect minors, and to require a warning about safe storage upon sale or transfer of a firearm.
Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

H.B. 1020, a bill to prohibit placement of antifreeze in areas where it may poison animals.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 1021 (Committee Substitute), a bill to require that all State agencies issuing business licenses or privilege licenses report quarterly to the Business License Information Office the number of licenses issued by category.
Referred to **State Personnel and State Government Committee.**

H.B. 1027, a bill providing that any forum selection provision in a contract entered into in North Carolina is void as against public policy.
Referred to **Judiciary II Committee.**

H.B. 1043, a bill to clarify the law regarding the health care power of attorney and the Uniform Anatomical Gift Act.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

H.B. 1045, a bill to authorize cities and counties to contract with nonemployees to conduct building inspections.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 1050 (Committee Substitute), a bill to establish the DNA Database and Databank Act of 1993.

Referred to **Judiciary I Committee.**

H.B. 1053 (Committee Substitute), a bill to limit the construction of billboards to promote the safety and recreational value of public travel, and to enhance natural beauty.

Referred to **Economic Development/Travel and Tourism Committee.**

H.B. 1077 (Committee Substitute), a bill to define septage, to clarify when chemical or portable toilets may be used, and to make technical and conforming corrections.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1091, a bill to phase in statewide mediated settlement conferences in superior court actions.

Referred to **Judiciary II Committee.**

H.B. 1092 (Committee Substitute), a bill to require juvenile court counselors to notify school officials in certain cases when a juvenile is adjudicated delinquent and is ordered to attend school as a condition of probation.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Judiciary I Committee.**

H.B. 1094, a bill to clarify the law relating to the conditional delivery of motor vehicles and to provide for insurance coverage for vehicles added to existing policies on nonbusiness days.

Referred to **Judiciary I Committee.**

H.B. 1095, a bill to prohibit insurers from requiring the use of specified repair companies for motor vehicle damage repairs.

Referred to **Judiciary I Committee.**

H.B. 1102 (Committee Substitute), a bill to create the Pesticide Environmental Trust Fund, to be funded by an assessment for each brand or grade of pesticide registered.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1115, a bill to provide a civil action remedy for persons who are sexually exploited by their psychotherapist.

Referred to **Judiciary I Committee.**

H.B. 1119 (Committee Substitute), a bill regarding the establishment of paternity of a child by affidavit, changing the laws of evidence relating to paternity testing in civil actions, and giving priority to the trial of paternity actions.

Referred to **Judiciary I Committee.**

H.B. 1151, a bill to provide that it is a matter of State policy to strictly enforce the littering law and to require persons who are convicted of littering to pick up litter under a community service program.

Referred to **Judiciary I Committee.**

H.B. 1158, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County.
Referred to **Transportation Committee.**

H.J.R. 1247, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education.
Referred to **Education/Higher Education Committee.**

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 908 (Committee Substitute No. 2), a bill to amend the statutes that address suits brought by indigents and appeals prosecuted by indigents.
Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

On motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns at 2:24 P.M. to meet tomorrow, Wednesday, May 19, at 1:30 P.M.

SIXTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, May 19, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, in the whirlwind of activity that accompanied last week's crossover deadlines, when legislative days extended to long nights, calendars bulged to manuscript size, three and four conversations were carried on simultaneously. You were there in all of the chaos to help Senators and staff bring order to the bills that were proposed.

"In the days ahead help them to know not only what to do, but how to accomplish their goals. If minds need making up, You, who made our minds, can show us how to do that. If minds need changing, You can work that miracle, too.

"We are grateful for Your Presence in the storm and in the quiet that follows. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, May 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Kincaid.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 727, an act to authorize Pender County to convey to the Willard Outreach Organization, Inc., certain real property at private sales. (Ch. 52)

S.B. 777, an act to revise the Charter of the Town of Grifton to allow the Town to exercise extraterritorial land-use jurisdiction within two miles of the Town's corporate limits. (Ch. 53)

S.B. 861, an act to allow shampooing by unlicensed shampooers in Jones and Lenoir Counties. (Ch. 54)

H.B. 410 (Committee Substitute), an act to merge the Beaufort County and Washington City School Administrative Units. (Ch. 55)

H.B. 836, an act to permit the City of Winston-Salem to levy a motor vehicle tax of up to ten dollars. (Ch. 56)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hyde for the **Constitution and Election Laws Committee**:

H.B. 453, a bill to provide that unopposed candidates for statutorily created offices which are elected on a partisan basis are declared elected without appearing on the general election ballot, so as to reduce ballot clutter, reduce costs of election and campaigning, with a favorable report.

H.B. 506, a bill to provide for the transfer of registered voters, who reside in Orange County and within the city limits of the City of Durham, from the Durham County Board of Elections to the Orange County Board of Elections, with a favorable report.

H.B. 677, a bill to revert certain precinct boundaries in Buncombe County to their status on December 31, 1991, and to grant certain limited powers to the Buncombe County Board of Elections, with a favorable report.

H.B. 694, a bill to change the candidate filing period for the Gaston County Board of Education so it will close prior to the availability of absentee ballots, with a favorable report.

H.B. 780, a bill to postpone implementation of mail-in voter registration and the upgraded motor voter provisions so they will be implemented at the same time as similar federal legislation, with a favorable report.

H.B. 819, a bill to provide for nonpartisan election of the Transylvania County Board of Education, with a favorable report.

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

H.B. 428, a bill to repeal the prohibition on hunting wild turkeys in Gates County, with a favorable report.

H.B. 492, a bill to establish a wildlife preserve and bird sanctuary in the City of Boiling Spring Lakes in Brunswick County, with a favorable report.

H.B. 493, a bill to establish a no-wake zone in the City of Southport and to allow the City of Southport to regulate certain activities in waterways adjacent to the City, with a favorable report.

H.B. 600, a bill to prohibit hunting from the rights-of-way of public roads in Madison County, with a favorable report.

H.B. 801 (Committee Substitute), a bill to prohibit the discharge of a centerfire rifle in Cabarrus County without the written permission of the landowner or lessee and to

permit deer hunting from stationary stands in Cabarrus County with the written permission of the landowner or lessee, with a favorable report, as amended.

S.B. 829, a bill to transfer the North Carolina State Museum of Natural Sciences and its Advisory Commission from the Department of Agriculture to the Department of Cultural Resources and to conform various statutory references to that Museum, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the proposed Committee Substitute bill 6653, which changes the title to read **S.B. 829** (Committee Substitute), a bill to transfer the North Carolina State Museum of Natural Sciences and its Advisory Commission from the Department of Agriculture to the Department of Environment, Health, and Natural Resources and to conform various statutory references to that Museum, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **State Personnel and State Government Committee.**

By Senator Parnell for the **Insurance Committee:**

S.B. 580, a bill to establish the percentage rate for the insurance regulatory charge for taxable year 1993 and to make corresponding amendments to the Department of Insurance and Consumer Protection Funds, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Folger for the **Local Government and Regional Affairs Committee:**

H.B. 411, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Perquimans County weapon permits, with a favorable report.

H.B. 423, a bill deannexing a certain tract of property from the City of Burlington, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 792, a bill to abolish the office of Coroner in Clay County, with a favorable report.

H.B. 811, a bill to clarify that the boundaries of the Town of Atlantic Beach include an area known as The Pocket, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 812, a bill to establish the boundary line between Carteret and Craven Counties, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 867, a bill restricting expenditures of funds donated to the Fire Department of the Town of Newport, with a favorable report.

H.B. 405, a bill to incorporate the City of Northwest, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the bill, as amended, is re-referred to the **Finance Committee.**

H.B. 804, a bill to exempt Wilkes County and the Towns of Ronda, Wilkesboro, and North Wilkesboro from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, with a favorable report, as amended.

By Senator Seymour for the **Public Utilities Committee:**

H.B. 1083 (Committee Substitute), a bill to conform State gas pipeline penalty standards to the newly enacted amendments to the Federal Natural Gas Pipeline Safety Act of 1968, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Speed for the **Transportation Committee:**

H.B. 621 (Committee Substitute), a bill regarding coupling devices for trailers and towed vehicles, with a favorable report.

H.B. 796, a bill granting to Durham County reduction of the notice period for closing roads and easements, clarifying the County's authority to permit the closing of unopened roads, the division of right-of-way in typical road closings, and establishing procedures for appeals of road closings, with a favorable report.

H.B. 982 (Committee Substitute), a bill to permit increased weights for hauling North Carolina agricultural commodities, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Senate Committee Substitute bill 2232, which changes the title, upon concurrence, to read **H.B. 982** (Senate Committee Substitute), a bill to permit increased weights for hauling agricultural commodities, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 20, for further consideration.

RE-REFERRAL

H.B. 1122, a bill to direct the Health Services Commission to adopt rules restricting the offering of unwrapped food samples, referred to **Children and Human Resources Committee** on May 12.

Senator Walker offers a motion that the bill be taken from the **Children and Human Resources Committee** and re-referred to the **Agriculture, Marine Resources, and Wildlife Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Agriculture, Marine Resources, and Wildlife Committee.**

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Seymour:

S.B. 1186, a bill to appropriate funds to provide classroom materials on State Capitol history and educational staff to serve school classes touring the Capitol and State government complex.

Referred to **Appropriations Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Simpson:

S.B. 1187, a bill to regulate the business of prepaid legal service plans.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Albertson, Gulley, Gunter, Hoyle, Hunt, Jordan, Martin of Pitt, Parnell, Speed, and Warren:

S.B. 1188, a bill to establish a grant program for local crime prevention pilot programs that focus on truancy and truancy-related crime.

Referred to **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 647, a bill to limit molders' obligations to retain dies, molds, forms, or patterns.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 747 (Committee Substitute No. 2), a bill to amend the North Carolina Veterinary Practice Act.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 784 (Committee Substitute), a bill to require the Utilities Commission to study the allocation of unserved areas for the provision of natural gas service and to study alternative means of rate making for natural gas.

Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

The Chair declares the voting equipment inoperative.

H.B. 162, a bill concerning annexation of certain property by the Town of Clayton, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, May 20, for further consideration, upon third reading.

H.B. 143 (Committee Substitute), a bill making a qualified exception for the Cities of Greensboro and High Point and Guilford County and Pitt County from the Public Records Act for certain geographical information systems, as amended.

Senator Cooper offers Amendment No. 2 which is adopted, further changing the title, upon concurrence, to read **H.B. 143** (Committee Substitute), a bill making a qualified exception for the Cities of Greensboro and High Point and Guilford County and Pitt County and Mecklenburg County and Nash County from the Public Records Act for certain geographical information systems.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

S.B. 852 (Committee Substitute), a bill to reduce the State unemployment insurance tax rate under certain circumstances, upon second reading.

On motion of Senator Kerr, consideration of the Committee Substitute bill is postponed until Tuesday, May 25.

S.B. 734, a bill to require the Department of Environment, Health, and Natural Resources to pilot the collection of entrance fees at certain State parks.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

Senator Sherron rises to a point of order as to the measure requiring a call of the roll under the provisions of the North Carolina Constitution, Article II, Section 23. The Chair rules the measure establishes fees as opposed to taxes and fails to sustain the point of order.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 836 (Committee Substitute), a bill to waive the fee for special identification cards for homeless persons.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

H.B. 40, a bill to direct the Department of Public Instruction to study various issues affecting the education of and delivery of services to exceptional children, with a favorable report.

H.B. 559 (Committee Substitute), a bill to modify the Trustee Association Regions of the North Carolina Community College System and to make a technical change to the procedure for electing the chair and other officers of the State Board of Community Colleges, with a favorable report.

S.B. 1067 (Committee Substitute), a bill to authorize local boards of education to request and receive a waiver of State laws regarding funding for teacher assistants, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 5667 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

CALENDAR (Continued)

H.B. 969 (Senate Committee Substitute), a bill to remove the sunset on the act permitting the use of demolition asphalt as fill.

Senator Odom offers Amendment No. 1. Senator Johnson rises to a point of order as to Amendment No. 1 being germane to the Senate Committee Substitute bill.

Senator Odom offers a motion that the Senate Committee Substitute bill be re-referred to the **Judiciary II Committee**, with Amendment No. 1 pending.

Senator Soles rises to the point of order as to the germaneness of Amendment No. 1 standing against the recommendation of the **Judiciary II Committee**.

With unanimous consent, Senator Johnson withdraws his point of order as to Amendment No. 1 being germane to the Senate Committee Substitute bill.

With unanimous consent, Senator Odom withdraws his motion to re-refer the measure to the **Judiciary II Committee**, with Amendment No. 1 pending.

With unanimous consent, Senator Odom withdraws Amendment No. 1.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

INTRODUCTION OF BILL

S.B. 972, a bill to enact the Radiation Technology Practice Act, pursuant to G.S. 120-149, ordered held as filed in the Office of the Principal Clerk for receipt of an assessment report from the Legislative Committee on New Licensing Boards on April 27.

Senator Ballance offers a motion to the end that the bill be recalled from the Office of the Principal Clerk, presented to the Senate, read the first time and referred to the **Judiciary I Committee**, as the Senate is in receipt of an assessment report.

Senator Smith rises to a point of order as to a negative assessment report excluding the measure from consideration by the Senate. The Chair fails to sustain the point of order ruling G.S. 120-149 fails to reflect exclusion from consideration consequently and further rules the measure eligible for introduction.

Senator Smith offers a substitute motion that the bill, along with the assessment report, be referred to the **Children and Human Resources Committee**, which motion fails to prevail (12-35).

With unanimous consent, Senator Ballance withdraws his motion that the bill be recalled from the Office of the Principal Clerk, presented to the Senate, read the first time and referred to the **Judiciary I Committee**.

Senator Ballance consequently offers a motion that the bill be recalled from the Office of the Principal Clerk, presented to the Senate, read the first time and referred to the **Judiciary I Committee** and upon receipt of a favorable report, re-referred to the **Finance Committee**, which motion prevails.

The bill is recalled from the Office of the Principal Clerk, presented to the Senate, read the first time and referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

On motion of Senator Basnight, seconded by Senator Forrester, the Senate adjourns at 2:45 P.M. to meet tomorrow, Thursday, May 20 at 1:30 P.M.

SIXTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, May 20, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, regardless of our religious preferences or our ideological and philosophical differences, once a day, at this time of prayer, we come to the altar of God as community.

"The most important prayers are often the silent, personal petitions that nonetheless reverberate from the floor of the Senate to the heavens above.

"Whatever other reasons we have for coming to this altar, if we come also to give each other our love and to give You, O God, our love, then with Gabriel and Michael, Abraham, Isaiah, Mary, Martha, Peter, and John, we come as the communion of saints and there is optimism, healing, and strength to be derived from our community. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, May 19, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Kincaid, Senator Simpson, and Senator Walker.

The Chair extends courtesies of the gallery to Margaret Maron of Johnston County who is the recipient of two of the nation's top literary prizes, the Edgar Allan Poe Award and the Agatha Award, for her latest mystery novel, Bootlegger's Daughter.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 545, an act to delete the requirement that local boards of education file copies of their budget resolutions with the State Board of Education. (Ch. 57)

S.B. 546, an act to place the Superintendent of Public Instruction on the Commission on Children with Special Needs. (Ch. 58)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

S.B. 1026, a bill to allow county fire marshals, deputy and assistant county fire marshals, and certain fire inspectors to participate in the Firemen's and Rescue Squad Workers' Pension Fund and to provide for benefits to be paid to county fire marshals and others from the Firemen's Relief Fund, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

By Senator Harris, Vice-Chairman, for Senator Walker, Chairman, for the **Children and Human Resources Committee**:

S.B. 888, a bill to provide for the State of North Carolina to construct, maintain, and operate a State Veterans Home and to assign the Division of Veterans Affairs to coordinate construction and administration of the State Veterans Home Program, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1041, a bill to appropriate funds for a ten percent increase in payments under the Medicaid and Aid to Families with Dependent Children Programs, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 1059, a bill to establish the Social Workers' Education Loan Fund and to appropriate funds for its implementation, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

S.B. 1024, a bill to require a determination of the appropriate reading/writing medium for each visually impaired student, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the proposed Committee Substitute bill 7729, which changes the title to read **S.B. 1024** (Committee Substitute), a bill to require a determination of the appropriate reading and writing medium for each visually impaired student, and to make an appropriation, is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Winner of Buncombe for the **Finance Committee**:

H.B. 920 (Committee Substitute), a bill to reduce the State unemployment insurance tax rate under certain circumstances, with a favorable report.

S.B. 571 (Committee Substitute), a bill to amend the Dam Safety Law of 1967 to make it more effective, as rewritten by the **Environment and Natural Resources Committee**, with a favorable report, as amended.

S.B. 631, a bill to amend the North Carolina Practicing Psychologist Licensing Act, as amended by the **Judiciary II Committee**, with a favorable report, as amended.

S.B. 738, a bill to increase the qualification requirements and authorize an increase in fees for persons holding real estate licenses as recommended by the North Carolina Real Estate Commission and to change the title of real estate salesman to real estate salesperson, with a favorable report, as amended.

S.B. 821 (Committee Substitute), a bill to amend the current procedure for the registration of water withdrawals to make the procedure more effective, to provide more useful information, and to impose a late payment fee for late registrations, as rewritten by the **Environment and Natural Resources Committee**, with a favorable report, as amended.

H.B. 564 (Committee Substitute), a bill to increase the examination fee and the fees for annual renewals of all types of licenses for general contractors, with a favorable report, as amended.

S.B. 549, a bill to provide that the Department of Justice may provide criminal record checks to area mental health, developmental disabilities, and substance abuse authorities and their contract agencies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 5668, which changes the title to read **S.B. 549** (Committee Substitute), a bill to provide that the State Bureau of Investigation may provide criminal record checks to area mental health, developmental disabilities, or substance abuse authorities and their contract agencies, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 24, for further consideration.

S.B. 1025, a bill to provide for payment of the cigarette tax by reporting rather than by tax stamps, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 2691 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, May 24, for further consideration.

By Senator Parnell for the **Insurance Committee**:

S.B. 1043, a bill to require the State Health Director to prepare a medical and health benefits plans, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the proposed Committee Substitute bill 4637, which changes the title to read **S.B. 1043** (Committee Substitute), a bill to require the State Health Director to prepare a medical and health benefits plan, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

APPOINTMENT OF SELECT COMMITTEE

The President *Pro Tempore*, Senator Basnight, appoints the following Senators to the **Select Committee on Senate Bill 906—Workers' Compensation Reform**: Senator Daniel, Chairman; Senators Cooper and Kerr, Vice-Chairmen; Senator Ballance; Senator Hartsell; Senator Kincaid; Senator Marshall; Senator Plexico; Senator Simpson; Senator Soles; Senator Hoyle; and Senator Edwards.

REPORTS OF COMMITTEES (Continued)

Additional bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

H.B. 617, a bill to delete the requirement that a duplicate copy of an application for extradition be filed in the office of the Secretary of State, with a favorable report.

H.B. 696 (Committee Substitute), a bill to provide for notification to a defendant on supervised probation that his probation period may be extended for up to three years if restitution is not completed, with a favorable report.

By Senator Cooper for the **Judiciary II Committee**:

H.B. 131, a bill to extend the coverage of the curative statute for deeds omitting the order of registration, with a favorable report.

H.B. 402, a bill to require that child support payments be continued while the child is enrolled in primary or secondary school, up to graduation or age twenty, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plyler, Odom, Blackmon, Conder, and Richardson:

S.B. 1189, a bill to appropriate funds for arthritis patient services of Mecklenburg and Union Counties.

Referred to **Appropriations Committee.**

By Senators Albertson, Jordan, Perdue, Parnell, Hunt, Martin of Guilford, Carpenter, and Smith:

S.B. 1190, a bill to require that automated phone systems operated by State government agencies reduce the number of menus that callers must go through to connect to a person, and allow access to some person at any time.

Referred to **State Personnel and State Government Committee.**

By Senators Cochrane, Martin of Pitt, Hoyle, and Smith:

S.B. 1191, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources for an equipment type forestry headquarters in Davidson County.

Referred to **Appropriations Committee.**

RE-REFERRAL

S.B. 887, a bill concerning the Town of Santeetlah's water supply, referred to the **Rules and Operation of the Senate Committee** on April 19.

Senator Sands offers a motion to the end the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Local Government and Regional Affairs Committee**, and upon receipt of a favorable report, re-referred to the **Finance Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Local Government and Regional Affairs Committee** and upon receipt of a favorable report, re-referred to the **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 804 (House Committee Substitute), a bill to exempt the Town of Troy from certain zoning notice requirements, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, May 24.

H.B. 136, a bill to extend for an additional five years the requirement that counties use part of the first half-cent local sales tax proceeds only for public school buildings.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 556 (Committee Substitute), a bill to make technical and other changes to the Uniform Boiler and Pressure Vessel Act.

Referred to **Manufacturing and Labor Committee.**

H.B. 854, a bill to revise the boundaries of the Town of Oakboro.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 888, a bill to revise and consolidate the Charter of the Town of Enfield.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1082, a bill to give the Board of Pharmacy authority to regulate medical equipment intended for use in an individual's home.

Referred to **Children and Human Resources Committee.**

CALENDAR

The Chair declares the voting equipment inoperative.

Bills on the Calendar are taken up and disposed of as follows:

H.B. 162, a bill concerning annexation of certain property by the Town of Clayton, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 411, a bill to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Perquimans County weapon permits.

The bill passes its second and third readings and is ordered enrolled.

H.B. 428, a bill to repeal the prohibition on hunting wild turkeys in Gates County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 492, a bill to establish a wildlife preserve and bird sanctuary in the City of Boiling Spring Lakes in Brunswick County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 493, a bill to establish a no-wake zone in the City of Southport and to allow the City of Southport to regulate certain activities in waterways adjacent to the City.

The bill passes its second and third readings and is ordered enrolled.

H.B. 506, a bill to provide for the transfer of registered voters, who reside in Orange County and within the city limits of the City of Durham, from the Durham County Board of Elections to the Orange County Board of Elections.

The bill passes its second and third readings and is ordered enrolled.

H.B. 600, a bill to prohibit hunting from the rights-of-way of public roads in Madison County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 677, a bill to revert certain precinct boundaries in Buncombe County to their status on December 31, 1991, and to grant certain limited powers to the Buncombe County Board of Elections.

The bill passes its second and third readings and is ordered enrolled.

H.B. 694, a bill to change the candidate filing period for the Gaston County Board of Education so it will close prior to the availability of absentee ballots.

The bill passes its second and third readings and is ordered enrolled.

H.B. 792, a bill to abolish the office of Coroner in Clay County.

Senator Harris requests to be recorded voting "no."

The bill passes its second and third readings and is ordered enrolled.

H.B. 796, a bill granting to Durham County reduction of the notice period for closing roads and easements, clarifying the County's authority to permit the closing of unopened roads, the division of right-of-way in typical road closings, and establishing procedures for appeals of road closings.

The bill passes its second and third readings and is ordered enrolled.

H.B. 801 (Committee Substitute), a bill to prohibit the discharge of a centerfire rifle in Cabarrus County without the written permission of the landowner or lessee and to permit deer hunting from stationary stands in Cabarrus County with the written permission of the landowner or lessee.

On motion of Senator Albertson, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 804, a bill to exempt Wilkes County and the Towns of Ronda, Wilkesboro, and North Wilkesboro from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 819, a bill to provide for nonpartisan election of the Transylvania County Board of Education.

The Chair orders, without objection, the bill temporarily displaced.

H.B. 867, a bill restricting expenditures of funds donated to the Fire Department of the Town of Newport.

The bill passes its second and third readings and is ordered enrolled.

H.B. 819, a bill to provide for nonpartisan election of the Transylvania County Board of Education, temporarily displaced earlier.

Senator Plexico offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 40, a bill to direct the Department of Public Instruction to study various issues affecting the education of and delivery of services to exceptional children.

Without objection, on motion of Senator Conder, the bill is temporarily displaced.

H.B. 453, a bill to provide that unopposed candidates for statutorily created offices which are elected on a partisan basis are declared elected without appearing on the general election ballot, so as to reduce ballot clutter, reduce costs of election and campaigning.

Senator Conder and Senator Plyler request to be recorded voting "aye."

The bill fails to pass its second reading.

H.B. 40, a bill to direct the Department of Public Instruction to study various issues affecting the education of and delivery of services to exceptional children, temporarily displaced earlier.

The bill passes its second and third readings and is ordered enrolled.

H.B. 559 (Committee Substitute), a bill to modify the Trustee Association Regions of the North Carolina Community College System and to make a technical change to the procedure for electing the chair and other officers of the State Board of Community Colleges.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

S.B. 219, a bill to delete the requirement that the Board of Governors of the University of North Carolina report to the Joint Legislative Commission on Governmental Operations on vending operations, with a favorable report.

S.B. 499, a bill to provide for inspection and grading of farm products, with a favorable report.

S.B. 544, a bill to amend various statutes pertaining to early intervention services from birth to five years of age, as amended by the **Children and Human Resources Committee**, with a favorable report.

S.B. 625 (Committee Substitute), a bill to amend the General Statutes in order to allow full implementation of the flexible funding and alternative uses authorized under the Federal Intermodal Surface Transportation Efficiency Act of 1991, as rewritten by the **Transportation Committee**, with a favorable report.

S.B. 84, a bill to establish a Comprehensive Compensation System for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this Comprehensive Compensation System, with a favorable report, as amended.

S.B. 533 (Committee Substitute), a bill to institute a statewide reporting system for occupational diseases, illnesses, conditions, and injuries, as rewritten by the **Children and Human Resources Committee**, with a favorable report, as amended.

RE-REFERRAL

S.B. 1119, a bill to provide that a joint obligor may direct a business entity to cease making advances on a line of credit under a credit card, charge card, or revolving account held jointly by the parties, referred to the **Judiciary I Committee** on May 11.

Senator Ballance offers a motion that the bill be taken from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

CALENDAR (Continued)

H.B. 621 (Committee Substitute), a bill regarding coupling devices for trailers and towed vehicles.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 780, a bill to postpone implementation of mail-in voter registration and the upgraded motor voter provisions so they will be implemented at the same time as similar federal legislation.

The bill passes its second and third readings and is ordered enrolled.

H.B. 982 (Senate Committee Substitute), a bill to permit increased weights for hauling agricultural commodities.

On motion of Senator Speed, the Senate Committee Substitute bill is recommitted to the **Transportation Committee**.

RECONSIDERATION

H.B. 453, a bill to provide that unopposed candidates for statutorily created offices which are elected on a partisan basis are declared elected without appearing on the

general election ballot, so as to reduce ballot clutter, reduce costs of election and campaigning, which failed to pass its second reading, earlier today.

Senator Odom offers a motion that the bill be recalled from the Office of the Principal Clerk and offers a motion that the vote by which the bill failed to pass its second reading be reconsidered, which motion prevails, and the question becomes passage of the bill upon second reading.

On motion of Senator Odom, the bill is recommitted to the **Constitution and Election Laws Committee.**

On motion of Senator Basnight, seconded by Senator Richardson, the Senate adjourns at 2:47 P.M. to meet Monday, May 24, at 8:00 P.M.

SIXTY-EIGHTH DAY

SENATE CHAMBER,
Monday, May 24, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, paraphrased from Wishful Thinking by Frederick Buechner, as follows:

"Dear God, when You told Abraham, who was a hundred years old, that his ninety-year-old wife, Sarah, was finally going to have a child, Genesis says he fell on his face laughing. Sarah, eavesdropping from the next room, laughed also. And so You told them to name their son Isaac, which in Hebrew means laughter.

"Why did Sarah and Abraham laugh? They laughed because they knew only a fool would believe such a story. They laughed because You expected them to believe it anyway. They laughed because You believed it and they halfway believed it themselves. They laughed because by chance if it just happened to come true they would really have something to laugh about.

"And so here we are, Senators and staff, beginning a new week with tasks before us more formidable some would say than Sarah at ninety giving birth to a baby.

"Though we may laugh in response for the same variety of reasons as Abraham and Sarah, at least give us the gift of laughter and a faith which is the assurance of things hoped for; the conviction of things not yet seen or realized. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, May 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Soles; Senator Martin of Pitt; Senator Perdue, who has personal business; and to Senator Forrester, who is in attendance at the Aerospace Medical Meeting in Canada.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 46, an act to establish a pilot program designed to rehabilitate prison inmates and reduce recidivism by utilizing a course of study based on developing positive mental attitudes. (Ch. 59)

S.B. 782, an act to amend the Charlotte City Charter to raise the threshold below which the City Manager may approve the acquisition or sale of real property when the property is being acquired or sold for the purpose of increasing the supply of affordable housing available to low or moderate income persons. (Ch. 60)

H.B. 40, an act to direct the Department of Public Instruction to study various issues affecting the education of and delivery of services to exceptional children. (Ch. 61)

H.B. 160 (Senate Committee Substitute), an act to allow all counties to rename all roads within unincorporated areas of the county. (Ch. 62)

H.B. 162, an act concerning annexation of certain property by the Town of Clayton. (Ch. 63)

H.B. 411, an act to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Perquimans County weapon permits. (Ch. 64)

H.B. 428, an act to repeal the prohibition on hunting wild turkeys in Gates County. (Ch. 65)

H.B. 492, an act to establish a wildlife preserve and bird sanctuary in the City of Boiling Spring Lakes in Brunswick County. (Ch. 66)

H.B. 493, an act to establish a no-wake zone in the City of Southport and to allow the City of Southport to regulate certain activities in waterways adjacent to the City. (Ch. 67)

H.B. 506, an act to provide for the transfer of registered voters, who reside in Orange County and within the city limits of the City of Durham, from the Durham County Board of Elections to the Orange County Board of Elections. (Ch. 68)

H.B. 559 (Committee Substitute), an act to modify the Trustee Association Regions of the North Carolina Community College System and to make a technical change to the procedure for electing the chair and other officers of the State Board of Community Colleges. (Ch. 69)

H.B. 600, an act to prohibit hunting from the rights-of-way of public roads in Madison County. (Ch. 70)

H.B. 621 (Committee Substitute), an act regarding coupling devices for trailers and towed vehicles. (Ch. 71)

H.B. 677, an act to revert certain precinct boundaries in Buncombe County to their status on December 31, 1991, and to grant certain limited powers to the Buncombe County Board of Elections. (Ch. 72)

H.B. 694, an act to change the candidate filing period for the Gaston County Board of Education so it will close prior to the availability of absentee ballots. (Ch. 73)

H.B. 780, an act to postpone implementation of mail-in voter registration and the upgraded motor voter provisions so they will be implemented at the same time as similar federal legislation. (Ch. 74)

H.B. 792, an act to abolish the office of Coroner in Clay County. (Ch. 75)

H.B. 796, an act granting to Durham County reduction of the notice period for closing roads and easements, clarifying the County's authority to permit the closing of unopened roads, the division of right-of-way in typical road closings, and establishing procedures for appeals of road closings. (Ch. 76)

H.B. 867, an act restricting expenditures of funds donated to the Fire Department of the Town of Newport. (Ch. 77)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Manufacturing and Labor Committee**:

S.B. 587, a bill to require employers to post notice at its places of employment indicating the employer's ability to pay benefits pursuant to the Workers' Compensation Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 7730, which changes the title to read **S.B. 587** (Committee Substitute), a bill to create the Workers' Compensation Study Commission, is placed before the Senate for immediate consideration.

On motion of Senator Kerr, the Committee Substitute bill is adopted, and on his further motion re-referred to the **Appropriations Committee**.

INTRODUCTION OF BILLS

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Hoyle:

S.B. 1192, a bill authorizing the Legislative Research Commission to study protection of disaster relief volunteers.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 222 (Committee Substitute), a bill to prohibit hunting from, on, or across the right-of-way of a public road or highway in Macon County during deer season, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 222** (Committee Substitute), a bill to prohibit hunting whitetail deer from, on, or across the right-of-way of a public road or highway in Macon County.

The measure is recommitted to the **Judiciary I Committee**.

EXECUTIVE ORDER

An executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 15, Coordinating Committee on the Americans with Disabilities Act.

Referred to **State Personnel and State Government Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 804 (House Committee Substitute), a bill to exempt the Town of Troy from certain zoning notice requirements, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill and the measure is ordered enrolled.

S.B. 533 (Committee Substitute), a bill to institute a statewide reporting system for occupational diseases, illnesses, conditions, and injuries.

With unanimous consent, on motion of Senator Cochrane, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Cochrane, consideration of the Committee Substitute bill is postponed until tomorrow, Tuesday, May 25.

S.B. 571 (Committee Substitute), a bill to amend the Dam Safety Law of 1967 to make it more effective.

With unanimous consent, on motion of Senator Tally, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Tally, consideration of the Committee Substitute bill is postponed until Wednesday, May 26.

S.B. 1025 (Committee Substitute), a bill to provide for payment of the cigarette tax by reporting rather than by tax stamps, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 25, for further consideration, upon third reading.

H.B. 564 (Committee Substitute), a bill to increase the examination fee and the fees for annual renewals of all types of licenses for general contractors, upon second reading.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, May 25, for further consideration, upon third reading.

H.B. 920 (Committee Substitute), a bill to reduce the State unemployment insurance tax rate under certain circumstances, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 25, for further consideration, upon third reading.

S.B. 84, a bill to establish a Comprehensive Compensation System for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this Comprehensive Compensation System.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (43-1).

Senator Kaplan objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 25, for further consideration, upon third reading.

S.B. 738, a bill to increase the qualification requirements and authorize an increase in fees for persons holding real estate licenses as recommended by the North Carolina Real Estate Commission and to change the title of real estate salesman to real estate salesperson.

With unanimous consent, on motion of Senator Sherron, the bill is taken up out of its regular order of business.

On motion of Senator Sherron, consideration of the bill is postponed until tomorrow, Tuesday, May 25.

With unanimous consent, the President grants a leave of absence for the remainder of tonight's session to Senator Sherron, due to illness in his family.

S.B. 219, a bill to delete the requirement that the Board of Governors of the University of North Carolina report to the Joint Legislative Commission on Governmental Operations on vending operations.

The bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 499, a bill to provide for inspection and grading of farm products.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 544, a bill to amend various statutes pertaining to early intervention services from birth to five years of age, as amended and ordered engrossed April 1.

The bill, as amended, passes its second (42-2) and third readings and is ordered sent to the House of Representatives.

S.B. 549 (Committee Substitute), a bill to provide that the State Bureau of Investigation may provide criminal record checks to area mental health, developmental disabilities, or substance abuse authorities and their contract agencies.

Senator Cooper offers Amendment No. 1, which is adopted (44-0), changing the title to read **S.B. 549** (Committee Substitute), a bill to provide that the Department of Justice may provide criminal record checks to hospitals, nursing homes, and area mental health, developmental disabilities, and substance abuse authorities and their contract agencies.

The Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 625 (Committee Substitute), a bill to amend the General Statutes in order to allow full implementation of the flexible funding and alternative uses authorized under the Federal Intermodal Surface Transportation Efficiency Act of 1991.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 631, a bill to amend the North Carolina Practicing Psychologist Licensing Act, as amended by the **Judiciary II Committee**.

On motion of Senator Cooper, the **Finance Committee** Amendment, No. 2, is adopted.

The bill, as amended, passes its second (43-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 821 (Committee Substitute), a bill to amend the current procedure for the registration of water withdrawals to make the procedure more effective, to provide more useful information, and to impose a late payment fee for late registrations.

On motion of Senator Tally, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 131, a bill to extend the coverage of the curative statute for deeds omitting the order of registration.

The bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 402, a bill to require that child support payments be continued while the child is enrolled in primary or secondary school, up to graduation or age twenty.

The bill passes its second reading (23-16).

Senator Sands objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, May 25, for further consideration, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

S.B. 785, a bill to increase the membership of the North Carolina Sheriffs' Education and Training Standards Commission and to establish ten districts for the appointment of Commission members, with an unfavorable report as to bill, as amended by the **Judiciary I Committee**, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended, and the proposed Committee Substitute bill 4639 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 25, for further consideration.

The President recognizes the following pages serving in the Senate this week: Jerry Ray Bayles, Jr., Erwin; John Mark Brooks, Lincolnton; Jennifer Deaver, Kinston; Seth Furr, Raleigh; Alan Douglass Jackson, Sharpsburg; William Thomas Kesler, Jr., Goldsboro; Tempie Gray Kitchin, Scotland Neck; Patrick Morningstar, Rocky Mount; Lisa Carol Morris, Scotland Neck; Robyn E. Perkins, Franklinton; Jennifer Rutler Rapp, Mars Hill; Sophie Reist, Chapel Hill; and Candace A. Worth, Raleigh.

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Johnson, the Senate adjourns at 9:28 P.M. to meet tomorrow, Tuesday, May 25, at 1:30 P.M.

SIXTY-NINTH DAY

SENATE CHAMBER,
Tuesday, May 25, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend John H. Groth, Old St. Paul's Evangelical Lutheran Church, Newton.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, May 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair grants the courtesies of the floor to R. Donald Beard of Cumberland County, former member and Speaker *Pro Tempore* of the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 71 (Committee Substitute), an act to extend the time for applying for an initial exemption concerning fire sprinkler contractors. (Ch. 78)

S.B. 804 (House Committee Substitute), an act to exempt the Town of Troy from certain zoning notice requirements. (Ch. 79)

H.B. 131, an act to extend the coverage of the curative statute for deeds omitting the order of registration. (Ch. 80)

INTRODUCTION OF BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Tally and Edwards:
S.B. 1193, a bill to appropriate funds for the Cape Fear Botanical Garden.
Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 1098 (Committee Substitute), a bill to require contracts for the purchase of advertising in for-profit written periodicals to include certain terms, including a statement of the circulation of the periodical, and to provide remedies for the purchaser in the event the seller fails to comply.
Referred to **Rules and Operation of the Senate Committee**.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Section 221.3, Chapter 689 of the 1991 Session Laws, the North Carolina Department of Human Resources submits the Second Annual Report of Activities and Expenditures under the consent judgment entered to settle the Cassell, et al. v. Flaherty, et al., lawsuit.

APPOINTMENT BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA

Office of the Governor
Raleigh, 27603-8001

May 21, 1993

The Honorable Marc Basnight
Senate President *Pro Tempore*
Legislative Building
Raleigh, North Carolina 27603

Dear Marc:

Pursuant to North Carolina General Statute 126-2, I hereby appoint Thomas C. Sobol, Jr. as chairman of the State Personnel Commission and submit his name for confirmation by the North Carolina General Assembly. In accordance with G.S. 126-2, Mr. Sobol is a county commissioner who will fill the unexpired term of Garland Edwards who recently resigned.

Biographical information on Commissioner Sobol is attached. Please feel free to contact him should you need any additional information.

Thank you for your attention to this important matter.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

Referred to **State Personnel and State Government Committee.**

CALENDAR

The Chair declares the voting equipment inoperative.

Bills on the Calendar carried forward as unfinished business from Monday, May 24, are taken up and disposed of, as follows:

H.B. 617, a bill to delete the requirement that a duplicate copy of an application for extradition be filed in the office of the Secretary of State.
Without objection, on motion of Senator Edwards, the bill is temporarily displaced.

H.B. 696 (Committee Substitute), a bill to provide for notification to a defendant on supervised probation that his probation period may be extended for up to three years if restitution is not completed.

Without objection, on motion of Senator Parnell, the Committee Substitute bill is temporarily displaced.

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1025 (Committee Substitute), a bill to provide for payment of the cigarette tax by reporting rather than by tax stamps, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 564 (Committee Substitute), a bill to increase the examination fee and the fees for annual renewals of all types of licenses for general contractors, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 920 (Committee Substitute), a bill to reduce the State unemployment insurance tax rate under certain circumstances, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 852 (Committee Substitute), a bill to reduce the State unemployment insurance tax rate under certain circumstances, upon second reading.

With unanimous consent, on motion of Senator Winner of Buncombe, the Committee Substitute bill is recommitted to the **Finance Committee**.

H.B. 617, a bill to delete the requirement that a duplicate copy of an application for extradition be filed in the office of the Secretary of State, temporarily displaced earlier.

The bill passes its second and third readings and is ordered enrolled.

H.B. 696 (Committee Substitute), a bill to provide for notification to a defendant on supervised probation that his probation period may be extended for up to three years if restitution is not completed, temporarily displaced earlier.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 533 (Committee Substitute), a bill to institute a statewide reporting system for occupational diseases, illnesses, conditions, and injuries

On motion of Senator Forrester, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

Senator Forrester objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, May 26, for further consideration, upon third reading.

S.B. 738, a bill to increase the qualification requirements and authorize an increase in fees for persons holding real estate licenses as recommended by the North Carolina Real Estate Commission and to change the title of real estate salesman to real estate salesperson.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

Senator Sands offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second reading.

Senator Sands objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, May 26, for further consideration, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

H.B. 793, a bill to allow North Carolina Amateur Sports to use State trucks and vans for the State Games of North Carolina, with a favorable report.

S.B. 648, a bill to amend Chapter 86A regulating barbers, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee**.

By Senator Ballance for the **Judiciary I Committee**:

S.B. 11, a bill to provide for a binding referendum on the establishment of a North Carolina State Lottery, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Committee Substitute bill 5674 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Ballance, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 634 , a bill to allow alcohol in cooking extracts manufactured in this State, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 2236 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 26, for further consideration.

CALENDAR (Continued)

S.B. 785 (Committee Substitute), a bill to increase the membership of the North Carolina Sheriffs' Education and Training Standards Commission and to establish ten districts for the appointment of Commission members.

Senator Cooper offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 84, a bill to establish a Comprehensive Compensation System for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this Comprehensive Compensation System, as amended, upon third reading.

Senator Kaplan offers Amendment No. 2.

Senator Johnson rises to a point of order as to Amendment No. 2 being germane to the bill, as amended. The Chair states the bill establishes merit salary schedules while Amendment No. 2 addresses disciplinary action, and holds Amendment No. 2 not to be germane. The Chair orders Amendment No. 2 returned to the sponsor.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

Senator Kaplan requests to be recorded voting "no" on the third reading of the bill, as amended.

H.B. 402, a bill to require that child support payments be continued while the child is enrolled in primary or secondary school, up to graduation or age twenty, upon third reading.

On motion of Senator Cooper, consideration of the bill is postponed until tomorrow, Wednesday, May 26.

RE-REFERRALS

H.B. 1119 (Committee Substitute), a bill regarding the establishment of paternity of a child by affidavit, changing the laws of evidence relating to paternity testing in civil actions, and giving priority to the trial of paternity actions, referred to **Judiciary I Committee** on May 18.

Senator Ballance offers a motion that the Committee Substitute bill be taken from the **Judiciary I Committee** and re-referred to **Judiciary II Committee**, which motion prevails.

The Chair orders the Committee Substitute bill re-referred to the **Judiciary II Committee**.

S.B. 1119, a bill to provide that a joint obligor may direct a business entity to cease making advances on a line of credit under a credit card, charge card, or revolving account held jointly by the parties, referred to **Judiciary II Committee** on May 20.

Senator Ballance offers a motion that the bill be taken from the **Judiciary II Committee** and recommitted to the **Judiciary I Committee**.

Senator Sands rises to a point of order as to only the chairman of the committee to which a bill is referred authorized to offer a motion of re-referral. The Chair sustains the point of order, and consequently, Senator Cooper offers a motion the bill be taken from the **Judiciary II Committee** and recommitted to the **Judiciary I Committee**, which motion prevails.

The Chair orders the bill recommitted to the **Judiciary I Committee**.

On motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 3:08 P.M. to meet tomorrow, Wednesday, May 26, at 1:30 P.M.

SEVENTIETH DAY

SENATE CHAMBER,
Wednesday, May 26, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Les Wicker, Trinity United Church of Christ, Conover, as follows:

"O Great and Loving Spirit, You have always been, and before You nothing was. There is no one to pray to, but You. The star nations of the heavens are Yours and Yours are the grasses of the field. You are older than all need, older than all prayer, and older than life.

"Lifting prayers to such an Eternal Spirit gives us strength, courage, and resolve to do what must be done, to do what You have called us to do.

"For You are our God, and You, Alone, know not only the beginning, but the ending.

"We trouble ourselves with consequences, but may our concern be always and only for Your purposes and for public duty.

"In our minds there is often honest confusion and perplexity about what is right and good.

"But we know there is never confusion with You. We, therefore, pray that this day and always we will be guided to do what is right.

"Give us that clear vision that we may know what we stand for, lest we fall for anything. Give us a passion always to be Your servant people in the service of leading the people of this great State. These and all prayers are made in the Name of Christ. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, May 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Johnson, and a leave of absence for tomorrow, Thursday, May 27, to Senator Blackmon, who is attending the North Carolina Department of Transportation X 2000 Demonstration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 688, an act amending the Durham City Charter with respect to zoning protest petitions. (Ch. 81)

H.B. 143 (Committee Substitute), an act making a qualified exception for the Cities of Greensboro and High Point and Guilford County and Pitt County and Mecklenburg County and Nash County from the Public Records Act for certain geographical information systems. (Ch. 82)

H.B. 617, an act to delete the requirement that a duplicate copy of an application for extradition be filed in the Office of the Secretary of State. (Ch. 83)

H.B. 696 (Committee Substitute), an act to provide for notification to a defendant on supervised probation that his probation period may be extended for up to three years if restitution is not completed. (Ch. 84)

H.B. 920 (Committee Substitute), an act to reduce the State unemployment insurance tax rate under certain circumstances. (Ch. 85)

H.B. 969 (Senate Committee Substitute), an act to remove the sunset on the act permitting the use of demolition asphalt as fill. (Ch. 86)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

S.B. 1111, a bill to allow each of the members of the Farmers Mutual Fire Insurance Association of North Carolina to be independently chartered, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Hyde for the **Constitution and Election Laws Committee**:

H.B. 713, a bill to repeal a 1992 local act which would have called a referendum on the question of electing the Mitchell County Tax Collector, with a favorable report.

H.B. 1112, a bill to restrict the time period within which unsolicited automatic dialing and recorded messages may be made by phone, with a favorable report, as amended.

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

S.B. 590, a bill to add to the authorized uses of designated boating funds by the Wildlife Resources Commission and to increase fees for boat certificates of number, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 620, a bill to provide increased apicultural support at North Carolina State University and increased apicultural inspection services at the North Carolina Department of Agriculture, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 27 (Committee Substitute), a bill to restrict the transportation of children under the age of twelve in the open bed or open cargo area of a vehicle, with a favorable report.
Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee.**

S.B. 591, a bill to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve-month hunting and fishing licenses, to establish short-term and season nonresident licenses for hunting game, and to provide for a free fishing day, with a favorable report, as amended.
Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.
Pursuant to Rule 43, the Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee.**

By Senator Cooper for the **Judiciary II Committee**:

H.B. 496, a bill to permit investment of trust assets in mutual funds advised by a corporate trustee, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.
On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 9254 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 27, for further consideration.

By Senator Hunt for the **Finance Committee**:

H.B. 461, a bill to revise and consolidate the Charter of the City of Lowell, with a favorable report.

S.B. 822, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public transportation, with a favorable report, as amended.

S.B. 9 (Committee Substitute), a bill to encourage and permit cooperative agreements of hospitals, with an unfavorable report as to the **Judiciary II Committee** Substitute bill, but favorable as to the **Finance Committee** Substitute bill, No. 2.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill No. 2 7703 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, May 27, for further consideration.

S.B. 1157, a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill 7733, which changes the title to read **S.B. 1157** (Committee Substitute), a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property, is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 27, for further consideration, upon second reading.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Winner of Mecklenburg, Hoyle, Odom, Harris, Conder, Blackmon, Plyler, Hartsell, and Richardson:

S.B. 1194, a bill to appropriate funds for planning the expansion of the library at the University of North Carolina at Charlotte.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Warren and Martin of Pitt:

S.B. 1195, a bill to provide that if land taxed at its present use value is donated to a unit of State or local government, there shall be no rollback of deferred taxes.

Referred to **Finance Committee**.

By Senator Jordan:

S.B. 1196, a bill to appropriate funds for economic development in Kinston.

Referred to **Appropriations Committee**.

By Senator Jordan:

S.B. 1197, a bill to appropriate funds for an educational and community center in Kinston.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Jordan:

S.B. 1198, a bill to appropriate funds for Head Start capital construction and facility needs.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 16, The Geographic Information Coordinating Council and The Center For Geographic Information and Analysis.

Referred to **State Personnel and State Government Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Folger for the **Local Government and Regional Affairs Committee:**

H.B. 182, a bill to modify the vote required for private sale of property by the City of Greensboro for public purposes, with a favorable report.

H.B. 198, a bill to allow Albert A. Bell and Lilly K. Bell to convey certain property to the City of New Bern, with a favorable report.

H.B. 207, a bill to expand the Bostian Heights Fire District in Rowan County, with a favorable report.

H.B. 399 (Committee Substitute), a bill to provide additional procedures for Alexander County to increase the size of rural fire protection districts, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 407, a bill to provide that the organizational meeting for Board of County Commissioners in the year of their election shall take place on the date their term starts, with a favorable report.

H.B. 413, a bill to change the method of electing the Perquimans County Board of Commissioners to improve the opportunity for minority citizens to elect candidates of their choice, with a favorable report.

H.B. 424, a bill to authorize the City of Burlington to convey certain surplus property by private sale, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 491, a bill to repeal the act creating a revolving loan fund for Robeson County from the proceeds of certain past-due tax receipts, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 590, a bill to allow the incorporated volunteer fire departments of Currituck County to purchase governmental and municipal surplus property and equipment, with a favorable report.

H.B. 726 (Committee Substitute), a bill to expand the Carteret County Board of Commissioners from five to seven members and reapportion the nomination and election districts, with a favorable report.

H.B. 879, a bill to allow the City of Oxford to make sidewalk assessments and assess without a petition, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 339 (Committee Substitute), a bill to amend the monetary limits for purposes of complying with formal bidding requirements by the City of Greensboro, with a favorable report, as amended.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

The Chair declares the voting equipment inoperative.

S.B. 571 (Committee Substitute), a bill to amend the Dam Safety Law of 1967 to make it more effective.

With unanimous consent, on motion of Senator Tally, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Tally, the Committee Substitute bill is recommitted to the **Environment and Natural Resources Committee.**

S.B. 170, a bill to implement a recommendation of the Government Performance Audit Committee that division traffic services be realigned to focus on signal-related services.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Rules and Operation of the Senate Committee.**

H.B. 634 (Senate Committee Substitute), a bill to allow alcohol in cooking extracts manufactured in this State.

Senator Sands offers Amendment No. 1 which is adopted.

The Senate Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 793, a bill to allow North Carolina Amateur Sports to use State trucks and vans for the State Games of North Carolina.

The bill passes its second and third readings and is ordered enrolled.

S.B. 533 (Committee Substitute), a bill to institute a statewide reporting system for occupational diseases, illnesses, conditions, and injuries, as amended, upon third reading.

On motion of Senator Forrester, consideration of the Committee Substitute bill, as amended, is postponed until Wednesday, June 2.

S.B. 738, a bill to increase the qualification requirements and authorize an increase in fees for persons holding real estate licenses as recommended by the North Carolina Real

Estate Commission and to change the title of real estate salesman to real estate salesperson, as amended, upon third reading.

Senator Sands offers Amendment No. 3 which is adopted.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

H.B. 402, a bill to require that child support payments be continued while the child is enrolled in primary or secondary school, up to graduation or age twenty, upon third reading.

On motion of Senator Cooper, consideration of the bill is postponed until tomorrow, Thursday, May 27.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

H.B. 471, a bill to make technical changes in the law regarding vocational education, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 616, a bill to grant local boards of education more flexibility to establish year-round schools, with a favorable report.

S.B. 960, a bill to establish the North Carolina Interloc Program, a grant program to encourage local boards of education to act jointly to provide programs or services, and to permit two or more local boards of education to operate schools jointly, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 9715 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 365 (Committee Substitute), a bill to require public school children to receive a health assessment before entry into kindergarten, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Senate Committee Substitute bill 4179 is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 27, for further consideration.

S.B. 39, a bill to appropriate funds to meet the capital and operational costs of transferring the Department of Agriculture Education from the College of Education and Psychology to the College of Agriculture and Life Sciences at North Carolina State University, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 284 (Committee Substitute No. 2), a bill to implement a recommendation of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee to establish an independent Standards Board for School Administration and to allow that Board to charge examination fees, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee.**

H.B. 257 (Committee Substitute), a bill to implement the recommendations of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee concerning school administrator programs at the constituent University of North Carolina institutions, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, re-referred to the **Appropriations Committee.**

On motion of Senator Basnight, seconded by Senator Perdue, the Senate adjourns at 2:22 P.M. to meet tomorrow, Thursday, May 27, at 12:00 Noon.

SEVENTY-FIRST DAY

SENATE CHAMBER,
Thursday, May 27, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, in the days ahead, the Senators will need more than just intellect or heart when deciding on the difficult bills that are being proposed. They will need an extra measure of conviction.

"While the rest of us sleep, their convictions will be born out of sleepless nights. During those dark nights of soul-searching, remind them that You have promised to be a Lamp unto their feet, a Light unto their pathway. Speak clearly, Lord, so that when the dawn breaks, they will act out of intellect, heart, and the conviction that they are doing Your Will. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, May 26, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Plexico and to Senator Winner of Buncombe for Monday, May 31. A leave of absence granted previously to Senator Blackmon for today is noted.

REPORTS OF COMMITTEES

Pursuant to Resolution 13 of the 1993 Session Laws, Senator Perdue, Chairman of the **Education/Higher Education Committee**, submits the following report:

NORTH CAROLINA GENERAL ASSEMBLY

May 27, 1993

TO:	Members of the Senate
FROM:	S/Beverly M. Perdue, Chairman Education/Higher Education Committee
RE:	State Board of Community Colleges Election

The Senate Committee on Education/Higher Education has met and nominates the following individuals to fill the at-large seat on the State Board of Community Colleges. This is for a six-year term beginning July 1, 1993, and ending June 30, 1999.

Ms. Carolyn Harmon - Lincolnton, NC
Mr. Harry Shaw - Fayetteville, NC
Dr. Spurgeon W. Webber, Jr. - Charlotte, NC

Senator Perdue, Chairman of the **Education/Higher Education Committee**, designates Senator Hoyle, Co-Chairman of the **Higher Education/Community College Subcommittee**, as floor manager of the election of the member to the State Board of Community Colleges.

ELECTION OF MEMBER TO THE STATE BOARD OF COMMUNITY COLLEGES

Senator Marshall rises to a point of order as to temporarily displacing the election until all members are in the Senate Chamber in order to review the nominations. The Chair cites G.S. 115D-2.1 directs the election to occur at the beginning of the daily session and fails to sustain the point of order. The Chair proceeds with the election of a member to the State Board of Community Colleges.

Senator Perdue offers a motion that in the event no candidate receives a clear majority of those present and voting, and no tie vote occurs, the two candidates receiving the highest number of votes appear on the second ballot, which motion prevails.

Pursuant to G.S. 115D-2.1, the President announces no further nominations can be accepted. The Chair directs the members of the **Higher Education/Community College Subcommittee**, Senator Hoyle, Co-Chairman; Senator Warren, Co-Chairman; and Senators Lee, Gulley, Smith, Marshall, Hartsell, and Hunt to distribute the ballots to the members of the Senate.

The President of the Senate directs the members to mark and sign the ballots. The President directs Senator Hoyle, Senator Warren, Senator Hartsell, and Senator Smith to collect the ballots and excuses them to tabulate the results.

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 1040, a bill to appropriate funds to develop comprehensive, coordinated adolescent pregnancy prevention initiatives, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

H.B. 1082, a bill to give the Board of Pharmacy authority to regulate medical equipment intended for use in an individual's home, with a favorable report.

On motion of Senator Walker, the bill is re-referred to the **Finance Committee**.

S.B. 1089, a bill to require the Commission for Health Services to adopt rules governing the sanitation of shelters for homeless persons, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee**.

S.B. 1102, a bill to implement a recommendation of the Child Fatality Task Force to mandate maximum case load and other standards for child protective services workers and to appropriate funds, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee**.

With unanimous consent, on motion of Senator Sands, all bills and resolutions reported from committees today, Thursday, May 27, are ordered placed on the Calendar for consideration on Tuesday, June 1.

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 54, a bill to impose an advance disposal tax on small quantities of new household hazardous items and to require each county to provide a site for the collection and disposal of household hazardous waste, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the proposed Committee Substitute bill 5675, which changes the title to read **S.B. 54** (Committee Substitute), a bill to impose an advance disposal tax on small quantities of new household hazardous items and to require each county to provide for the collection and disposal of household hazardous waste, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 733, a bill to establish a North Carolina Park Authority, to establish a Park Fund of North Carolina for land acquisition and capital projects at State parks and city and county parks, and to fund the Park Fund of North Carolina primarily from the deed stamp tax, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Parnell for the **Insurance Committee:**

S.B. 1084, a bill to make substantive and technical changes and improvements in the laws regulating service agreements and to enable the Department of Insurance to properly administer those law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the proposed Committee Substitute bill 4644 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Ballance for the **Judiciary I Committee:**

H.B. 97, a bill to increase the limit on cash prizes for raffles, with a favorable report.

Pursuant to the motion offered by Senator Sands, earlier today, the bill is placed on the Calendar for Tuesday, June 1, for consideration.

H.B. 436 (Committee Substitute), a bill to allow New Hanover County and the Town of Cape Carteret to regulate the operation of personal watercraft, with a favorable report.

Pursuant to the motion offered by Senator Sands, earlier today, the Committee Substitute bill is placed on the Calendar for Tuesday, June 1, for consideration.

S.B. 222 (Committee Substitute), a bill to prohibit hunting from, on, or across the right-of-way of a public road or highway in Macon County during deer season, with a favorable report as to concurrence.

Pursuant to the motion offered by Senator Sands, earlier today, the Committee Substitute bill is placed on the Calendar for Tuesday, June 1, for concurrence in House Amendment No. 1, which proposes to change the title to read **S.B. 222** (Committee Substitute), a bill to prohibit hunting whitetail deer from, on, or across the right-of-way of a public road or highway in Macon County.

RE-REFERRALS

S.B. 1060, a bill to appropriate funds for the North Carolina Foreign Language Center, referred to **Education/Higher Education Committee** on May 6.

Senator Perdue offers a motion that the bill be taken from the **Education/Higher Education Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee**.

S.B. 904, a bill to change the law regarding State aid to private colleges, referred to **Education/Higher Education Committee** on April 19.

Senator Perdue offers a motion that the bill be taken from the **Education/Higher Education Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee.**

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 793, an act to allow North Carolina Amateur Sports to use State trucks and vans for the State Games of North Carolina. (Ch. 87)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Jordan:

S.B. 1199, a bill to appropriate funds for cultural and recreational youth programs for Pender County.

Referred to **Appropriations Committee.**

By Senators Gunter, Martin of Guilford, Cooper, Smith, Forrester, Lee, Hartsell, Marshall, Gulley, Winner of Mecklenburg, Cochrane, Allran, Richardson, Edwards, Kerr, Seymour, Soles, Warren, Johnson, Jordan, Conder, Hoyle, Codington, Perdue, Odom, Speed, Martin of Pitt, Ward, Folger, Plexico, Carpenter, Tally, Ballance, Hunt, Albertson, Simpson, Parnell, Shaw, Kaplan, Kincaid, and Winner of Buncombe:

S.B. 1200, a bill to establish the Legislative Commission on Alternative Schools, and to make an appropriation.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 1142 (Committee Substitute), a bill to establish the North Carolina Substance Abuse Professionals Certification Act.

Pursuant to G.S. 120-149, the Committee Substitute bill is ordered held in the Office of the Principal Clerk for an assessment report from the Legislative Committee on New Licensing Boards along with its identical bill, **SB 890.**

EXECUTIVE ORDERS

Executive Orders received (see Appendix) are presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 13, Amending Executive Order Number 10, Concerning the Quality Leadership Awards Council.
Referred to **State Personnel and State Government Committee.**

Executive Order Number 14, Amending Executive Order Number 1, Concerning the Board of Ethics.
Referred to **State Personnel and State Government Committee.**

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue submits its Comparative Statements of Net Collections for the Months of April 1993 and 1992.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 822, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public transportation, upon second reading.
On motion of Senator Winner of Mecklenburg, Committee Amendment No. 1, held to be material, is adopted, constituting the first reading of the measure and changing the title to read **S.B. 822**, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte, the Town of Matthews and the City of Wilmington and to provide that the proceeds of the additional tax in the City of Charlotte and the Town of Matthews may be used only for public transportation.
On motion of Senator Winner of Mecklenburg, further consideration of the bill, as amended, is postponed until Tuesday, June 1.

H.B. 461, a bill to revise and consolidate the Charter of the City of Lowell, upon second reading.
The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:
Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—43.
Voting in the negative: None.
With unanimous consent, on motion of Senator Forrester, the bill is ordered placed on the Calendar for Tuesday, June 1, for further consideration, upon third reading.

ELECTION OF MEMBER TO THE STATE BOARD OF COMMUNITY COLLEGES

The President recognizes Senator Hoyle, Co-Chairman of the **Higher Education/ Community College Subcommittee**, who announces the tabulation of the ballots

reflect Ms. Carolyn Harmon and Dr. Spurgeon W. Webber, Jr. receiving the highest majority of votes. Pursuant to the motion offered by Senator Perdue earlier today, with no candidate receiving a clear majority of those present and voting, Senator Hoyle announces that ballots are being prepared with the names of candidates Ms. Carolyn Harmon and Dr. Spurgeon W. Webber, Jr. for a six-year term to the State Board of Community Colleges beginning July 1, 1993, to expire June 30, 1999.

CALENDAR (Continued)

H.B. 339 (Committee Substitute), a bill to amend the monetary limits for purposes of complying with formal bidding requirements by the City of Greensboro.

With unanimous consent, on motion of Senator Daniel, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

Senator Daniel offers Amendment No. 2 which is adopted (43-0), changing the title, upon concurrence, to read **H.B. 339** (Committee Substitute), a bill to amend the monetary limits for purposes of complying with formal bidding requirements by the City of Greensboro and to allow Alamance County to enter into contracts to repair the Alamance County Courthouse.

The Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

H.B. 182, a bill to modify the vote required for private sale of property by the City of Greensboro for public purposes.

The bill passes its second and third readings and is ordered enrolled.

H.B. 198, a bill to allow Albert A. Bell and Lilly K. Bell to convey certain property to the City of New Bern.

The bill passes its second and third readings and is ordered enrolled.

H.B. 207, a bill to expand the Bostian Heights Fire District in Rowan County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 413, a bill to change the method of electing the Perquimans County Board of Commissioners to improve the opportunity for minority citizens to elect candidates of their choice.

The bill passes its second and third readings and is ordered enrolled.

H.B. 590, a bill to allow the incorporated volunteer fire departments of Currituck County to purchase governmental and municipal surplus property and equipment.

The bill passes its second and third readings and is ordered enrolled.

H.B. 713, a bill to repeal a 1992 local act which would have called a referendum on the question of electing the Mitchell County Tax Collector.

The bill passes its second and third readings and is ordered enrolled.

ELECTION OF MEMBER TO THE STATE BOARD OF COMMUNITY COLLEGES

Senator Hoyle announces the second ballot for election by the Senate to the State Board of Community Colleges is prepared with the candidates Ms. Carolyn Harmon and Dr. Spurgeon W. Webber, Jr. The Chair directs members of the **Higher Education/ Community College Subcommittee** to distribute the ballots to the members of the Senate.

The President directs the members of the Senate to mark and sign the ballots. The President directs the members of the committee to collect the ballots and excuses to tabulate the results.

CALENDAR (Continued)

H.B. 339 (Committee Substitute), a bill to amend the monetary limits for purposes of complying with formal bidding requirements by the City of Greensboro, as amended upon concurrence to read **H.B. 339** (Committee Substitute), a bill to amend the monetary limits for purposes of complying with formal bidding requirements by the City of Greensboro and to allow Alamance County to enter into contracts to repair the Alamance County Courthouse, temporarily displaced earlier.

The Committee Substitute bill, as amended, passes its second reading.

Senator Gulley objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Tuesday, June 1, for further consideration, upon third reading.

H.B. 726 (Committee Substitute), a bill to expand the Carteret County Board of Commissioners from five to seven members and reapportion the nomination and election districts.

The Committee Substitute bill passes its second reading.

Senator Perdue objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Tuesday, June 1, for further consideration, upon third reading.

H.B. 1112, a bill to restrict the time period within which unsolicited automatic dialing and recorded messages may be made by phone.

With unanimous consent, on motion of Senator Hyde, the bill is taken up out of its regular order of business.

On motion of Senator Hyde, consideration of the bill is postponed until Tuesday, June 1.

S.B. 1157 (Committee Substitute), a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property, upon second reading.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 9 (Committee Substitute No. 2), a bill to encourage and permit cooperative agreements of hospitals.

The Committee Substitute No. 2 bill passes its second (40-2) and third readings and is ordered sent to the House of Representatives.

ELECTION OF MEMBER TO THE STATE BOARD OF COMMUNITY COLLEGES

The President recognizes Senator Perdue who announces the ballots are tabulated with Ms. Carolyn Harmon receiving the majority of votes.

Senator Perdue, Chairman of the **Education/Higher Education Committee**, offers a motion that the Senate elect Ms. Carolyn Harmon to the State Board of Community Colleges for a six-year term beginning July 1, 1993, to expire June 30, 1999, which motion prevails, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

Receiving a majority vote, the Chair declares Ms. Carolyn Harmon duly elected by the Senate to the State Board of Community Colleges.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 1157 (Committee Substitute), a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property, upon second reading, temporarily displaced earlier.

Senator Winner of Buncombe offers Amendment No. 1 which is adopted (41-0).

Senator Gulley offers Amendment No. 2 which is adopted (42-0).

Senator Winner of Buncombe offers a motion the rules be suspended to grant privileges of the floor to staff for the purpose of assisting in the explanation of the measure, which motion prevails. Martha Harris of the Bill Drafting Division is seated.

Receiving a three-fifths majority affirmative vote, the Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—42.

Voting in the negative: Winner of Mecklenburg—1.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Tuesday, June 1, for further consideration, upon third reading.

H.B. 365 (Senate Committee Substitute), a bill to require public school children to receive a health assessment before entry into kindergarten.

The Senate Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 407, a bill to provide that the organizational meeting for Board of County Commissioners in the year of their election shall take place on the date their term starts.

The bill passes its second (42-0) and third readings and is ordered enrolled.

H.B. 496 (Senate Committee Substitute), a bill to permit investment of trust assets in mutual funds advised by a corporate trustee.

The Senate Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 616, a bill to grant local boards of education more flexibility to establish year-round schools.

The bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 402, a bill to require that child support payments be continued while the child is enrolled in primary or secondary school, up to graduation or age twenty, upon third reading.

On motion of Senator Cooper, consideration of the bill is postponed until Tuesday, June 1.

On motion of Senator Basnight, seconded by Senator Johnson, the Senate adjourns at 1:22 P.M. to meet Monday, May 31, at 8:00 P.M.

SEVENTY-SECOND DAY

SENATE CHAMBER,
Monday, May 31, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Today, O Lord, we remember the war heroes.

"Some are immortalized by statues, memorials, cemetery headstones, but we also remember those who still carry the wounds and honor of serving this great Nation in their memories.

"While a few men's and women's names now appear in history books, most of the heroes of our wars live in obscurity—heroes only to a spouse or family or friends whose lives they encountered during times from the "Great War" to Desert Storm.

"They fought for freedom, and now we understand that they also fought for peace. May the memories of these heroes never dim until Isaiah's prophecy comes true:

'They will hammer their swords into plows
And their spears into pruning knives.
Nations will never again go to war,
Never prepare for battle again.' Amen."

Senator Conder, Vice-Chairman, for the **Rules and Operation of the Senate Committee,** announces the Journal of Thursday, May 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Shaw. A leave of absence granted previously to Senator Winner of Buncombe for tonight is noted.

REPORTS OF COMMITTEES

Bills and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

H.B. 570 (Committee Substitute), a bill to clarify the food and lodging sanitation law, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Senate Committee Substitute bill 2238 is placed before the Senate for immediate consideration, and on her further motion is adopted.

On motion of Senator Tally, the Senate Committee Substitute bill is re-referred to the **Judiciary II Committee.**

H.B. 1077 (Committee Substitute), a bill to define septage, to clarify when chemical or portable toilets may be used, and to make technical and conforming corrections, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the proposed Senate Committee Substitute bill 2239 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Perdue for the **Education/Higher Education Committee:**

H.J.R. 1247, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Hunt and Gulley:
S.B. 1201, a bill to appropriate funds to the Carolina Theatre project in Durham.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Albertson, Conder, Plyler, Perdue, Jordan, Parnell, Warren, Martin of Pitt, Speed, Hoyle, Kerr, Martin of Guilford, and Hunt:
S.B. 1202, a bill to appropriate funds to the Department of Agriculture to assist in canning poultry for humanitarian shipment to Russia.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:
S.B. 1203, a bill to appropriate funds for planning and developing a model alternative school for disruptive students in the Anson County Schools.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:
S.B. 1204, a bill to appropriate funds to purchase property for the Albemarle-Stanly County Historic Preservation Commission.
Referred to **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1209

House of Representatives
May 27, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **HJR 1209**, Resolution 13, and as directed by G. S. 115D-2.1(b)(4)f, the House of Representatives has elected Ms. Jeannette Council to the State Board of Community Colleges for a term of six years beginning July 1, 1993. Ms. Jeannette Council's term will expire June 30, 1999.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 27 (House Committee Substitute), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, for concurrence in the House Committee Substitute bill.

Recommitted to the **Appropriations Committee.**

The President recognizes the following pages serving in the Senate this week: Chance Nicole Andrews, Raleigh; Vicki Blalock, Garner; Joseph Michael Britt, LaGrange; John Cooke, Raleigh; John Robert Davis, Marion; Thomas M. Fraly II, Mt. Gilead; Elizabeth Futrell, Goldsboro; John Jennings Harriss, Wilmington; Vivian S. Howard, Deep Run; April D. Hughes, Winston-Salem; John Paul Hunter, Goldsboro; Todd Benjamin Morrisette, Cary; Melissa Diane Pope, Mebane; Angela Faith Warren, Coats; Lee Ann Winstead, Rocky Mount; and George A. Worrell, Jr., Goldsboro.

On motion of Senator Conder, seconded by Senator Daniel, the Senate adjourns at 8:14 P.M. in honor and memory of all the brave men and women who gave their lives for our Country, to meet tomorrow, June 1, at 1:30 P.M.

SEVENTY-THIRD DAY

SENATE CHAMBER,
Tuesday, June 1, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"All through this week, O Lord, by the Power of Your Spirit, let us touch the lives of others for good, whether through the words we speak, the prayers we pray, or the lives we live.

"With that as our priority, then everything else on our calendars should fall into their proper places. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, May 31, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Marshall, who is in court.

CALENDAR

H.J.R. 1247, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education, on today's Calendar.

Senator Perdue offers a motion that the joint resolution be taken up out of its regular order of business and placed as the first order of business on today's Calendar, which motion prevails.

The Chair orders the joint resolution placed before the Senate as the first order of business on today's Calendar.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 152, an act to extend the date by which the North Carolina Indian Cultural Center, Inc., is required to enter a lease with the State of North Carolina and to allow the receipt of pledges to satisfy the fund-raising condition to be included in that lease. (Ch. 88)

S.B. 720, an act concerning redistricting for local elections in Cleveland County. (Ch. 89)

S.B. 795, an act to make election day a holiday for all children enrolled in the Burke County schools. (Ch. 90)

S.B. 982, an act to modify the prison population cap. (Ch. 91)

H.B. 182, an act to modify the vote required for private sale of property by the City of Greensboro for public purposes. (Ch. 92)

H.B. 198, an act to allow Albert A. Bell and Lilly K. Bell to convey certain property to the City of New Bern. (Ch. 93)

H.B. 207, an act to expand the Bostian Heights Fire District in Rowan County. (Ch. 94)

H.B. 407, an act to provide that the organizational meeting for Board of County Commissioners in the year of their election shall take place on the date their term starts. (Ch. 95)

H.B. 413, an act to change the method of electing the Perquimans County Board of Commissioners to improve the opportunity for minority citizens to elect candidates of their choice. (Ch. 96)

H.B. 590, an act to allow the incorporated volunteer fire departments of Currituck County to purchase governmental and municipal surplus property and equipment. (Ch. 97)

H.B. 616, an act to grant local boards of education more flexibility to establish year-round schools. (Ch. 98)

H.B. 713, an act to repeal a 1992 local act which would have called a referendum on the question of electing the Mitchell County Tax Collector. (Ch. 99)

H.B. 801 (Committee Substitute), an act to prohibit the discharge of a centerfire rifle in Cabarrus County without the written permission of the landowner or lessee and to permit deer hunting from stationary stands in Cabarrus County with the written permission of the landowner or lessee. (Ch. 100)

H.B. 804, an act to exempt Wilkes County and the Towns of Ronda, Wilkesboro, and North Wilkesboro from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection. (Ch. 101)

H.B. 819, an act to provide for nonpartisan election of the Transylvania County Board of Education. (Ch. 102)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee:**

S.B. 1151, a bill to authorize the Division of Motor Vehicles to issue specialized license plates to county commissioners, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 753 (Committee Substitute), a bill to clarify the law relating to acquisition by the Town of Cary of street right-of-way outside the corporate limits, with a favorable report.

H.B. 982 (Senate Committee Substitute), a bill to permit increased weights for hauling agricultural commodities, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Speed, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 4182, which changes the title, upon concurrence, to read **H.B. 982** (Senate Committee Substitute No. 2), a bill to permit increased weights for hauling agricultural crops within thirty-five miles of the farm where they were grown, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Senate Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Senate Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Wednesday, June 2, for further consideration.

By Senator Ballance for the **Judiciary I Committee:**

H.B. 569 (Committee Substitute), a bill to amend the vital records law to avoid unlawful duplication, with a favorable report, as amended.

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 21, a bill to establish the Constitutional Review Commission to study proposals to make changes in the structure of State Government in North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the proposed Committee Substitute bill 3698, which changes the title to read **S.B. 21** (Committee Substitute), a bill to establish the Constitutional Review Commission to study proposals to make changes in the structure of State government in North Carolina, and to create an Election Laws Review Commission to study the election laws of this State, to propose changes to clarify the present law and other needed changes, and to make an appropriation therefor, is placed before the Senate for immediate consideration.

On motion of Senator Johnson, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 95, a bill to require annual department budget requests to include a separate line item for energy expenses; to authorize the Department of Administration to enter into alternative financing agreements for the purchase of energy conservation measures; to establish the State Facilities Energy Conservation Program; and to authorize the issuance of bonds that are secured by an interest in the property purchased, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the proposed Committee Substitute bill 8523, which changes the title to read **S.B. 95** (Committee Substitute), a bill to require annual department budget requests to include a separate line item for energy expenses; to establish the State Facilities Energy Conservation Program; to authorize the Department of Administration to enter into alternative financing agreements for the purchase of energy conservation projects; and to authorize the issuance of bonds that are secured by an interest in the property purchased, is placed before the Senate for immediate consideration.

On motion of Senator Johnson, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Perdue:
S.B. 1205, a bill to allow public school employees to convert excess annual leave days to sick leave.
Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee** and upon a favorable report, re-referred to the **Ways and Means Committee.**

By Senators Codington and Carpenter:
S.J.R. 1206, a joint resolution memorializing Congress to amend the law to allow veterans full concurrent receipt of military longevity retirement pay and service-connected disability compensation benefits.
Pursuant to Rule 40(c), the joint resolution is ordered held as filed in the Office of the Principal Clerk.

By Senators Sherron and Johnson:
S.B. 1207, a bill to appropriate funds for the restoration of the St. Matthews Rosenwald School.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Johnson:
S.B. 1208, a bill to appropriate funds for equipment for the Alice Aycock Poe Center for Health Education.
Referred to **Appropriations Committee.**

By Senators Sherron and Johnson:
S.B. 1209, a bill to appropriate funds for the restoration of the Yates Mill historical site.
Referred to **Appropriations Committee.**

By Senators Sherron and Johnson:
S.B. 1210, a bill to appropriate funds for the development of the Lake Benson Park.
Referred to **Appropriations Committee.**

By Senators Sherron and Johnson:
S.B. 1211, a bill to appropriate funds for land acquisition for the Little River Reservoir.
Referred to **Appropriations Committee.**

By Senators Sherron and Johnson:
S.B. 1212, a bill to appropriate funds for the construction of a senior citizens center in Northern Wake Senior Center.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Johnson:
S.B. 1213, a bill to appropriate funds for the construction of the Garner Community Center.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron and Johnson:
S.B. 1214, a bill to appropriate funds for restoration of the Oak View Plantation.
Referred to **Appropriations Committee.**

By Senators Sherron and Johnson:

S.B. 1215, a bill to appropriate funds for the construction of the North Carolina Museum of Natural History.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 774, a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the City Manager the authority to make, approve, award, and execute service contracts and make contracts for the purchase of apparatus, supplies, equipment and material, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 774** (House Committee Substitute), a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the City Manager the authority to make, approve, award, and execute service contracts and make contracts for the purchase of apparatus, supplies, equipment, and material.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 791 (Committee Substitute), a bill to authorize Guilford County and the Cities of Greensboro and High Point to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 910 (Committee Substitute), a bill regulating the practice of massage therapy.

Referred to **Judiciary I Committee.**

CALENDAR

A resolution on the Calendar is taken up and disposed of, as follows:

H.J.R. 1247, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education, placed on the Calendar as first order of business earlier today.

The joint resolution passes its second (47-0) and third readings and is ordered enrolled.

RE-REFERRAL

S.B. 1179, a bill to provide that the additional revenue generated by allowing payment of the cigarette tax by reporting rather than by tax stamps shall be earmarked for an Historic Properties Grant Program, referred to **Agriculture, Marine Resources, and Wildlife Committee** on May 17.

Senator Albertson offers a motion the bill be taken from the **Agriculture, Marine Resources, and Wildlife Committee** and re-referred to the **Finance Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Finance Committee.**

RECALL FROM COMMITTEE

S.B. 872, a bill to provide that family care homes shall be treated as residences for purposes in addition to zoning, referred to **Finance Committee** on May 10.

Pursuant to Rule 47(b), Senator Winner of Buncombe offers a motion the bill be taken from the **Finance Committee** and placed on the Calendar for tomorrow, Wednesday, June 2, upon its passage, which motion prevails.

The Chair orders the bill placed on the Calendar for tomorrow, Wednesday, June 2, for consideration.

CALENDAR (Continued)

S.B. 1157 (Committee Substitute), a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property, as amended, upon third reading.

With unanimous consent, on motion of Senator Sherron, the Committee Substitute bill is taken up out of its regular order of business.

Pursuant to Rule 41.1, Senator Sherron, Chairman of the **Ways and Means Committee**, in agreement with Senator Daniel, Chairman of the **Appropriations Committee**, offers a motion that the Committee Substitute bill, as amended, be re-referred to the **Ways and Means Committee**.

The Chair rules that pursuant to Rule 41.1, a motion is not required to re-refer the measure to the **Ways and Means Committee**.

Senator Daniel withdraws his agreement.

The Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

H.B. 461, a bill to revise and consolidate the Charter of the City of Lowell, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 822, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public transportation, as amended, to read **S.B. 822**, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte, the Town of Matthews and the City of Wilmington and to provide that the proceeds of the additional tax in the City of Charlotte and the Town of Matthews may be used only for public transportation, upon second reading.

Senator Winner of Mecklenburg offers Amendment No. 2 which proposes to further change the title only, with a technical amendment.

Senator Jordan offers a motion the bill, as amended, with Amendment No. 2 pending, be temporarily displaced.

Senator Soles offers a substitute motion that the bill, as amended, with Amendment No. 2 pending, be placed on the Calendar for tomorrow, Wednesday, June 2, for further consideration, which motion prevails. The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, June 2, for further consideration.

RECALL FROM PRINCIPAL CLERK'S OFFICE

S.B. 900, a bill to establish the Certified Interior Designers Title Registration Act, ordered held as filed in the Office of the Principal Clerk on April 19 for an assessment report.

An assessment report having been received, Senator Sands offers a motion to the end that the bill be recalled from the Office of the Principal Clerk, presented to the Senate, read the first time and referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**, which motions prevail.

The bill is presented to the Senate, read the first time and referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

CALENDAR (Continued)

H.B. 436 (Committee Substitute), a bill to allow New Hanover County and the Town of Cape Carteret to regulate the operation of personal watercraft.

On motion of Senator Soles, consideration of the Committee Substitute bill is postponed until tomorrow, Wednesday, June 2.

H.B. 339 (Committee Substitute), a bill to amend the monetary limits for purposes of complying with formal bidding requirements by the City of Greensboro, as amended, changing the title, upon concurrence, to read **H.B. 339** (Committee Substitute), a bill to amend the monetary limits for purposes of complying with formal bidding requirements by the City of Greensboro and to allow Alamance County to enter into contracts to repair the Alamance County Courthouse, upon third reading.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 726 (Committee Substitute), a bill to expand the Carteret County Board of Commissioners from five to seven members and reapportion the nomination and election districts, upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

S.B. 222, a bill to prohibit hunting from, on, or across the right-of-way of a public road or highway in Macon County during deer season, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 222** (Committee Substitute), a bill to prohibit hunting whitetail deer from, on, or across the right-of-way of a public road or highway in Macon County.

The Senate concurs in House Amendment No. 1 (47-0) and the measure is ordered enrolled.

S.B. 1157 (Committee Substitute), a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property, as amended, upon third reading, temporarily displaced earlier.

Pursuant to Rule 51, on motion of Senator Winner of Buncombe, the Committee Substitute bill, as amended, is removed from the Calendar for today and placed on the Calendar for Thursday, June 3, as Special Order of Business No. 1.

H.B. 97, a bill to increase the limit on cash prizes for raffles.

The bill passes its second reading (27-16).

With unanimous consent, the bill remains before the Senate for further consideration upon third reading today.

The bill fails to pass its third reading (22-25).

H.B. 1112, a bill to restrict the time period within which unsolicited automatic dialing and recorded messages may be made by phone.

On motion of Senator Hyde, Committee Amendment No. 1 is adopted.

On motion of Senator Hyde, the bill, as amended, is re-referred to the **Public Utilities Committee.**

H.B. 402, a bill to require that child support payments be continued while the child is enrolled in primary or secondary school, up to graduation or age twenty, upon third reading.

Senator Sands offers Amendment No. 1 which is adopted (46-0).

Senator Kerr offers Amendment No. 2 which is adopted (46-1).

The bill, as amended, passes its third reading (46-0) and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

ENROLLED BILL

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.J.R. 1247, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education. (Res. 14)

On motion of Senator Basnight, seconded by Senator Jordan, the Senate adjourns at 2:37 P.M. to meet tomorrow, Wednesday, June 2, at 1:30 P.M.

SEVENTY-FOURTH DAY

SENATE CHAMBER,
Wednesday, June 2, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, some days we long for life without trials or work without difficulties.

"If today is one of those days, remind us that oaks grow strong in contrary winds. Help us to see in every calamity an opportunity and not give way to the pessimism that sees in every opportunity a calamity.

"Knowing that You are still in control. let us get on with the job at hand, doing the best we can and leaving the rest to You.

"Then we will show ourselves to be workers who need not be ashamed, rightly dividing the Word of Truth. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate grants courtesies of the floor to Harry C. Grimmer, former Representative from Mecklenburg County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 123 (Committee Substitute), an act to change the reporting requirements of the Charlotte-Mecklenburg School funding pilot, to define "World Class Pilot School" and to make other technical and conforming changes. (Ch. 103)

S.B. 222 (Committee Substitute), an act to prohibit hunting whitetail deer from, on, or across the right-of-way of a public road or highway in Macon County. (Ch. 104)

S.B. 481, an act allow investments in obligations issued, assumed, or guaranteed by the International Finance Corporation. (Ch. 105)

S.B. 551, an act to amend Chapter 1073 of the 1959 Session Laws to provide that the Sheriff issue Duplin County weapon permits. (Ch. 106)

S.B. 846 (Committee Substitute), an act to increase the amount that may be in controversy in small claims court. (Ch. 107)

S.B. 983, an act to adopt the council-manager form of government for the Town of Manteo. (Ch. 108)

S.B. 994 (Committee Substitute), an act to revise the membership of the Tryon Palace Commission. (Ch. 109)

S.B. 1097, an act to provide that the Northampton County Board of Education shall take office in July of the year of election. (Ch. 110)

H.B. 461, an act to revise and consolidate the Charter of the City of Lowell. (Ch. 111)

H.B. 564 (Committee Substitute), an act to increase the examination fee and the fees for annual renewals of all types of licenses for general contractors. (Ch. 112)

H.B. 726 (Committee Substitute), an act to expand the Carteret County Board of Commissioners from five to seven members and reapportion the nomination and election districts. (Ch. 113)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

S.B. 696, a bill to promote the creation of health plan purchasing alliances to provide access to health benefits for employees of small employer groups and self-employed individuals, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

H.B. 665 (Committee Substitute), a bill to improve the regulation of credit insurance and lower premium rates charged for credit insurance, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Senate Committee Substitute bill 4180 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Thursday, June 3, for further consideration.

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee:**

H.B. 446 (Committee Substitute), a bill to require fees that are imposed for the inspection and grading of farm products and are collected under agreements with the federal government to be used as required by the agreements, and to clarify the authority of the Commissioner of Agriculture concerning these agreements, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 1020, a bill to prohibit placement of antifreeze in areas where it may poison animals, with a favorable report.

H.B. 1102 (Committee Substitute), a bill to create the Pesticide Environmental Trust Fund, to be funded by an assessment for each brand or grade of pesticide registered, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill, as amended, is re-referred to the **Finance Committee.**

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 829 (Committee Substitute), a bill to transfer the North Carolina State Museum of Natural Sciences and its Advisory Commission from the Department of Agriculture to the Department of Environment, Health, and Natural Resources and to conform various statutory references to that Museum, as written by the **Agriculture, Marine Resources, and Wildlife Committee**, with a favorable report.

S.B. 1190, a bill to require that automated phone systems operated by State government agencies reduce the number of menus that callers must go through to connect to a person, and allow access to some person at any time, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the rules are suspended, and the proposed Committee Substitute bill 5681 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 3, for further consideration.

By Senator Winner of Buncombe for the **Finance Committee:**

S.B. 617 (Committee Substitute), a bill to regulate the practice of home inspections, with a favorable report.

S.B. 706, a bill to authorize the Town of Wrightsville Beach to provide, by ordinance, that the owner of the property served is legally responsible for water, sewer, and solid waste fees and to impose a lien against the property served in the case of nonpayment, with a favorable report.

S.B. 1019, a bill to facilitate voluntary additions to the extraterritorial jurisdiction and to permit additional voluntary annexations to the Town of Apex, with a favorable report.

H.B. 265, a bill to exempt the City of Washington from Article 12, Chapter 160A of the General Statutes in the conveyance of certain real estate to the Greater Washington Chamber of Commerce, Inc., with a favorable report.

H.B. 423, a bill deannexing a certain tract of property from the City of Burlington, with a favorable report.

H.B. 1077 (Senate Committee Substitute), a bill to define septage, to clarify when chemical or portable toilets may be used, and to make technical and conforming corrections, as written by the **Environment and Natural Resources Committee**, with a favorable report.

S.B. 1018, a bill to clarify that real estate mortgage investment conduits will be treated as pass-through entities for State tax purposes to the same extent as under the Federal tax law, with a favorable report, as amended.

S.B. 621, a bill to authorize fees for registrants under the Controlled Substances Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 5679 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 3, for further consideration.

By Senator Cooper for the **Judiciary II Committee**:

H.B. 1119 (Committee Substitute), a bill regarding the establishment of paternity of a child by affidavit, changing the laws of evidence relating to paternity testing in civil actions, and giving priority to the trial of paternity actions, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 9257 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 3, for further consideration.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

S.B. 774, a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the City Manager the authority to make, approve, award, and execute service contracts and make contracts for the purchase of apparatus, supplies, equipment and material, with a favorable report as to concurrence, which changes the title to read **S.B. 774** (House Committee Substitute), a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the City Manager the authority to make, approve, award, and execute service contracts and make contracts for the purchase of apparatus, supplies, equipment, and material.

On motion of Senator Folger, the rules are suspended and the House Committee Substitute bill is placed on the Calendar for today, for consideration as to concurrence.

H.B. 163, a bill to modify the definition of a "subdivision" for the purpose of subdivision regulation in Robeson County, with a favorable report.

H.B. 553, a bill to amend the Charter of the City of Gastonia to provide for two-year terms for Council members and to provide that the Mayor, Council, and Council members may only direct the activities of City employees through the City Manager, with a favorable report.

H.B. 678, a bill to amend the Charter of the Town of Wake Forest, with a favorable report.

With unanimous consent, on motion of Senator Johnson, the rules are suspended and the bill is placed before the Senate for immediate consideration upon its passage.

The bill passes its second and third readings and is ordered enrolled.

H.B. 734, a bill to allow annexation of a described piece of property to the Town of Old Fort, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 838, a bill to allow the Town of Boone to install water and sewer lines in the Junaluska area with its own crew and equipment, with a favorable report.

H.B. 869, a bill to exempt Stokes County from certain notice requirements for the purpose of adopting or amending a zoning ordinance for water supply watershed protection, with a favorable report.

H.B. 398 (Committee Substitute No. 2), a bill to amend the Charter of the City of High Point and to allow High Point to take prospective tax revenues into account when transferring certain property held for economic development, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill No. 2, as amended, is re-referred to the **Finance Committee**.

H.B. 870 (Committee Substitute), a bill to exempt Watauga County from certain notice requirements for the purpose of adopting or amending a zoning ordinance for water supply watershed protection, with a favorable report, as amended.

S.B. 808, a bill to provide additional local revenue options in Chatham and Orange Counties, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the proposed Committee Substitute bill 4650, which changes the title to read **S.B. 808** (Committee Substitute), a bill to provide additional local revenue options in Orange County and to correct the Chapel Hill Charter concerning low and moderate housing, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 379 (Committee Substitute), a bill to allow Halifax County to create fire protection districts in which fire protection is funded by fees rather than taxes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the proposed Senate Committee Substitute bill 4183, which changes the title, upon concurrence, to read **H.B. 379** (Senate Committee Substitute), a bill to allow Halifax County to create fire protection districts in which fire protection is funded by fees rather than taxes and to restrict expenditures of funds donated to the Fire Department of the Town of Bethel, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Perdue, Daniel, and Kaplan:

S.B. 1216, a bill to appropriate funds to replace the trestle over the Newport River on the Beaufort and Morehead Railroad.

Referred to **Appropriations Committee**.

By Senators Winner of Buncombe and Hyde:
S.B. 1217, a bill to appropriate funds for the University of North Carolina at Asheville for the purchase of property to allow for campus growth.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Plexico:
S.B. 1218, a bill establishing amending the Constitution of North Carolina to establish a nonpartisan method of redistricting.
Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Constitution and Election Laws Committee** and upon a favorable report, re-referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Odom:
S.B. 1219, a bill to appropriate funds for construction of the State Bureau of Investigation Complex.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Odom:
S.B. 1220, a bill to appropriate funds for the consolidation of five prison units.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Odom:
S.B. 1221, a bill to appropriate funds for the planning of a new State judicial center.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 579 (House Committee Substitute), a bill to improve the financial monitoring and regulation of employers that self-insure their workers' compensation liabilities, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 3.

S.B. 1163 (House Committee Substitute), a bill to allow projects financed under the Industrial and Pollution Control Facilities Financing Act and the North Carolina Industrial and Pollution Control Facilities Pool Program Financing Act to be located in more than one county, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 3.

H.B. 536 (Committee Substitute), a bill to allow area mental health, developmental disabilities, and substance abuse authorities to purchase property by installment contracts.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 691, a bill to exempt the Winston-Salem/Forsyth County Board of Education and the Forsyth County Commissioners "Downtown School" Project from certain statutory requirements.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 936 (Committee Substitute), a bill to expand the property tax exemption for nonprofit organizations providing low- and moderate-income housing to include real property held as a site for future low- and moderate-income housing.
Referred to **Finance Committee.**

H.B. 1005 (Committee Substitute), a bill to regulate funeral processions and to codify the rules of the road with regard to funeral processions.

Referred to **Rules and Operation of the Senate Committee.**

APPOINTMENT OF LEGISLATIVE ETHICS COMMITTEE

Pursuant to G.S. 120-99, Senator Basnight, President *Pro Tempore*, announces the appointment to the **Legislative Ethics Committee**, as follows: Senator Odom, Chairman; Senator Cochrane, Senator Cooper, Senator Hartsell, and Senator Marshall.

RE-REFERRAL

H.B. 459, a bill to prohibit the sale or other disposal of tobacco to minors, knowingly or otherwise, and to provide that it is an affirmative defense that the seller requested identification or had other facts that reasonably indicated that the purchaser was of legal age, referred to the **Agriculture, Marine Resources, and Wildlife Committee** on May 18.

Senator Albertson offers a motion that the bill be taken from the **Agriculture, Marine Resources, and Wildlife Committee** and re-referred to the **Judiciary I Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary I Committee.**

RECONSIDERATION

H.B. 97, a bill to increase the limit on cash prizes for raffles, which failed to pass third reading on June 1.

Senator Sands offers a motion to the end the vote by which the bill failed to pass its third reading be reconsidered, which motion prevails. The measure is recalled from the Office of the Principal Clerk and placed before the Senate and the question becomes passage of the bill upon third reading.

On motion of Senator Sands, the bill is recommitted to the **Judiciary I Committee.**

On motion of Senator Basnight, the Senate recesses at 2:17 P.M. for the purpose of committee meetings to reconvene at 2:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Pursuant to Resolution 14, **H.J.R. 1247**, a joint resolution providing for a joint session of the General Assembly to consider action on the appointments by the Governor of new members to the State Board of Education, the President of the Senate announces the hour has arrived for the Senate to sit in Joint Session with the House of Representatives for the purpose of acting upon the confirmation of appointments by Governor James B. Hunt, Jr. to the State Board of Education.

With bills remaining on the Calendar, Senator Basnight, President *Pro Tempore* offers a motion, seconded by Senator Tally, that the Senate recess to reconvene in the Chambers of the House of Representatives for the purpose of sitting in Joint Session as stated by the President; and further moves, upon dissolution thereof, to stand adjourned to reconvene tomorrow, Thursday, June 3, at 11:30 A.M.

The President orders a message sent to the House of Representatives to the end the Senate stands ready to repair to the Hall of the House for the purpose of sitting in Joint Session pursuant to Resolution 14.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 2, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **HJR 1247**, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO CONSIDER ACTION ON THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, the House of Representatives stands ready to receive the Senate in Joint Session.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The motions offered by Senator Basnight prevail. The Chair declares the Senate in recess at 2:33 P.M. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing. Speaker Blue calls the Joint Session to order.

The roll of the House of Representatives is called electronically and the following members answer the call:

Representatives Alphin, Arnold, Baddour, Balmer, Barnes, Barnhill, Beall, Berry, Black, Bowie, Bowman, Braswell, Brawley, D. Brown, J. Brown, Brubaker, Burton, Church, Crawford, Creech, Culp, Culpepper, Cummings, Cunningham, Daughtry, Decker, DeVane, Diamont, Dickson, Dockham, Easterling, Edwards, Ellis, Esposito, Fitch, Flaherty, Fussell, Gamble, Gardner, Gist, Gottovi, Grady, Gray, Green, Griffin, Hackney, Hall, Hayes, Hensley, Hightower, Hill, Holmes, Holt, Howard, Jack Hunt, Judy Hunt, H. Hunter, R. Hunter, Ives, James, Jarrell, Jeffus, Jenkins, Joye, Justus, Kennedy, Kinney, Kuczmarski, Lee, Lemmond, Luebke, Lutz, McAllister, McCombs, McCrary, Mercer, Michaux, B. Miller, G. Miller, Miner, Mitchell, Morgan, Moore, Nesbitt, Nichols, Nye, Oldham, C. Preston, J. Preston, Ramsey, Redwine, Richardson, Robinson, Rogers, Russell, Smith, Spears, Stewart, Sutton, Tallent, G. Thompson, Wainwright, Warner, Weatherly, Wilkins, Wilmoth, C. Wilson, P. Wilson, and Wright—109.

The Speaker directs the Reading Clerk of the Senate to call the roll of the Senate and the following members answer the call: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Codington, Conder, Cooper, Daniel, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—39.

The Speaker of the House of Representatives declares a quorum of each Body present and announces the Joint Session shall proceed with the business for which it is convened, it being the confirmation of the appointments by the Governor of members to the State Board of Education as outlined in **H.J.R. 1248** which reads as follows:

H.J.R. 1248, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF EDDIE DAVIS, III, ROBERT R. DOUGLAS, AND MARGARET B. HARVEY TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION.

Whereas, under the provisions of G.S. 115C-10, appointments by the Governor to membership on the State Board of Education are subject to confirmation by the General Assembly in joint session; and

Whereas, vacancies have occurred on the State Board of Education; and

Whereas, the Governor has transmitted to the presiding officers of the House of Representatives and the Senate, the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2001. Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The appointments of Eddie Davis, III, Robert R. Douglas, and Margaret B. Harvey to membership on the State Board of Education for terms to expire March 31, 2001, are confirmed.

Sec. 2. This resolution is effective upon ratification.

Representative Barnes of Orange, Chairman of the **Education Committee of the House of Representatives**, is recognized to speak to the passage of the joint resolution whereupon she speaks to the qualification of the individual appointees.

The House of Representatives passes the joint resolution on second reading by roll-call vote, ayes 110, noes 0, as follows:

Voting in the affirmative: Representatives Alphin, Arnold, Baddour, Balmer, Barnes, Barnhill, Beall, Berry, Black, Bowie, Bowman, Braswell, Brawley, D. Brown, J. Brown, Brubaker, Burton, Church, Crawford, Creech, Culp, Culpepper, Cummings, Cunningham, Daughtry, Decker, DeVane, Diamont, Dickson, Dockham, Easterling, Edwards, Ellis, Esposito, Fitch, Flaherty, Fussell, Gamble, Gist, Gottovi, Grady, Gray, Green, Griffin, Hackney, Hall, Hayes, Hensley, Hightower, Hill, Holmes, Holt, Howard, Jack Hunt, Judy Hunt, H. Hunter, R. Hunter, Ives, James, Jarrell, Jeffus, Jenkins, Joye, Justus, Kennedy, Kinney, Kuczmarski, Lee, Lemmond, Luebke, Lutz, McAllister, McCombs, McCrary, McLaughlin, McLawhorn, Mercer, Michaux, B. Miller, G. Miller, Miner, Mitchell, Moore, Morgan, Nesbitt, Nichols, Nye, Oldham, C. Preston, J. Preston, Ramsey, Redwine, Richardson, Robinson, Rogers, Russell, Smith, Spears, Stewart, Sutton, Tallent, G. Thompson, Wainwright, Warner, Weatherly, Wilkins, Wilmoth, C. Wilson, P. Wilson, and Wright—110.

Voting in the negative—none.

Without objection, the joint resolution remains before the House of Representatives for further consideration upon its third reading. The joint resolution passes its third reading and is ordered sent to the Senate.

The Speaker of the House of Representatives relinquishes the gavel to the President of the Senate, the Honorable Dennis A. Wicker, Lieutenant Governor, who presides.

The President of the Senate calls for messages from the House of Representatives and directs the Reading Clerk of the Senate to read.

The Reading Clerk of the Senate reads as follows:

H.J.R. 1248, a joint resolution providing for confirmation of the appointments of Eddie Davis, III, Robert R. Douglas, and Margaret B. Harvey to membership on the State Board of Education.

Senator Perdue, Chairman of the **Education/Higher Education Committee of the Senate** offers a motion to the end the joint resolution be placed before the Senate for immediate consideration, which motion prevails.

Senator Perdue is recognized to speak to the passage of the joint resolution whereupon she offers her endorsement of the individual appointees.

The Senate passes the joint resolution on its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Richardson, Sands, Seymour, Shaw, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative—none.

With unanimous consent, the joint resolution remains before the Senate for further consideration upon its third reading. The joint resolution passes its third reading and the President of the Senate orders the measure enrolled.

The President of the Senate relinquishes the gavel to the Speaker of the House of Representatives who presides and calls for the ratification of the joint resolution.

H.J.R. 1248, a joint resolution providing for confirmation of the appointments of Eddie Davis, III, Robert R. Douglas, and Margaret B. Harvey to membership on the State Board of Education (Res. 15) is presented to the Speaker of the House of Representatives whereupon he affixes his signature.

The Speaker of the House of Representatives relinquishes the gavel to the President of the Senate who presides and calls for the ratification of the joint resolution.

H.J.R. 1248, a joint resolution providing for confirmation of the appointments of Eddie Davis, III, Robert R. Douglas, and Margaret B. Harvey to membership on the State Board of Education (Res. 15) is presented to the President of the Senate whereupon he affixes his signature.

Lieutenant Governor Wicker announces the Senate and House of Representatives, sitting in Joint Session, confirm the appointments to the State Board of Education by Governor James B. Hunt, Jr. of Eddie Davis III, Robert R. Douglas, and Margaret B. Harvey and orders the Governor notified pursuant to G.S. 143-47.7 of the action of the General Assembly taken this date.

The President of the Senate extends courtesies of the gallery to the newly confirmed members of the State Board of Education who are acknowledged with a standing ovation.

Senator Basnight, seconded by Senator Soles, offers a motion to the end the Joint Session be now dissolved, which motion prevails and pursuant to the motion heretofore prevailing, the Senate stands adjourned to reconvene tomorrow, Thursday, June 3, at 11:30 A.M.

SEVENTY-FIFTH DAY

SENATE CHAMBER,
Thursday, June 3, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. C. M. Worthy, Minister of Woodmont Methodist Church, Reidsville, as follows:

"'Oh God, our help in ages past, our hope for years to come'—we pause in the midst of a busy day to seek Your Presence and Guidance.'

"God of Mercy, of Freedom, and of Life; teach us, we pray, to turn toward You and others without fear and with open hands—trusting that this life is, indeed, a wonderful gift, and that others, in spite of differences, are important.

"God, help us to become one with Your Love and Mercy, as we remember others who suffer in mind or spirit—that they may have relief and wholeness. Ones who grieve, we mourn their loss; we pray for those who are anxious, that they may find trust in You. We remember those who are lonely, that they may find companionship; and for all who are oppressed or excluded by barriers or labels, that they may find freedom to live a full and rich life.

"God, You have made our lives the occasion for new beginnings. This hour marks such an opportunity for many of us. Provide us with strength and direction to meet the challenges of our responsibilities this day, and the courage and wisdom to speak bravely on issues that are significant to a quality of life for each of us.

"To this end, we work together. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Johnson and to Senator Ballance.

On motion of Senator Marshall, the Chair extends courtesies of the floor to Angela Warren of Harnett County who is working as a page this week, sponsored by Senator Marshall; she is a recent graduate of Cape Fear Christian Academy with plans to attend Campbell College in the fall. Miss Warren presents an inspirational and patriotic message through song. The Senate responds with a standing ovation.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 577, an act to delete the requirement that the State Board of Education inspect activity buses owned by local school administrative units. (Ch. 114)

S.B. 825 (Committee Substitute), an act to prohibit hunting from certain State roads in Craven County. (Ch. 115)

S.B. 841 (Committee Substitute), an act to clarify the warranty reimbursement rights of motor vehicle dealers. (Ch. 116)

S.B. 878, an act to create the North Carolina Education Standards and Accountability Commission. (Ch. 117)

H.B. 678, an act to amend the Charter of the Town of Wake Forest. (Ch. 118)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee:**

S.B. 1148, a bill to make clarifying changes in the Teachers' and State Employees' Comprehensive Major Medical Plan and to resolve legal issues by making clear that the legislative intent since enactment is that contracting with preferred providers is not subject to Chapter 143 of the General Statutes, with a favorable report, as amended.

Senator Harris offers a motion to the end the rules be suspended and the bill placed on today's Calendar in its proper order under local bills.

Senator Gulley rises to a point of order as to the bill being placed on today's Calendar preceding Special Order of Business No. 1.

Senator Winner of Buncombe rises to a point of order as to the Special Order of Business No. 1 preceding unfinished business on today's Calendar. The Chair rules, pursuant to Rule 7, unfinished business precedes special orders and fails to sustain the point of order of Senator Winner of Buncombe.

With unanimous consent, the Chair orders **S.B. 1148** placed on today's Calendar following Special Order No. 1, **S.B. 1157**, sustaining the point of order raised by Senator Gulley.

By Senator Walker for the **Children and Human Resources Committee:**

H.B. 203 (Committee Substitute), a bill to require that individuals and businesses engaged in the practice of tattooing obtain a permit from the Department of Environment, Health, and Natural Resources, with a favorable report.

On motion of Senator Walker, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 452, a bill to clarify the requirements of the General Statutes pertaining to immunizations, with a favorable report.

H.B. 508, a bill to change the certification period of emergency medical technicians from two years to four years, with a favorable report.

H.B. 602, a bill to establish the Trauma System Act of 1993, with a favorable report.

S.B. 1154, a bill to require that Norplant implantation is made available and accessible to recipients of aid to families with dependent children and to appropriate funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Walker, the proposed Committee Substitute bill 7736 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

RE-REFERRAL

H.B. 46 (Committee Substitute), a bill to provide for postponement of certain assessments in Winston-Salem and Forsyth County, referred to the **Rules and Operation of the Senate Committee** on March 9.

Senator Sands offers a motion the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Local Government and Regional Affairs Committee**, which motion prevails.

The Chair orders the Committee Substitute bill re-referred to the **Local Government and Regional Affairs Committee.**

WITHDRAWAL FROM CALENDAR

S.B. 533 (Committee Substitute), a bill to institute a statewide reporting system for occupational diseases, illnesses, conditions, and injuries.

Senator Forrester offers a motion the Committee Substitute bill be taken from the Calendar for today and placed on the Calendar for Thursday, June 10, which motion prevails, with unanimous consent.

The Committee Substitute bill is ordered placed on the Calendar for Thursday, June 10.

INTRODUCTION OF BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Shaw, Albertson, Warren, Sands, Simpson, Gulley, Ballance, Folger, Plyler, Blackmon, Cochrane, Daniel, Forrester, and Kincaid:

S.B. 1222, a bill to provide for a disabled sportsman program under the Wildlife Resources Commission.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Finance Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

S.B. 11 (Committee Substitute), a bill to provide for a binding referendum on the establishment of a North Carolina State Lottery, with an unfavorable report as to Committee Substitute bill as written by the **Judiciary I Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill No. 2, 5682, is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, June 8, for further consideration upon its passage.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 604 (Committee Substitute), a bill to authorize counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 624 (Committee Substitute No. 2), a bill to rewrite Chapter 55A of the General Statutes relating to nonprofit corporations as recommended by the General Statutes Commission.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 924 (Committee Substitute), a bill to provide for the certification of local government property mappers.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1167, a bill to add to the investment authority of joint municipal power agencies.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 1355 (Committee Substitute), a bill to establish the percentage rates for the public utility regulatory fee and the insurance regulatory charge, to increase amusement device inspection fees, to increase elevator fees, and to remove the sunset on the Motorcycle Safety Education Program.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 1467 (Committee Substitute), a bill to amend Chapter 105 of the General Statutes to require notification of property taxes due, to change the property tax valuation date for motor vehicles registered under the annual system, and to make other tax law changes.

Referred to **Finance Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee:**

S.B. 1169, a bill to require the public schools to provide instruction in American ethics, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 47, a bill to amend the Teacher Training Task Force to add teacher members and make other clarifying changes, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 136, a bill to extend for an additional five years the requirement that counties use part of the first half-cent local sales tax proceeds only for public school buildings, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 256 (Committee Substitute), a bill to encourage schools to implement extended services programs, with a favorable report.

H.B. 971 (Committee Substitute), a bill to approve a system to develop and implement a system for building improvement reports, with a favorable report.

H.B. 581, a bill to make differentiated pay available for all State-paid public school employees, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, re-referred to the **Appropriations Committee.**

S.B. 1180, a bill to provide a supplemental package to certain teaching fellows, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the proposed Committee Substitute bill 3699 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

CALENDAR

Bills on the Calendar carried forward as unfinished business from yesterday, Wednesday, June 2, are taken up and disposed of, as follows:

S.B. 822, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte, the Town of Matthews and the City of Wilmington and to provide that the proceeds of the additional tax in the City of Charlotte and the Town of Matthews may be used only for public transportation, as amended, with Amendment No. 2 pending, upon second reading.

With unanimous consent, Senator Winner of Mecklenburg withdraws pending Amendment No. 2.

Senator Winner of Mecklenburg offers a motion the vote by which Committee Amendment No. 1 was adopted be reconsidered, which motion prevails, and the question becomes the adoption of Amendment No. 1. With unanimous consent, Committee Amendment No. 1 is returned to the Committee, changing the title to read **S.B. 822**, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public transportation.

The bill passes its second reading by roll-call vote, ayes 40, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Carpenter, Cochrane, Codington, Conder, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hunt, Hyde, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—40.

Voting in the negative: Senators Blackmon, Hoyle, Kaplan, Odom, Plexico, and Winner of Buncombe—6.

The bill is ordered placed on the Calendar for Monday, June 7, for further consideration, upon third reading.

H.B. 753 (Committee Substitute), a bill to clarify the law relating to acquisition by the Town of Cary of street right-of-way outside the corporate limits, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 7, for further consideration, upon third reading.

H.B. 436 (Committee Substitute), a bill to allow New Hanover County and the Town of Cape Carteret to regulate the operation of personal watercraft.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

S.B. 872, a bill to provide that family care homes shall be treated as residences for purposes in addition to zoning.

The bill passes its second reading (45-0).

Senator Kincaid objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, June 7, for further consideration, upon third reading.

H.B. 569 (Committee Substitute), a bill to amend the vital records law to avoid unlawful duplication.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 982 (Senate Committee Substitute No. 2), a bill to permit increased weights for hauling agricultural crops within thirty-five miles of the farm where they were grown.

The Senate Committee Substitute bill No. 2 passes its second (45-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2, which proposes to change the title.

S.B. 774, a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the City Manager the authority to make, approve, award, and execute service contracts and make contracts for the purchase of apparatus, supplies, equipment and material, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 774** (House Committee Substitute), a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the City Manager the authority to make, approve, award, and execute service contracts and make contracts for the purchase of apparatus, supplies, equipment, and material.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled.

Bills on today's Calendar are taken up and disposed of, as follows:

SPECIAL ORDER NO. 1

S.B. 1157 (Committee Substitute)

The hour having arrived for the consideration of Special Order No. 1 the President of the Senate lays before the Senate Special Order No. 1, it being **S.B. 1157** (Committee Substitute), a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property, as amended, upon third reading.

Senator Winner of Buncombe offers Amendment No. 3 which is adopted (45-0).

Senator Gulley offers Amendment No. 4, amending Amendment No. 2, which is adopted (47-0).

Receiving a three-fifths majority affirmative vote, the Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—47.

Voting in the negative: Senator Winner of Mecklenburg—1.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 579 (House Committee Substitute), a bill to improve the financial monitoring and regulation of employers that self-insure their workers' compensation liabilities, for concurrence in the House Committee Substitute bill.

With unanimous consent, on motion of Senator Sands, the House Committee Substitute bill is taken up out of its regular order of business and placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

S.B. 27 (House Committee Substitute), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, with an unfavorable report as to concurrence.

With unanimous consent, on motion of Senator Daniel, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (0-47). Senator Daniel offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

With unfinished business remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Sands, the Senate adjourns at 1:01 P.M. to meet Monday, June 7, at 8:00 P.M.

SEVENTY-SIXTH DAY

SENATE CHAMBER,
Monday, June 7, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, paraphrasing a prayer by Peter Marshall, as follows:

"Our Father in Heaven, as we begin a very important week here in the Senate, we know that You can see the hidden things in every heart; our needs, our fears, our hopes. If our intentions are good, help us to make them live in good deeds. If what we intend or desire makes us uncomfortable in Your Presence, take it from us and give us the spirit we ought to have, that we may do what we ought to do. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, June 3, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for tonight to Senator Speed, who is attending a meeting with county commissioners, and to Senator Folger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 455, an act to implement a recommendation of the General Statutes Commission to require that maps recorded in the office of the register of deeds must have a surveyor's original signature and seal in order to be relied upon and that all other maps must contain a cautionary legend. (Ch. 119)

S.B. 579 (House Committee Substitute), an act to improve the financial monitoring and regulation of employers that self-insure their workers' compensation liabilities. (Ch. 120)

S.B. 774 (House Committee Substitute), an act to amend the Charter of the City of Durham to authorize the City Council to delegate to the City Manager the authority to make, approve, award, and execute service contracts and make contracts for the purchase of apparatus, supplies, equipment, and material. (Ch. 121)

S.B. 811, an act to make changes to the employment security law to conform to federal law. (Ch. 122)

S.B. 840 (Committee Substitute), an act to extend the time for the Commissioner to render a final determination in contested franchise termination, cancellation, or failure to renew matters, based on bankruptcy, failure to stay open, loss of licenses, or conviction of felony involving moral turpitude, under the Motor Vehicles Dealers and Manufacturers Licensing Law. (Ch. 123)

H.B. 365 (Senate Committee Substitute), an act to require public school children to receive a health assessment before entry into kindergarten. (Ch. 124)

H.B. 436 (Committee Substitute), an act to allow New Hanover County and the Town of Cape Carteret to regulate the operation of personal watercraft. (Ch. 125)

H.B. 496 (Senate Committee Substitute), an act to permit investment of trust assets in mutual funds advised by a corporate trustee. (Ch. 126)

H.B. 634 (Senate Committee Substitute), an act to allow alcohol in cooking extracts manufactured in this State. (Ch. 127)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Martin of Pitt:
S.B. 1223, a bill to appropriate funds to the Agricultural Finance Authority for the reserve for farm loans.
Referred to **Appropriations Committee.**

By Senators Kincaid and Simpson:
S.B. 1224, a bill to appropriate funds to Avery County for solid waste disposal.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1225, a bill to appropriate funds to Diversified Opportunities, Inc., for land acquisition.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senators Simpson and Kincaid:

S.B. 1226, a bill to appropriate funds for the construction of sewer lines for the town of Glen Alpine.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

S.B. 978, a bill to establish the North Carolina Licensing Board of On-Site Wastewater System Contractors, ordered held as filed in the Office of the Principal Clerk on April 28.

An assessment report having been received, Senator Tally offers a motion to the end that the bill be recalled from the Office of the Principal Clerk, presented to the Senate, read the first time and referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**, which motions prevail.

The bill is presented to the Senate, read the first time, and referred to the **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 839 (Committee Substitute), a bill to clarify the exemption of motor vehicles from the three-day right to cancel provisions of off-premises sales to the existing exemption under the Retail Installment Sales Act, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, June 8.

S.B. 1070 (House Committee Substitute), a bill relating to the powers and scope of the New Hanover County Human Relations Commission, for concurrence in the House Committee Substitute bill.

Referred to **Local Government and Regional Affairs Committee**.

H.B. 502 (Committee Substitute No. 2), a bill to make technical amendments to the alcoholic beverage laws, to authorize the sale of alcoholic beverages in certain areas of the State, to increase the fees for most commercial alcoholic beverage permits, and to make other changes to the alcoholic beverage laws.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1212 (Committee Substitute), a bill to change certain fees charged by auctioneers and to amend the requirements for deposits in trust or escrow accounts by auctioneers.

Referred to **Finance Committee**.

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Thursday, June 3, are taken up and disposed of, as follows:

S.B. 1148, a bill to make clarifying changes in the Teachers' and State Employees' Comprehensive Major Medical Plan and to resolve legal issues by making clear that the legislative intent since enactment is that contracting with preferred providers is not subject to Chapter 143 of the General Statutes.

The Chair notes a point of order, under advisement, as to consideration of the measure prior to the receipt of the actuarial note and rules an actuarial note being attached to the measure upon its recommittal to the **Pensions and Retirement Committee** renders the point of order a moot question.

On motion of Senator Harris, Committee Amendments No. 1 and No. 2 are adopted.

Senator Kaplan offers Amendment No. 3 which is adopted (25-22), changing the title to read **S.B. 1148**, a bill to make provisions which affect the Teachers' and State Employees' Comprehensive Major Medical Plan.

The bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 706, a bill to authorize the Town of Wrightsville Beach to provide, by ordinance, that the owner of the property served is legally responsible for water, sewer, and solid waste fees and to impose a lien against the property served in the case of nonpayment, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, June 8, for further consideration, upon third reading.

S.B. 1019, a bill to facilitate voluntary additions to the extraterritorial jurisdiction and to permit additional voluntary annexations to the Town of Apex, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, June 8, for further consideration, upon third reading.

H.B. 423, a bill deannexing a certain tract of property from the City of Burlington, upon second reading.

On motion of Senator Daniel, consideration of the bill is postponed until tomorrow, Tuesday, June 8.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee:**

H.B. 385 (Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to reduce the blood alcohol level to be considered as slight impairment from 0.11 to 0.09; to make the results of a first breath test admissible under certain circumstances; to change the method of calculating the revocation of a provisional licensee's license for certain alcohol-related offenses; and to provide clarification about when a prior conviction for driving while impaired can be used for aggravation purposes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the proposed Senate Committee Substitute bill 4186, which changes the title, upon concurrence, to read **H.B. 385** (Senate Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require expunction of civil revocations following acquittal of impaired driving offenses, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

CALENDAR (Continued)

H.B. 163, a bill to modify the definition of a "subdivision" for the purpose of subdivision regulation in Robeson County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 265, a bill to exempt the City of Washington from Article 12, Chapter 160A of the General Statutes in the conveyance of certain real estate to the Greater Washington Chamber of Commerce, Inc.

The bill passes its second and third readings and is ordered enrolled.

H.B. 553, a bill to amend the Charter of the City of Gastonia to provide for two-year terms for Council members and to provide that the Mayor, Council, and Council members may only direct the activities of City employees through the City Manager.

The bill passes its second and third readings and is ordered enrolled.

H.B. 838, a bill to allow the Town of Boone to install water and sewer lines in the Junaluska area with its own crew and equipment.

The bill passes its second and third readings and is ordered enrolled.

H.B. 869, a bill to exempt Stokes County from certain notice requirements for the purpose of adopting or amending a zoning ordinance for water supply watershed protection.

The bill passes its second and third readings and is ordered enrolled.

H.B. 870 (Committee Substitute), a bill to exempt Watauga County from certain notice requirements for the purpose of adopting or amending a zoning ordinance for water supply watershed protection.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 27 (House Committee Substitute), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

Pursuant to the motion prevailing on June 3, the Senate do appoint conferees, Senator Basnight offers a motion that Rule 57 be suspended to the end more than twelve conferees may be appointed, which motion prevails.

The President *Pro Tempore* appoints Senators Daniel, Chairman; Plyler, Chairman; Cochrane, Conder, Hunt, Hyde, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Simpson, Soles, Walker, Ward, and Winner of Buncombe, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 621 (Committee Substitute), a bill to authorize fees for registrants under the Controlled Substances Act, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 38, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—38.

Voting in the negative: Senators Allran, Cochrane, Forrester, Hartsell, Kincaid, Simpson, and Smith—7.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, June 8, for further consideration, upon third reading.

H.B. 665 (Senate Committee Substitute), a bill to improve the regulation of credit insurance and lower premium rates charged for credit insurance, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, June 8, for further consideration, upon third reading.

S.B. 617 (Committee Substitute), a bill to regulate the practice of home inspections.

The Committee Substitute bill passes its second reading (47-0).

Senator Sands objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 8, for further consideration, upon third reading.

Senator Sands withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Tuesday, June 8, and placed before the Senate for further consideration upon its third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S.B. 829 (Committee Substitute), a bill to transfer the North Carolina State Museum of Natural Sciences and its Advisory Commission from the Department of Agriculture to the Department of Environment, Health, and Natural Resources and to conform various statutory references to that Museum.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

RE-REFERRAL

H.B. 459, a bill to prohibit the sale or other disposal of tobacco to minors, knowingly or otherwise, and to provide that it is an affirmative defense that the seller requested identification or had other facts that reasonably indicated that the purchaser was of legal age, referred to the **Judiciary I Committee** on June 2.

Senator Ballance offers a motion the bill be taken from the **Judiciary I Committee** and re-referred to the **Finance Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Finance Committee**.

RECALL FROM COMMITTEE

H.B. 385 (Senate Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require expunction of civil revocations following acquittal of impaired driving offenses, referred to the **Appropriations Committee** earlier today.

Senator Daniel offers a motion the Senate Committee Substitute bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Tuesday, June 8, upon its passage, which motion prevails.

The Chair orders the Senate Committee Substitute bill placed on the Calendar for tomorrow, Tuesday, June 8.

CALENDAR (Continued)

H.B. 1077 (Senate Committee Substitute), a bill to define septage, to clarify when chemical or portable toilets may be used, and to make technical and conforming corrections.

With unanimous consent, on motion of Senator Tally, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Tally, consideration of the Senate Committee Substitute bill is postponed until tomorrow, Tuesday, June 8.

S.B. 1018, a bill to clarify that real estate mortgage investment conduits will be treated as pass-through entities for State tax purposes to the same extent as under the Federal tax law.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1190 (Committee Substitute), a bill to require that automated phone systems operated by State government agencies reduce the number of menus that callers must go through to connect to a person, and allow access to some person at any time.

Senator Daniel, Chairman of the **Appropriations Committee**, requests a fiscal note on the Committee Substitute bill.

Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Wednesday, June 9, for receipt of the fiscal note.

H.B. 1020, a bill to prohibit placement of antifreeze in areas where it may poison animals.

The bill passes its second reading (47-0).

Senator Ballance objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 8, for further consideration, upon third reading.

H.B. 1119 (Senate Committee Substitute), a bill regarding the establishment of paternity of a child by affidavit, changing the laws of evidence relating to paternity testing in civil actions, and giving priority to the trial of paternity actions.

On motion of Senator Winner of Mecklenburg, consideration of the Senate Committee Substitute bill is postponed until tomorrow, Tuesday, June 8.

S.B. 1163 (House Committee Substitute), a bill to allow projects financed under the Industrial and Pollution Control Facilities Financing Act and the North Carolina Industrial and Pollution Control Facilities Pool Program Financing Act to be located in more than one county, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled.

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 822, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public transportation, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Gulley, Gunter, Harris, Hartsell, Hunt, Hyde, Johnson, Jordan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Richardson, Sands, Seymour, Sherron, Simpson, Soles, Tally, Walker, Ward, and Winner of Mecklenburg—34.

Voting in the negative: Senators Allran, Blackmon, Cochrane, Forrester, Hoyle, Kaplan, Odom, Plexico, Smith, and Winner of Buncombe—10.

The bill is ordered sent to the House of Representatives.

H.B. 753 (Committee Substitute), a bill to clarify the law relating to acquisition by the Town of Cary of street right-of-way outside the corporate limits, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 256 (Committee Substitute), a bill to encourage schools to implement extended services programs.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 452, a bill to clarify the requirements of the General Statutes pertaining to immunizations.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 508, a bill to change the certification period of emergency medical technicians from two years to four years.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 602, a bill to establish the Trauma System Act of 1993.

On motion of Senator Walker, consideration of the bill is postponed until Wednesday, June 9.

H.B. 971 (Committee Substitute), a bill to approve a system to develop and implement a system for building improvement reports.

On motion of Senator Perdue, consideration of the Committee Substitute bill is postponed until tomorrow, Tuesday, June 8.

S.B. 872, a bill to provide that family care homes shall be treated as residences for purposes in addition to zoning, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 489, a bill to implement a recommendation of the Child Fatality Task Force to appropriate funds for child maltreatment evaluation and education centers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Walker, the rules are suspended, and the proposed Committee Substitute bill 2695 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is recommitted to the **Appropriations Committee.**

The President recognizes the following pages serving in the Senate this week: Deborah Inez Allred, Gibsonville; Christen A. Batchelor, Raleigh; Holly Lorraine Burton, Bethel; Jonathan Russell Counts, Charlotte; Leslie Diane Craven, Charlotte; Elizabeth Nicole Craver, Lexington; Tamika Ren'ee Davis, Wilmington; Sarah Margaret Denney, Mount Airy; Rebecca Jane Erwin, Charlotte; Wesley Franklin Faulk, Monroe; Stephanie Fortune, Apex; Jennifer Dawn Gunnell, Gibsonville; Sarah Elizabeth Harmon, Lincolnton; Elizabeth Bradfield Irons, Charlotte; Carol Henley King, Apex; Mark Shields Lasitter, New Bern; Crystal Lynn Lunsford, Burlington; Emily Marco, Raleigh; Cameron B. McCall, Lexington; Kendall Parrish, Durham; Brian Thomas Parrish, Clayton; Andrew Rose, Fuquay-Varina; Mary Kathryn Ross, Greensboro; Thomas W. Ross, Jr., Greensboro; Joshua Wayne Starling, Princeton; Shannon Seymour, Raleigh; Hart Wells, Kings Mountain, NC; and Stephanie Ryan Winslow, Elizabeth City.

On motion of Senator Basnight, seconded by Senator Carpenter, the Senate adjourns at 9:36 P.M. to meet tomorrow, Tuesday, June 8, at 1:30 P.M.

SEVENTY-SEVENTH DAY

SENATE CHAMBER,
Tuesday, June 8, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, political decisions are rarely simple and the bills that are to be debated today before the Senate are no exceptions.

"Some proposed legislation with marquee value generates additional pressure because almost everyone in our great State has an opinion regarding its outcome!

"With that understanding, O Lord, we pray then that under Your Divine Leadership both conscience and conviction will guide our proceedings today and in the days ahead. To Your Glory, we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, June 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Senator Sands offers a motion the rules be suspended and the courtesies of the floor be extended for this week to Miss Hattie Plexico, daughter of Senator Plexico, and she be designated Honorary Page, which motions prevail. The Chair extends courtesies of the floor to Miss Plexico.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 666, an act to exempt the Winston-Salem/Forsyth County Board of Education and the Forsyth County Commissioners "Downtown School" project from certain statutory requirements. (Ch. 128)

S.B. 1113, an act amending the insurance laws relating to title insurance companies to give the Insurance Commissioner discretion where premiums have been understated or overstated through inadvertence, mistake, or miscalculation. (Ch. 129)

S.B. 1163 (House Committee Substitute), an act to allow projects financed under the Industrial and Pollution Control Facilities Financing Act and the North Carolina Industrial and Pollution Control Facilities Pool Program Financing Act to be located in more than one county. (Ch. 130)

H.B. 163, an act to modify the definition of a "subdivision" for the purpose of subdivision regulation in Robeson County. (Ch. 131)

H.B. 256 (Committee Substitute), an act to encourage schools to implement extended services programs. (Ch. 132)

H.B. 265, an act to exempt the City of Washington from Article 12, Chapter 160A of the General Statutes in the conveyance of certain real estate to the Greater Washington Chamber of Commerce, Inc. (Ch. 133)

H.B. 452, an act to clarify the requirements of the General Statutes pertaining to immunizations. (Ch. 134)

H.B. 508, an act to change the certification period of emergency medical technicians from two years to four years. (Ch. 135)

H.B. 553, an act to amend the Charter of the City of Gastonia to provide for two-year terms for Council members and to provide that the Mayor, Council, and Council members may only direct the activities of City employees through the City Manager. (Ch. 136)

H.B. 753 (Committee Substitute), an act to clarify the law relating to acquisition by the Town of Cary of street right-of-way outside the corporate limits. (Ch. 137)

H.B. 838, an act to allow the Town of Boone to install water and sewer lines in the Junaluska area with its own crew and equipment. (Ch. 138)

H.B. 869, an act to exempt Stokes County from certain notice requirements for the purpose of adopting or amending a zoning ordinance for water supply watershed protection. (Ch. 139)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill, which is read the first time and disposed of, as follows:

H.B. 829, a bill to provide that voter registration shall be the sole criteria for allocating voting machines among precincts by the Mecklenburg County Board of Elections.

Referred to **Rules and Operation of the Senate Committee**.

RE-REFERRAL

H.B. 459, a bill to prohibit the sale or other disposal of tobacco to minors, knowingly or otherwise, and to provide that it is an affirmative defense that the seller requested identification or had other facts that reasonably indicated that the purchaser was of legal age, referred to the **Finance Committee** on June 7.

Senator Hunt offers a motion the bill be taken from the **Finance Committee** and re-referred to the **Ways and Means Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Ways and Means Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Warren for the **Banks and Thrift Institutions Committee:**

H.B. 495, a bill to make omnibus and technical changes to the savings institutions laws, with a favorable report.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 706, a bill to authorize the Town of Wrightsville Beach to provide, by ordinance, that the owner of the property served is legally responsible for water, sewer, and solid waste fees and to impose a lien against the property served in the case of nonpayment, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1019, a bill to facilitate voluntary additions to the extraterritorial jurisdiction and to permit additional voluntary annexations to the Town of Apex, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 423, a bill deannexing a certain tract of property from the City of Burlington, upon second reading.

On motion of Senator Daniel, consideration of the bill is postponed until tomorrow, Wednesday, June 9.

S.B. 621 (Committee Substitute), a bill to authorize fees for registrants under the Controlled Substances Act, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: Senators Cochrane, Kincaid, and Smith—3.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 665 (Senate Committee Substitute), a bill to improve the regulation of credit insurance and lower premium rates charged for credit insurance, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr,

Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 11 (Committee Substitute No. 2), a bill to provide for a binding referendum on the establishment of a North Carolina State Lottery.

The Chair rules the measure requires a call of the roll under Article II, Sec. 23, of the Constitution.

Senator Daniel offers Amendment No. 1.

Senator Shaw offers Amendment No. 2, perfecting Amendment No. 1. Senator Smith rises and debates Amendment No. 2 and subsequently requests to be excused from voting on the Amendment. The Chair rules Senator Smith's request out of order due to his participation in the debate. Senator Winner of Buncombe, Chairman of the **Finance Committee**, seconded by Senator Daniel, calls the previous question on Amendment No. 2. The previous question is sustained, and Amendment No. 2 fails of adoption (24-25).

Amendment No. 1 is adopted (39-10).

Senator Daniel offers Amendment No. 3 which is adopted (47-1).

Senator Plexico offers Amendment No. 4 which is temporarily displaced with unanimous consent.

Senator Sands offers Amendment No. 5 which is adopted (44-5).

Senator Parnell offers Amendment No. 6. Senator Winner of Mecklenburg offers Amendment No. 7, perfecting Amendment No. 6, which Amendment she subsequently withdraws. Without objection, the Chair orders Amendment No. 6 temporarily displaced.

Senator Ballance rises to a point of order as to his qualification to call for the previous question, under Rule 23, as a Chairman of a committee having considered this measure and submitting a report prior to its consideration by the **Finance Committee**. The Chair rules any Chairman of a committee which submits a report is qualified to call for the previous question and sustains the point of order.

Amendment No. 4, temporarily displaced earlier, is placed before the Senate for consideration. The Chair holds the Amendment to be material. Following lengthy debate, Amendment No. 4 fails of adoption (14-36).

Senator Odom offers Amendment No. 8. With unanimous consent, Senator Parnell withdraws Amendment No. 6, temporarily displaced earlier. Amendment No. 8 fails of adoption (24-25).

Senator Gulley offers Amendment No. 9. Senator Daniel, sponsor of the measure, seconded by Senator Conder, calls the previous question. The call is sustained. Amendment No. 9 fails of adoption (18-32).

Senator Parnell offers Amendment No. 10.

Senator Daniel rises to a point of order as to the call for the previous question prevailing and the question before the body the passage of the Committee Substitute bill No. 2, the Senate having dispensed with Amendment No. 9 pending upon the call for the previous question. The Chair sustains the point of order. Senator Daniel offers to withdraw the motion for the previous question and Senator Simpson rises to a point of order as to the call for the previous question prevailing disallowing its withdrawal. The Chair sustains the point of order. The Chair orders Amendment No. 10 returned to Senator Parnell.

The Chair announces the question before the Senate is the passage of the measure upon its second reading. The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 28, noes 22, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Codington, Conder, Daniel, Edwards, Folger, Gunter, Hunt, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall,

Martin of Guilford, Odom, Perdue, Plyler, Richardson, Sands, Seymour, Sherron, Speed, Tally, Ward, Warren, and Winner of Buncombe—28.

Voting in the negative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Cooper, Forrester, Gulley, Harris, Hartsell, Hoyle, Hyde, Kincaid, Martin of Pitt, Parnell, Plexico, Shaw, Simpson, Smith, Soles, Walker, and Winner of Mecklenburg—22.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, June 9, for further consideration, upon third reading.

H.B. 385 (Senate Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require expunction of civil revocations following acquittal of impaired driving offenses.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill which proposes to change the title.

H.B. 971 (Committee Substitute), a bill to approve a system to develop and implement a system for building improvement reports.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 1077 (Senate Committee Substitute), a bill to define septage, to clarify when chemical or portable toilets may be used, and to make technical and conforming corrections.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1119 (Senate Committee Substitute), a bill regarding the establishment of paternity of a child by affidavit, changing the laws of evidence relating to paternity testing in civil actions, and giving priority to the trial of paternity actions.

Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1020, a bill to prohibit placement of antifreeze in areas where it may poison animals, upon third reading.

The bill passes its third reading and is ordered enrolled.

S.B. 839 (Committee Substitute), a bill to clarify the exemption of motor vehicles from the three-day right to cancel provisions of off-premises sales to the existing exemption under the Retail Installment Sales Act, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45-0) and the measure is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

H.B. 558, a bill to clarify the employment status of select staff in the Department of Community Colleges, with a favorable report.

H.B. 1009 (Committee Substitute), a bill to require school principals to report certain acts occurring on school property to law enforcement, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary II Committee**.

H.B. 1092 (Committee Substitute), a bill to require juvenile court counselors to notify school officials in certain cases when a juvenile is adjudicated delinquent and is ordered to attend school as a condition of probation, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill, as amended, is re-referred to the **Judiciary I Committee**.

H.B. 222, a bill to prohibit the State Board of Education from setting higher class size maximums for physical education classes, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Senate Committee Substitute bill 5183, which changes the title, upon concurrence, to read **H.B. 222** (Senate Committee Substitute), a bill to repeal the law that allows the State Board of Education to set higher maximum class size for physical education and music classes, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 9, for further consideration.

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

H.B. 31 (Committee Substitute), a bill to modify the annual rental charged for water column leases, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 981, a bill to provide for a voluntary program for the certification of organically produced agricultural products, with a favorable report.

H.B. 486, a bill to place restrictions on the use of personal watercraft such as jet skis and water bikes, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the bill, as amended, is re-referred to the **Judiciary I Committee**.

H.B. 827, a bill to establish uniformity in the regulation of roadside hunting, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendments No. 1 and No. 2 are adopted.

Pursuant to Rule 43, the bill, as amended, is re-referred to the **Judiciary I Committee**.

H.B. 881 (Committee Substitute), a bill to establish seasons for hunting and trapping foxes in Granville County and to establish seasons for hunting and trapping foxes in Brunswick County, with a favorable report, as amended.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 27

House of Representatives
June 8, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute **SB 27**, A BILL TO BE ENTITLED AN ACT TO MAKE CONTINUATION AND EXPANSION BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, the Speaker has appointed as conferees on the part of the House, Representatives Nesbitt and Diamont, co-chairs; Representatives Black, Bowman, Crawford, DeVane, Dickson, Easterling, Gist, Gray, Holt, Holmes, H. Hunter, Kuczmarski, Lemmond, McAllister, McLaughlin, Nye, Rogers, Wainwright and Barnes to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

On motion of Senator Basnight, seconded by Senator Perdue, the Senate adjourns at 4:35 P.M. to meet tomorrow, Wednesday, June 9, at 1:30 P.M.

SEVENTY-EIGHTH DAY

SENATE CHAMBER,
Wednesday, June 9, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Loving and Gracious God, in this difficult and complicated world, Robert Fulghum's words serve for us as a refresher course on ethics:

"He wrote, 'Most of what I really need to know about how to live and what to do and how to be I learned in kindergarten. Wisdom was not at the top of the graduate-school mountain but there in the sandpile. These things I learned:

> Share everything... Play fair... Don't hit people... Put things back where you found them... Clean up your own mess... Don't take things that aren't yours... Say you're sorry when you hurt somebody... Wash your hands before you eat...

Live a balanced life—learn some and think some and draw and paint and sing and dance and play and work every day some.

When you go out into the world, watch out for traffic, hold hands, and stick together.'

"Isaiah said, '...and a little child shall lead them.' So be it, Lord. Amen.'"

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Odom and to Senator Seymour for "medical reasons."

The courtesies of the gallery are extended to Paul Pulley, former Representative from Durham County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 159 (Committee Substitute), an act to prohibit delivery of non-tax-paid special fuel into the supply tank of a motor vehicle and acquisition of non-tax-paid special fuel for use in a motor vehicle. (Ch. 140)

S.B. 839 (Committee Substitute), an act to clarify the exemption of motor vehicles from the three-day right to cancel provisions of off-premises sales to the existing exemption under the Retail Installment Sales Act. (Ch. 141)

H.B. 971 (Committee Substitute), an act to approve a system to develop and implement a system for building improvement reports. (Ch. 142)

H.B. 1020, an act to prohibit placement of antifreeze in areas where it may poison animals. (Ch. 143)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson for the **State Personnel and State Government Committee**:

H.B. 210, a bill to protect the confidentiality of hotline complaints that the auditor transmits to the General Assembly for investigation, with a favorable report.

H.B. 817, a bill to remove the State Auditor from the State Fire and Rescue Commission, with a favorable report.

By Senator Cooper for the **Judiciary II Committee**:

S.B. 905, a bill to establish a limitation for civil actions based on personal injury or illness caused by childhood sexual abuse, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 9720, which changes the title to read **S.B. 905** (Committee Substitute), a bill to establish a limitation for civil actions based on personal injury caused by childhood sexual abuse, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS AND RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Ballance:

S.B. 1227, a bill requiring just compensation for taking of property rights, and increasing the outdoor advertising permit fees.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Plexico:

S.B. 1228, a bill to establish a bill of rights for owners of manufactured homes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Judiciary II Committee.**

By Senator Perdue:

S.R. 1229, a Senate simple resolution petitioning the Defense Base Closure and Realignment Commission to retain the Cherry Point Naval Aviation Depot.
(See Appendix)

Referred to **Rules and Operation of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 772 (House Committee Substitute), a bill clarifying the authority of the cities to permit the closing of unopened streets, the retention of utility easements, and the division of right-of-way in typical street closings, and establishing procedures for appeals of street closings, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, June 10.

S.B. 955, a bill to authorize a method for parents to authorize consent by another for health care for the parents' minor child, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, June 10.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 919 of the 1991 Session Laws, the Judicial Branch of Government submits its Equal Employment Opportunity (EEO) Program Report and pursuant to Ch. 919, Sec. 3, includes the data analysis of the Judicial Branch of Government's workforce which addresses the minimum requirements.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Folger for the **Local Government and Regional Affairs Committee:**

H.B. 803, a bill to exempt the Town of Denton from certain zoning notice requirements, with a favorable report.

H.B. 847 (Committee Substitute), a bill to amend the Charter of the City of Charlotte to authorize the construction, design, and operation of sludge management facilities, with a favorable report.

H.B. 700, a bill to limit the height of structures within the part of the Town of Sunset Beach that is on the Island, with a favorable report, as amended.

H.B. 743, a bill to authorize the merger of the Towns of Hazelwood and Waynesville, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

With unanimous consent, the bill, as amended, is re-referred to the **Finance Committee.**

H.B. 837, a bill to allow the Town of Wrightsville Beach to exercise the power of eminent domain for purposes of engaging in beach erosion control and flood and hurricane protection works, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the bill, as amended, is re-referred to the **Finance Committee.**

With unanimous consent, on motion of Senator Winner of Buncombe, the bill, as amended, is withdrawn from the **Finance Committee** and placed on the Calendar for tomorrow, Thursday, June 10, for consideration, upon its passage.

S.B. 685, a bill to clarify that streets between developed lots or within neighborhoods may not be excluded from annexation density calculations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the proposed Committee Substitute bill 2698, which changes the title to read **S.B. 685** (Committee Substitute), a bill to clarify the treatment of streets and roads in population density calculations in an annexation, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

S.B. 887, a bill concerning the Town of Santeetlah's water supply, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the proposed Committee Substitute bill 1657, which changes the title to read **S.B. 887** (Committee Substitute), a bill to allow the Town of Santeetlah to make equal assessments for each lot in a new system, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Committee Substitute bill, held to be material, is adopted, constituting the first reading of the measure.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 380, a bill to authorize the Board of Adjustment of the City of New Bern to make decisions under the City's unified development ordinance by a concurring three-fifths majority vote, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 4173, which changes the title, upon concurrence, to read **H.B. 380** (Senate Committee Substitute), a bill to authorize the Board of Adjustment of the City of New Bern to make decisions concerning the issuance of special use permits under the City's unified development ordinance by a concurring three-fifths majority vote, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 10, for further consideration.

H.B. 882, a bill to amend the Charter of the City of Charlotte to authorize the City to exempt the purchase of telecommunications, data processing and data communications equipment, supplies and services from the formal bid requirements of G.S. 143-129, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 1182, which changes the title, upon concurrence, to read **H.B. 882** (Senate Committee Substitute), a bill to amend the Charter of the City of Charlotte to authorize the City to purchase telecommunications, data processing and data communications equipment, supplies and services on a request for proposal basis, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 10, for further consideration.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 423, a bill deannexing a certain tract of property from the City of Burlington, upon second reading.

On motion of Senator Daniel, consideration of the bill is postponed until tomorrow, Thursday, June 10.

H.B. 881 (Committee Substitute), a bill to establish seasons for hunting and trapping foxes in Granville County and to establish seasons for hunting and trapping foxes in Brunswick County.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (43-1) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

S.B. 792 (Committee Substitute), a bill to allow the City of Eden to negotiate annexation contracts and to authorize Rockingham County to participate in the redevelopment of certain abandoned property, as written by the **Local Government and Regional Affairs Committee**, with a favorable report.

S.B. 95 (Committee Substitute), a bill to require annual department budget requests to include a separate line item for energy expenses; to establish the State Facilities Energy Conservation Program; to authorize the Department of Administration to enter into alternative financing agreements for the purchase of energy conservation projects; and to authorize the issuance of bonds that are secured by an interest in the property purchased, as written by the **State Personnel and State Government Committee**, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and **Finance Committee** Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, is ordered engrossed and pursuant to Rule 43, re-referred to the **Appropriations Committee**.

S.B. 724, a bill to establish the High Rock Lake Marine Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 7742 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 10, for further consideration.

S.B. 913 (Committee Substitute), a bill to require annual continuing education for real estate brokers and salespersons, with an unfavorable report as to **Judiciary II Committee** Substitute bill No. 1, but favorable as to **Finance Committee** Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill No. 2, 7732, is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, June 10, for further consideration.

S.B. 924, a bill to raise the fees charged by registers of deeds for the recording of instruments and for the probate of instruments, to provide that registers of deeds shall not charge a fee for recording the satisfaction of mortgages and deeds of trust, and to remove the requirement that substitutions of trustees be recorded as separate instruments, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 9718 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 10, for further consideration

CALENDAR (Continued)

S.B. 11 (Committee Substitute No. 2), a bill to provide for a binding referendum on the establishment of a North Carolina State Lottery, as amended, upon third reading.

Senator Martin of Guilford offers Amendment No. 11 which is adopted (47-0).

Senator Parnell offers Amendment No. 12 which proposes to change the title to read **S.B. 11** (Committee Substitute No. 2), a bill to provide for the establishment of a North Carolina State Lottery. Senator Parnell, seconded by Senator Harris, calls the previous question on Amendment No. 12. The call is sustained. Senator Winner of Buncombe rises to a point of order as to calling for the previous question on the amendment only. The Chair rules the motion in order and fails to sustain the point of order. Amendment No. 12 fails of adoption (20-27).

Senator Gulley offers Amendment No. 13. Senator Daniel, seconded by Senator Conder, offers a motion to the end Amendment No. 13 do lie upon the table, which motion prevails (24-23). Amendment No. 13 lies upon the table.

Senator Harris offers Amendment No. 14 which he subsequently withdraws, and submits Amendment No. 15 which fails of adoption (18-30).

Senator Allran offers Amendment No. 16 and calls the previous question on Amendment No. 16 which motion fails for lack of a second. Upon a tied vote (24-24), the Lieutenant Governor votes "no" and Amendment No. 16 fails of adoption (24-25).

Senator Daniel, seconded by Senator Plyler, calls the previous question on the measure. The call is sustained (35-13). The Committee Substitute bill No. 2, as amended, passes its third reading roll-call vote, ayes 25, noes 21, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Conder, Daniel, Edwards, Folger, Gunter, Hunt, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Guilford, Perdue, Plyler, Richardson, Sands, Sherron, Speed, Tally, Ward, Warren, and Winner of Buncombe—25.

Voting in the negative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Cooper, Forrester, Gulley, Hartsell, Hoyle, Hyde, Kincaid, Martin of Pitt, Parnell, Plexico, Shaw, Simpson, Smith, Soles, and Walker—21.

Pairs announced: Senator Seymour "aye"; Senator Harris "no."

Senator Odom "aye"; Senator Winner of Mecklenburg "no."

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, resolutions are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Seymour for the **Public Utilities Committee:**

S.J.R. 1160, a joint resolution providing for the confirmation of the appointment of John Thomas made by the Governor to membership on the North Carolina Utilities Commission, with a favorable report.

S.J.R. 1161, a joint resolution providing for the confirmation of the appointment of Judy Frances Hunt made by the Governor to membership on the North Carolina Utilities Commission, with a favorable report.

S.J.R. 1162, a joint resolution providing for the confirmation of the appointment of Ralph A. Hunt made by the Governor to membership on the North Carolina Utilities Commission, with a favorable report.

CALENDAR (Continued)

H.B. 495, a bill to make omnibus and technical changes to the savings institutions laws, upon second reading.

On motion of Senator Warren, consideration of the bill is postponed until tomorrow, Thursday, June 10.

S.B. 1190 (Committee Substitute), a bill to require that automated phone systems operated by State government agencies reduce the number of menus that callers must go through to connect to a person, and allow access to some person at any time, with a fiscal note requested.

The Chair announces a fiscal note requested is attached to the measure.

On motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 222 (Senate Committee Substitute), a bill to repeal the law that allows the State Board of Education to set higher maximum class size for physical education and music classes.

On motion of Senator Warren, consideration of the Senate Committee Substitute bill is postponed until tomorrow, Thursday, June 10.

H.B. 558, a bill to clarify the employment status of select staff in the Department of Community Colleges.

The bill passes its second (38-2) and third readings and is ordered enrolled.

H.B. 602, a bill to establish the Trauma System Act of 1993.

The bill passes its second reading (41-0).

On motion of Senator Sands, further consideration of the bill is postponed until tomorrow, Thursday, June 10.

H.B. 981, a bill to provide for a voluntary program for the certification of organically produced agricultural products.

The bill passes its second (43-0) and third readings and is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Smith, the Senate adjourns at 3:44 P.M. to meet tomorrow, Thursday, June 10, at 1:30 P.M.

SEVENTY-NINTH DAY

SENATE CHAMBER,
Thursday, June 10, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"O Lord, we would never diminish the importance of asking Your Careful Leadership in what goes on here in this Senate Chamber.

"But there are days when our prayers for the Senate must be superseded by heartfelt petitions in behalf of the individuals who make up this community.

"Make us sensitive to the personal struggles that go on in this Body. Restore health where there is sickness, strength where there is fragileness, hope where there is concern for tomorrow.

"Hear our collective prayers as one unanimous petition and answer according to Your Will. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senators Odom and Seymour for medical reasons; Senator Walker who is attending the funeral of former Representative Ramey Kemp; and to Senator Parnell, Senator Winner of Mecklenburg, Senator Shaw, Senator Edwards, and Senator Kincaid.

The Chair extends the courtesies of the floor to Joe Raynor, former Senator from Cumberland County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 519, an act to improve the enforcement of the North Carolina Liming Materials and Landplaster Act. (Ch. 144)

H.B. 558, an act to clarify the employment status of select staff in the Department of Community Colleges. (Ch. 145)

H.B. 569 (Committee Substitute), an act to amend the vital records law to avoid unlawful duplication. (Ch. 146)

H.B. 981, an act to provide for a voluntary program for the certification of organically produced agricultural products. (Ch. 147)

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.J.R. 1160, a joint resolution providing for the confirmation of the appointment of John Thomas made by the Governor to membership on the North Carolina Utilities Commission.

With unanimous consent, on motion of Senator Kerr, the joint resolution is taken up out of its regular order of business.

The joint resolution passes its second (39-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.J.R. 1161, a joint resolution providing for the confirmation of the appointment of Judy Frances Hunt made by the Governor to membership on the North Carolina Utilities Commission.

With unanimous consent, on motion of Senator Kerr, the joint resolution is taken up out of its regular order of business.

The joint resolution passes its second (39-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.J.R. 1162, a joint resolution providing for the confirmation of the appointment of Ralph A. Hunt made by the Governor to membership on the North Carolina Utilities Commission.

With unanimous consent, Senator Hunt is excused from voting on the measure due to a conflict of interest.

With unanimous consent, on motion of Senator Kerr, the joint resolution is taken up out of its regular order of business.

The joint resolution passes its second (40-0) and third readings with members standing and is ordered, without objection, sent to the House of Representatives by special messenger.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, and takes its place on the Calendar, as follows:

By Senator Johnson for the **State Personnel and State Government Committee:**

CONFIRMATION OF APPOINTMENT STATE PERSONNEL COMMISSION

The President and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, N. C. 27601

Dear Mr. President and Members of the Senate:

In compliance with the provisions of G.S. 126-2 requiring appointees to the State Personnel Commission to be confirmed by the General Assembly, Governor Hunt has submitted his appointee, Mr. Thomas C. Sobol, Jr., for confirmation. The Governor has appointed Mr. Sobol to replace Mr. Garland Edwards. This term will begin immediately and will expire on June 30, 1993. Additionally the Governor has appointed Mr. Sobol to a full term which begins on July 1, 1993 and expires on June 30, 1999.

The Senate Committee on State Personnel/State Government considered the appointment and makes the following recommendation to the General Assembly:

That the appointment of Thomas C. Sobol, Jr. to the State Personnel Commission beginning immediately and expiring June 30, 1993, be confirmed and that the appointment of Thomas C. Sobol, Jr. to the State Personnel Commission beginning July 1, 1993 and expiring June 30, 1999, be confirmed.

Respectfully submitted,
S/Joseph E. Johnson, Chairman
State Personnel/State Government

Senator Johnson offers a motion that the Senate do confirm the appointment by the Governor of Thomas C. Sobol, Jr. to the State Personnel Commission, which motion prevails by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Buncombe—41.

Voting in the negative: None.

The Chair orders a special message sent to the House of Representatives notifying that Honorable Body of the action of the Senate.

CALENDAR (Continued)

H.B. 222 (Senate Committee Substitute), a bill to repeal the law that allows the State Board of Education to set higher maximum class size for physical education and music classes.

With unanimous consent, on motion of Senator Perdue, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Perdue, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 15.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee:**

H.B. 937, a bill to require the parties to a claim for equitable distribution to exchange an inventory affidavit, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 4192 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 14, for further consideration.

By Senator Harris for the **Pensions and Retirement Committee:**

H.B. 450, a bill to rewrite the law regarding the Greensboro Firemen's Supplemental Retirement System, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 757, a bill to modify the benefit restrictions for reemployed retirees in the Local Governmental Employees' Retirement System, in the Teachers' and State Employees' Retirement System, and in the Consolidated Judicial Retirement System, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee.**

By Senator Harris, Vice-Chairman, for Senator Walker, Chairman, for the **Children and Human Resources Committee:**

H.B. 56 (Committee Substitute No. 2), a bill to authorize the Board of Medical Examiners to enter into peer review agreements with the Academy of Physician Assistants, with a favorable report.

H.B. 519, a bill to eliminate any ambiguity as to the scope of inspections of the Board of Mortuary Affairs, with a favorable report.

H.B. 1149, a bill to amend the Medical Practice Act as it relates to oral surgery, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended, and the proposed Senate Committee Substitute bill 6206 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 14, for further consideration.

CALENDAR (Continued)

H.B. 847 (Committee Substitute), a bill to amend the Charter of the City of Charlotte to authorize the construction, design, and operation of sludge management facilities.

With unanimous consent, on motion of Senator Folger, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Folger, consideration of the Committee Substitute bill is postponed until Monday, June 14.

H.B. 882 (Senate Committee Substitute), a bill to amend the Charter of the City of Charlotte to authorize the City to purchase telecommunications, data processing and data communications equipment, supplies and services on a request for proposal basis.

With unanimous consent, on motion of Senator Folger, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Folger, consideration of the Senate Committee Substitute bill is postponed until Monday, June 14.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hyde for the **Constitution and Election Laws Committee**:

H.B. 563 (Committee Substitute), a bill to make technical changes in statutes concerning precinct and township boundaries, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hyde, the rules are suspended, and the proposed Senate Committee Substitute bill 9261, which changes the title, upon concurrence, to read **H.B. 563** (Senate Committee Substitute), a bill to make changes in statutes concerning precinct and township boundaries, is placed before the Senate for immediate consideration.

On motion of Senator Hyde, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 14, for further consideration.

H.B. 737, a bill to provide that elected officials of the Town of Black Creek who are also employees or officers of the Town may not vote on any matter related to personnel, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hyde, the rules are suspended, and the proposed Senate Committee Substitute bill 1185, which changes the title, upon concurrence, to read **H.B. 737** (Senate Committee Substitute), a bill to provide that elected officers of the Town of Black Creek may not serve as employees or appointive officers of the Town, is placed before the Senate for immediate consideration.

On motion of Senator Hyde, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 14, for further consideration.

RE-REFERRALS

H.B. 1094, a bill to clarify the law relating to the conditional delivery of motor vehicles and to provide for insurance coverage for vehicles added to existing policies on nonbusiness days, referred to the **Judiciary I Committee** on May 18.

Senator Ballance offers a motion the bill be taken from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

H.B. 1095, a bill to prohibit insurers from requiring the use of specified repair companies for motor vehicle damage repairs, referred to the **Judiciary I Committee** on May 18.

Senator Ballance offers a motion the bill be taken from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

H.B. 1133, a bill to permit men who are divorced or widowed to resume use of the surname they used before marriage, referred to the **Judiciary I Committee** on May 10.

Senator Ballance offers a motion the bill be taken from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

INTRODUCTION OF BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plyler, Conder, Odom, Smith, and Speed:

S.B. 1230, a bill to replace the Substance Abuse Program within the Department of Correction with the Division of Alcoholism and Chemical Dependency Programs.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 550, a bill to amend the North Carolina Commercial Fertilizer Law, for concurrence in House Amendment No. 1.

Recommitted to **Agriculture, Marine Resources, and Wildlife Committee**.

H.B. 843 (Committee Substitute), a bill to require the Department of Revenue to include in its biennial tax expenditure report estimates of the amount by which each tax expenditure reduces State revenues and to send a copy of the report to each legislator.

Referred to **Finance Committee**.

H.B. 880, a bill amending the Charter of the City of Durham to remove the limitation on punitive damages, authorize the trial judge to grant injunctive relief, and lengthen the time in which a complainant may file a private cause of action in housing discrimination cases brought under the City's fair housing ordinance.

Referred to **Rules and Operation of the Senate Committee**.

APPOINTMENTS

President *Pro Tempore* Marc Basnight appoints the following Senators to the **Joint Legislative Education Oversight Committee:** Senator Perdue, Co-Chair; Senator Conder, Senator Hartsell, Senator Lee, Senator Smith, Senator Ward, Senator Warren, and Senator Winner of Mecklenburg.

CALENDAR (Continued)

S.B. 724 (Committee Substitute), a bill to establish the High Rock Lake Marine Commission, upon second reading.

With unanimous consent, Senator Johnson is excused from voting on the measure for reason stated: "my law firm represents ALCOA which has a direct interest in the bill."

The Committee Substitute bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Lee, Marshall, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Buncombe—37.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 14, for further consideration, upon third reading.

S.B. 792 (Committee Substitute), a bill to allow the City of Eden to negotiate annexation contracts and to authorize Rockingham County to participate in the redevelopment of certain abandoned property, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Lee, Marshall, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Buncombe—37.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 14, for further consideration, upon third reading.

H.B. 423, a bill deannexing a certain tract of property from the City of Burlington, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Lee, Marshall, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Buncombe—37.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 14, for further consideration, upon third reading.

H.B. 837, a bill to allow the Town of Wrightsville Beach to exercise the power of eminent domain for purposes of engaging in beach erosion control and flood and hurricane protection works, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Lee, Marshall, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Buncombe—37.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, June 14, for further consideration, upon third reading.

H.B. 380 (Senate Committee Substitute), a bill to authorize the Board of Adjustment of the City of New Bern to make decisions concerning the issuance of special use permits under the City's unified development ordinance by a concurring three-fifths majority vote.

The Senate Committee Substitute bill passes its second (39-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 700, a bill to limit the height of structures within the part of the Town of Sunset Beach that is on the Island.

On motion of Senator Folger, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (40-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 803, a bill to exempt the Town of Denton from certain zoning notice requirements.

The bill passes its second (41-0) and third readings and is ordered enrolled.

H.B. 495, a bill to make omnibus and technical changes to the savings institutions laws, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Buncombe—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 14, for further consideration, upon third reading.

RE-REFERRAL

S.B. 1179, a bill to provide that the additional revenue generated by allowing payment of the cigarette tax by reporting rather than by tax stamps shall be earmarked for an Historic Properties Grant Program, referred to the **Finance Committee** on June 1.

Senator Winner of Buncombe offers a motion the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee**, which motion prevails, with unanimous consent.

The Chair orders the bill re-referred to the **Appropriations Committee**.

CALENDAR (Continued)

S.B. 913 (Committee Substitute No. 2), a bill to require annual continuing education for real estate brokers and salespersons.

The Committee Substitute bill No. 2 passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 924 (Committee Substitute), a bill to raise the fees charged by registers of deeds for the recording of instruments and for the probate of instruments, to provide that registers of deeds shall not charge a fee for recording the satisfaction of mortgages and deeds of trust, and to remove the requirement that substitutions of trustees be recorded as separate instruments.

The Committee Substitute bill passes its second reading (39-2).

Senator Hyde objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, June 14, for further consideration, upon third reading.

H.B. 210, a bill to protect the confidentiality of hotline complaints that the auditor transmits to the General Assembly for investigation.

The bill passes its second (41-0) and third readings and is ordered enrolled.

H.B. 817, a bill to remove the State Auditor from the State Fire and Rescue Commission.

The bill passes its second (40-0) and third readings and is ordered enrolled.

S.B. 533 (Committee Substitute), a bill to institute a statewide reporting system for occupational diseases, illnesses, conditions, and injuries, as amended, upon third reading.

The Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

H.B. 602, a bill to establish the Trauma System Act of 1993, upon third reading.

On motion of Senator Harris, consideration of the bill is postponed until Tuesday, June 15.

S.B. 772 (House Committee Substitute), a bill clarifying the authority of the cities to permit the closing of unopened streets, the retention of utility easements, and the division of right-of-way in typical street closings, and establishing procedures for appeals of street closings, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (40-0) and the measure is ordered enrolled.

S.B. 955, a bill to authorize a method for parents to authorize consent by another for health care for the parents' minor child, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (38-0) and the measure is ordered enrolled.

RE-REFERRAL

H.B. 318 (Committee Substitute), a bill to adopt the Hertford County Watermelon Festival and the Fair Bluff Watermelon Festival as the official North Carolina Watermelon Festivals, referred to the **Rules and Operation of the Senate Committee** on April 15.

Senator Sands offers a motion the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails, with unanimous consent.

The Chair orders the Committee Substitute bill re-referred to the **Judiciary I Committee**.

CALENDAR (Continued)

S.B. 533 (Committee Substitute), a bill to institute a statewide reporting system for occupational diseases, illnesses, conditions, and injuries, as amended, temporarily displaced earlier, upon third reading.

Senator Forrester offers Amendment No. 2.

On motion of Senator Albertson, further consideration of the Committee Substitute bill, as amended, with Amendment No. 2 pending, is postponed until Monday, June 14.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 101

House of Representatives
June 10, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 101**, A BILL TO BE

ENTITLED AN ACT TO EXPAND THE CURRENT ENERGY POLICY FOR STATE GOVERNMENT TO APPLY TO THE CONSTRUCTION, OPERATION, AND RENOVATION OF STATE FACILITIES AND TO THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR SUCH FACILITIES, and requests conferees. The Speaker has appointed Representative Bowman, Representative DeVane, Representative B. Miller, Representative Creech, Representative Hackney, Representative Culp and Representative Luebke on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

House of Representatives
June 10, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that in compliance with the provisions of G.S. 126-2(c) the House of Representatives has confirmed the appointment of Thomas C. Sobol, Jr. to the State Personnel Commission.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

On motion of Senator Basnight, seconded by Senator Sands, the Senate adjourns at 3:10 P.M. to meet Monday, June 14, at 8:00 P.M.

EIGHTIETH DAY

SENATE CHAMBER,
Monday, June 14, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, while they labor to finalize legislation as this Session moves toward its conclusion, we pray that You will also continue to give the Senators the longer view of their work here!

"As someone once said, 'Sometimes it is better to fail in a cause that will ultimately succeed than to succeed in a cause that will ultimately fail.'

"Guide Your servants as they juxtapose enthusiasm for today's tasks with vision for our future. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, June 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Seymour for medical reasons.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 536, an act to change the date for publication of the roster of licensed general contractors and to make other conforming and technical changes as recommended by the General Statutes Commission. (Ch. 148)

S.B. 772 (House Committee Substitute), an act clarifying the authority of the cities to permit the closing of unopened streets, the retention of utility easements, and the division of right-of-way in typical street closings, and establishing procedures for appeals of street closings. (Ch. 149)

S.B. 955, an act to authorize a method for parents to authorize consent by another for health care for the parents' minor child. (Ch. 150)

S.B. 971, an act to increase the maximum lawful capacity of tear gas containers for use by individuals for self-defense purposes. (Ch. 151)

H.B. 210, an act to protect the confidentiality of hotline complaints that the auditor transmits to the General Assembly for investigation. (Ch. 152)

H.B. 339 (Committee Substitute), an act to amend the monetary limits for purposes of complying with formal bidding requirements by the City of Greensboro and to allow Alamance County to enter into contracts to repair the Alamance County Courthouse. (Ch. 153)

H.B. 803, an act to exempt the Town of Denton from certain zoning notice requirements. (Ch. 154)

H.B. 817, an act to remove the State Auditor from the State Fire and Rescue Commission. (Ch. 155)

H.B. 870 (Committee Substitute), an act to exempt Watauga County from certain notice requirements for the purpose of adopting or amending a zoning ordinance for water supply watershed protection. (Ch. 156)

S.J.R. 1160, a joint resolution providing for the confirmation of the appointment of John Thomas made by the Governor to membership on the North Carolina Utilities Commission. (Res. 16)

S.J.R. 1161, a joint resolution providing for the confirmation of the appointment of Judy Frances Hunt made by the Governor to membership on the North Carolina Utilities Commission. (Res. 17)

S.J.R. 1162, a joint resolution providing for the confirmation of the appointment of Ralph A. Hunt made by the Governor to membership on the North Carolina Utilities Commission. (Res. 18)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

S.B. 571 (Committee Substitute), a bill to amend the Dam Safety Law of 1967 to make it more effective, with an unfavorable report as to the **Environment and Natural Resources Committee** Substitute bill, but favorable as to the **Environment and Natural Resources Committee** Substitute bill, No. 2.

On motion of Senator Tally, the rules are suspended, and the proposed Committee Substitute bill No. 2, 5688, is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2, is placed on the Calendar for tomorrow, Tuesday, June 15, for further consideration.

S.B. 1165, a bill to provide for refund or fees in excess of the amount needed to operate the resident inspectors program and to revise the method by which resident inspectors are assigned, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the proposed Committee Substitute bill 1665, which changes the title to read **S.B. 1165** (Committee Substitute), a bill to provide for a partial credit or refund of fees in excess of the amount needed to operate the commercial hazardous waste facilities resident inspectors program, to revise the method by which resident inspectors are assigned, and to provide that certain facilities that burn hazardous waste as a fuel are subject to the resident inspectors program, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 101 (Senate Committee Substitute), a bill to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and to the purchase, operation, and maintenance of equipment for such facilities.

Pursuant to the message from the House of Representatives received Thursday, June 10, requesting conferees, Senator Plexico offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the request under advisement.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Harris:

S.B. 1231, a bill to appropriate funds to construct a freestanding boiler plant at Western Carolina Center.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Soles:

S.B. 1232, a bill to appropriate funds to train teachers from Southeastern North Carolina in using the A+ Schools Program.

Referred to **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1233, a bill to appropriate funds for stabilization and renovation at the Charlotte Hawkins Brown Memorial State Historic Site.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Hoyle, Martin of Pitt, Perdue, Kaplan, Forrester, and Warren:

S.B. 1234, a bill to restore North Carolina's competitiveness by readjusting the corporate income tax and surtax rates.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Finance Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 767 (House Committee Substitute), a bill to modify the authority of Mecklenburg County and the City of Charlotte to undertake local development activities, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 15.

H.B. 622 (Committee Substitute No. 2), a bill to improve the laws relating to North Carolina's monitoring of insurance company finances and the preservation of insurance company solvency, to maintain North Carolina's accreditation by the National Association of Insurance Commissioners, and to establish a fee for the accreditation and renewal of accreditation of reinsurance companies.

Referred to **Insurance Committee** and upon a favorable report, re-referred to the **Appropriations Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 914, a bill to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 998, a bill to prohibit dumping of trash on the property of another, to double the minimum fines for littering offenses, and to authorize counties to offer rewards to apprehend felony litterers.

Referred to **Judiciary I Committee.**

H.B. 1016 (Committee Substitute), a bill to change the general drivers license renewal cycle from four to five years and to make uniform the requirements for obtaining a drivers license.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1049 (Committee Substitute), a bill to amend the law concerning assaults on governmental officers and employees to include company police officers and campus police officers.

Referred to **Judiciary I Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Manufacturing and Labor Committee:**

S.B. 1013, a bill to enact the Workforce Preparedness Act, and to make conforming changes to the General Statutes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Committee Substitute bill 5689 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 556 (Committee Substitute), a bill to make technical and other changes to the Uniform Boiler and Pressure Vessel Act, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Senate Committee Substitute bill 7303 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 15, for further consideration.

H.B. 186, a bill to require that publicly funded job training programs include health and safety training, with a favorable report.

H.B. 561, a bill to clarify the manner in which wages must be paid to employees, and to clarify exemptions under the Wage and Hour Act, with a favorable report.

H.B. 524, a bill to permit children under sixteen years of age to be employed by their parents on the premises of a business holding an ABC permit, with a favorable report, as amended.

H.B. 599 (Committee Substitute), a bill to amend the requirement of notice to employees about wage and hour terms of employment, with a favorable report, as amended.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 724 (Committee Substitute), a bill to establish the High Rock Lake Marine Commission, upon third reading.

With unanimous consent, Senator Johnson is excused from voting on the measure for reason stated: "my law firm represents ALCOA who has an interest in the proposed legislation."

The Committee Substitute bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 792 (Committee Substitute), a bill to allow the City of Eden to negotiate annexation contracts and to authorize Rockingham County to participate in the redevelopment of certain abandoned property, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 423, a bill deannexing a certain tract of property from the City of Burlington, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 837, a bill to allow the Town of Wrightsville Beach to exercise the power of eminent domain for purposes of engaging in beach erosion control and flood and hurricane protection works, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 737 (Senate Committee Substitute), a bill to provide that elected officers of the Town of Black Creek may not serve as employees or appointive officers of the Town.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 495, a bill to make omnibus and technical changes to the savings institutions laws, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 56 (Committee Substitute No. 2), a bill to authorize the Board of Medical Examiners to enter into peer review agreements with the Academy of Physician Assistants.

The Committee Substitute bill No. 2 passes its second reading (48-0).

Senator Parnell objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 15, for further consideration, upon third reading.

H.B. 519, a bill to eliminate any ambiguity as to the scope of inspections of the Board of Mortuary Affairs.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 563 (Senate Committee Substitute), a bill to make changes in statutes concerning precinct and township boundaries.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 937 (Senate Committee Substitute), a bill to require the parties to a claim for equitable distribution to exchange an inventory affidavit.

The Senate Committee Substitute bill passes its second reading (49-0).

Senator Gunter objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Tuesday, June 15, for further consideration, upon third reading.

H.B. 1149 (Senate Committee Substitute), a bill to amend the Medical Practice Act as it relates to oral surgery.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 533 (Committee Substitute), a bill to institute a statewide reporting system for occupational diseases, illnesses, conditions, and injuries, as amended, upon third reading.

Senator Forrester offers Amendment No. 2 which is adopted (49-0), changing the title to read **S.B. 533** (Committee Substitute), a bill to institute a statewide reporting system for occupational diseases, illnesses, and injuries.

The Committee Substitute bill, as amended, passes its third reading (48-0).

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 924 (Committee Substitute), a bill to raise the fees charged by registers of deeds for the recording of instruments and for the probate of instruments, to provide that registers of deeds shall not charge a fee for recording the satisfaction of mortgages and deeds of trust, and to remove the requirement that substitutions of trustees be recorded as separate instruments, upon third reading.

With unanimous consent, Senator Hunt is granted an excused absence at 8:40 P.M. for the remainder of tonight's Session.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1057 (House Committee Substitute), a bill concerning funding of public schools in Guilford County, for concurrence in the House Committee Substitute bill.

With unanimous consent, on motion of Senator Martin of Guilford, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

H.B. 257 (Committee Substitute), a bill to implement the recommendations of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee concerning school administrator programs at the constituent University of North Carolina institutions, as amended by the **Education/Higher Education** Committee, with a favorable report.

H.B. 400, a bill to make the calculation for schools of fund balance available for appropriation the same as the calculation for other local governments, with a favorable report.

H.B. 471, a bill to make technical changes in the law regarding vocational education, with a favorable report.

The President recognizes the following pages serving in the Senate this week: Hannah Baggett, Raleigh; Shaheen Rafiq Bandukwala, Raleigh; Casey Sabrina Batts, Grifton; Sharon Michael Beaman, Rocky Mount; Aaron Berns, Youngsville; Amberly Anthony Calloway, Highlands; Courtney E. Cantwell, Wilmington; Mary Kristina Cleveland, Highlands; Gwendolynne Collins, Lenoir; April Nicole Davis, Wilmington; Kathleen Eller, Raleigh; Deah Ellen Faggart, Midland; Bradley W. Greer, Lenoir; Taylor Harris, Winston-Salem; Rebecca E. Hockfield, Charlotte; Jerry Lee Honeycutt, II, Dunn; Clayton Porter Johnston, Greenville; Mary Margaret McNeil, Winston-Salem; Angela Grant Murphy, Asheboro; Ashley Scott Reed, Wilson; Meredith L. Seal, Mebane; Michael Chadwick Smith, Hudson; and Danielle Willis, Lawndale.

On motion of Senator Basnight, seconded by Senators Folger and Cooper, the Senate adjourns at 9:00 P.M. to meet tomorrow, Tuesday, June 15 at 1:30 P.M.

EIGHTY-FIRST DAY

SENATE CHAMBER,
Tuesday, June 15, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Don Frampton, Minister of First Presbyterian Church, Rockingham, as follows:

"Gracious God, in Whom we live and move and have our being, Your Truth and Goodness is hidden from us by the hardness of our hearts.

"And so we pray that Your Spirit of Love and Hope will permeate our minds and wills and show us the way in which we should go.

"May Your Justice, Your Compassion, Your Perfect Order prevail in our deliberations.

"Bless our efforts today; bless the people of our State; and draw us closer to You and to one another. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, June 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour for medical reasons.

RECONSIDERATION

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, as amended, and ordered sent to the House of Representatives on May 18, for concurrence in Senate Amendments No. 1, No. 2, and No. 3, which changes the title to read **H.B. 466**, a bill to authorize Cleveland, Mecklenburg and Wayne Counties to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

Senator Conder offers a motion the bill, as amended, be recalled from the House of Representatives for further consideration, which motion prevails, with unanimous consent.

A message is ordered sent to the House of Representatives respectfully requesting the return of the measure for further consideration by the Senate.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 483, an act to enact Article 4A of the Uniform Commercial Code as recommended by the General Statutes Commission. (Ch. 157)

S.B. 702, an act to revise the manner of election of the Town of St. Pauls. (Ch. 158)

S.B. 711, an act to confirm the corporate limits of the Town of Troy, and modify the laws relating to satellite annexation which apply to that Town. (Ch. 159)

S.B. 730, an act to revise and consolidate the Charter of the Town of Franklinton. (Ch. 160)

S.B. 1057 (House Committee Substitute), an act concerning funding of public schools in Guilford County. (Ch. 161)

H.B. 423, an act deannexing a certain tract of property from the City of Burlington. (Ch. 162)

H.B. 495, an act to make omnibus and technical changes to the savings institutions laws. (Ch. 163)

H.B. 519, an act to eliminate any ambiguity as to the scope of inspections of the Board of Mortuary Affairs. (Ch. 164)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee:**

S.B. 1222, a bill to provide for a disabled sportsman program under the Wildlife Resources Commission, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Cooper for the **Judiciary II Committee:**

H.B. 396 (Committee Substitute), a bill to clarify the authority of Registers of Deeds to adopt local indexing rules and to delay the effective date of the law requiring registers of deeds to comply with minimum indexing standards for land records management, with a favorable report.

H.B. 991 (Committee Substitute), a bill to provide for the recognition and enforcement in North Carolina of certain judgments rendered by courts in foreign countries, with a favorable report.

By Senator Speed for the **Transportation Committee:**

H.B. 604 (Committee Substitute), a bill to authorize counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 1158, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County, with a favorable report.

INTRODUCTION OF BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Sherron and Smith:

S.B. 1235, a bill to provide career fire fighters with the same benefits received by law enforcement officers under the Local Governmental Retirement System and to increase the premium tax on fire and lightning policies.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 551 (Committee Substitute No. 2), a bill to impose conditions for the restoration or continued enjoyment of a driving privilege after a conviction for driving while impaired or driving while a provisional licensee after consuming drugs or alcohol, and to promote compliance with these conditions.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

S.B. 613 (Committee Substitute), a bill to change the manner of election of the Charlotte-Mecklenburg Board of Education to provide for district and at-large election,

with nonpartisan plurality elections in the odd-numbered year, and to use the same districts for election of the Mecklenburg County Board of Commissioners, all subject to a referendum, for concurrence in House Amendment No. 1.

With unanimous consent, on motion of Senator Richardson, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in House Amendment No. 1 (37-11) and the measure is ordered enrolled.

S.B. 657, a bill to require job listing services to secure a bond as a condition of licensure, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, June 16.

S.B. 834 (House Committee Substitute), a bill to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary II Committee**.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 222 (Senate Committee Substitute), a bill to repeal the law that allows the State Board of Education to set higher maximum class size for physical education and music classes.

With unanimous consent, on motion of Senator Perdue, the Senate Committee Substitute bill is taken up out of its regular order of business, and on her further motion, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 22.

RE-REFERRAL

H.B. 1131, a bill to direct the Governor's Commission on Work Force Preparedness to study the need for grant funds for State literacy programs, referred to the **Rules and Operation of the Senate Committee** on May 11.

Senator Sands offers a motion the bill be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Education/Higher Education Committee**, and upon a favorable report, re-referred to the **Appropriations Committee**, which motions prevail.

The Chair recalls the bill from the **Rules and Operation of the Senate Committee** and orders it re-referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

CALENDAR (Continued)

H.B. 602, a bill to establish the Trauma System Act of 1993, upon third reading.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business, and on his further motion, consideration of the bill is postponed until tomorrow, Wednesday, June 16.

S.B. 571 (Committee Substitute No. 2), a bill to amend the Dam Safety Law of 1967 to make it more effective.

With unanimous consent, on motion of Senator Tally, the Committee Substitute bill No. 2 is taken up out of its regular order of business, and on her further motion, consideration of the Committee Substitute bill No. 2 is postponed until tomorrow, Wednesday, June 16.

H.B. 847 (Committee Substitute), a bill to amend the Charter of the City of Charlotte to authorize the construction, design, and operation of sludge management facilities.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 882 (Senate Committee Substitute), a bill to amend the Charter of the City of Charlotte to authorize the City to purchase telecommunications, data processing and data communications equipment, supplies and services on a request for proposal basis.

The Senate Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title.

S.B. 767 (House Committee Substitute), a bill to modify the authority of Mecklenburg County and the City of Charlotte to undertake local development activities, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—44.

Voting in the negative: Senator Winner of Mecklenburg—1.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 16, for further consideration, upon third reading.

H.B. 556 (Senate Committee Substitute), a bill to make technical and other changes to the Uniform Boiler and Pressure Vessel Act, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 571 (Committee Substitute No. 2), a bill to amend the Dam Safety Law of 1967 to make it more effective, placed earlier today on the Calendar for tomorrow, Wednesday, June 16.

With unanimous consent, on motion of Senator Tally, the Senate reconsiders and the Committee Substitute bill No. 2 is taken from the Calendar for Wednesday, June 16, and placed before the Senate for immediate consideration.

With unanimous consent, privileges of the floor are granted to George Givens, staff counsel, to assist in the explanation of the measure.

The Committee Substitute bill No. 2 passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

H.B. 186, a bill to require that publicly funded job training programs include health and safety training.

The bill passes its second (42-0) and third readings and is ordered enrolled.

H.B. 257 (Committee Substitute), a bill to implement the recommendations of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee concerning school administrator programs at the constituent University of North Carolina institutions, as amended.

On motion of Senator Daniel, consideration of the Committee Substitute bill, as amended, is postponed until tomorrow, Wednesday, June 16.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 385 House of Representatives
(Senate Committee Substitute) June 15, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 385**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE BLOOD ALCOHOL CONTENT FOR DRIVING WHILE IMPAIRED AND RELATED OFFENSES FROM 0.10 TO 0.08; TO REDUCE THE MINIMUM BLOOD ALCOHOL CONTENT NECESSARY FOR AN IMMEDIATE TEN-DAY REVOCATION OF DRIVING PRIVILEGES FROM 0.10 TO 0.08; TO MAKE THE RESULTS OF A FIRST BREATH TEST ADMISSIBLE UNDER CERTAIN CIRCUMSTANCES; TO ESTABLISH THAT THE REVOCATION OF A PROVISIONAL LICENSEE'S LICENSE FOR DRIVING AFTER CONSUMING ALCOHOL SHALL BE UNTIL THE LICENSEE'S EIGHTEENTH BIRTHDAY OR FORTY-FIVE DAYS, WHICHEVER IS LONGER; TO PROVIDE CLARIFICATION ABOUT WHEN AN EARLIER CONVICTION FOR DRIVING WHILE IMPAIRED CAN BE USED FOR AGGRAVATION PURPOSES; TO ADD A NEW GROSSLY AGGRAVATING FACTOR TO IMPAIRED DRIVING; TO AMEND THE FELONY DEATH BY VEHICLE STATUTE; AND TO REQUIRE EXPUNCTION OF CIVIL REVOCATIONS FOLLOWING ACQUITTAL OF IMPAIRED DRIVING OFFENSES, and requests conferees. The Speaker has appointed Representative Hackney, Chair; Representative Esposito, Representative Richardson, Representative Wright, Representative Sutton, and Representative Justus, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Odom (Chairman), Lee, Blackmon, and Ballance, as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 466 House of Representatives
June 15, 1993

Mr. President:

It is ordered that a message be sent to your Honorable Body with the information that the House is honoring your request and is returning **HB 466**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAYNE AND SAMPSON COUNTIES AND THE CITY OF CLINTON TO TAKE INTO CONSIDERATION PROSPECTIVE REVENUES GENERATED BY THE DEVELOPMENT IN ARRIVING AT THE AMOUNT OF CONSIDERATION FOR AN ECONOMIC DEVELOPMENT

CONVEYANCE, with the 3 Senate Amendments, for further consideration by your Honorable Body.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Senator Conder offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

The bill, as amended, is placed on the Calendar for tomorrow, Wednesday, June 16, for further consideration, upon third reading.

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns at 2:52 P.M. to meet tomorrow, Wednesday, June 16, at 1:30 P.M.

EIGHTY-SECOND DAY

SENATE CHAMBER,
Wednesday, June 16, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, an old preacher faced with increasing church expenditures but declining offerings in the plate on Sunday—finally looked heavenward and prayed:

> Lord, I don't ask for a bigger garden, but it sure would be nice if You could supply finer seeds...

"His prayer may well be prayed by the men and women of the Senate who are working diligently on our State's budget. Guide them in that process, we pray. Amen."

Senator Conder, Vice-Chairman of the **Rules and Operation of the Senate Committee**, announces the Journal of yesterday, Tuesday, June 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Seymour for medical reasons and to Senator Johnson.

With unanimous consent, privileges of the floor are granted to Sarah Pratt of McDowell County, North Carolina Teacher of the Year, who addresses the Body from the Well of the Senate.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

H.B. 627, a bill to improve enforcement of the child day care requirements, with a favorable report.

By Senator Cooper for the **Judiciary II Committee:**

H.B. 395, a bill to clarify the law regarding the recording of certified copies of documents in the Office of the Register of Deeds, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 9262, which changes the title, upon concurrence, to read **H.B. 395** (Senate Committee Substitute), a bill to clarify the law regarding the recording of certified copies of documents in the Office of the Register of Deeds and to provide that an assignment of a mortgage or deed of trust need not be recorded in order to perfect the assignment, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 17, for further consideration.

H.B. 567 (Committee Substitute), a bill to provide for the issuance of replacement data plates for LP-gas tanks, to provide civil penalties for violations of the laws regarding LP-gas, and to provide for suspension or revocation of an LP-gas dealer's registration for violations of these laws, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill 7305, which changes the title, upon concurrence, to read **H.B. 567** (Senate Committee Substitute), a bill to provide for the issuance of replacement data plates for LP-gas tanks, to provide civil penalties for violations of the laws regarding LP-gas, to provide for suspension or revocation of an LP-gas dealer's registration for violations of these laws, and to provide for contractor certification of LP-gas systems code compliance, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 908 (Committee Substitute No. 2), a bill to amend the statutes that address suits brought by indigents and appeals prosecuted by indigents, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill 3247 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 539, a bill to amend the North Carolina Business Corporation Act and to amend G.S. 54-139 relating to foreign cooperative corporations as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 3245, which changes the title, upon concurrence, to read **H.B. 539** (Senate Committee Substitute), a bill to amend the North Carolina Business Corporation Act and to amend G.S. 54-139 relating to foreign cooperative corporations as recommended by the General Statutes Commission and to make other amendments to the Business Corporation Act, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 17, for further consideration.

By Senator Hunt for the **Finance Committee:**

S.B. 648, a bill to amend Chapter 86A regulating barbers, with a favorable report.

S.B. 1151, a bill to authorize the Division of Motor Vehicles to issue specialized license plates to county commissioners, with a favorable report.

H.B. 1083 (Committee Substitute), a bill to conform State gas pipeline penalty standards to the newly enacted amendments to the Federal Natural Gas Pipeline Safety Act of 1968, with a favorable report.

S.B. 590, a bill to add to the authorized uses of designated boating funds by the Wildlife Resources Commission and to increase fees for boat certificates of number, with a favorable report, as amended.

By Senator Ballance for the **Judiciary I Committee**:

H.B. 346 (Committee Substitute), a bill to authorize alcoholic beverage elections in cities located in two or more counties, with a favorable report.

S.B. 543 (Committee Substitute), a bill to authorize the certification of providers of employee assistance programs, with an unfavorable report as to the bill as written by the **Rules and Operation of the Senate Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Ballance, the proposed Committee Substitute No. 2, 7745, is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 97, a bill to increase the limit on cash prizes for raffles, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 6208 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 17, for further consideration.

H.B. 922, a bill to provide that rules adopted by the Commission for Health Services pertaining to public swimming pools apply to pools constructed or remodeled on or after a certain date, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 4193, which changes the title, upon concurrence, to read **H.B. 922** (Senate Committee Substitute), a bill to provide that design and construction requirements of rules adopted by the Commission for Health Services pertaining to public swimming pools do not apply to public swimming pools constructed or remodeled prior to a certain date, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 17, for further consideration.

H.B. 1015 (Committee Substitute), a bill relating to prayers for judgment in infraction cases where the defensive driving course, or a similar approved course, has been completed by the person cited, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 2248, which changes the title, upon concurrence, to read **H.B. 1015** (Senate Committee Substitute), a bill relating to prayers for judgment in infraction cases where a defensive driving course, or a similar approved course, has been completed by the person cited, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 17, for further consideration.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 101 (Senate Committee Substitute), a bill to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and to the purchase, operation, and maintenance of equipment for such facilities.

Pursuant to the message from the House of Representatives received Thursday, June 10, requesting conferees, Senator Plexico offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Plexico (Chairman), Cooper, Allran, Hartsell, Sherron, Johnson, and Martin of Guilford as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECONSIDERATION

H.B. 881 (Committee Substitute), a bill to establish seasons for hunting and trapping foxes in Granville and Franklin Counties and to establish seasons for hunting and trapping foxes in Brunswick County, ordered sent to the House of Representatives on June 9, for concurrence in Senate Amendment No. 1.

Senator Speed offers a motion the Committee Substitute bill, as amended, be recalled from the House of Representatives for further consideration, which motion prevails, with unanimous consent.

A message is ordered sent to the House of Representatives respectfully requesting the return of the measure for further consideration by the Senate.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Martin of Guilford, Jordan, and Hunt:

S.B. 1236, a bill to establish the Status of Minority Males Study Commission.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Edwards:

S.B. 1237, a bill to authorize inspections of ABC licensed premises by local law enforcement officers.

Referred to **Judiciary I Committee**.

By Senator Edwards:

S.B. 1238, a bill to appropriate funds to the Cumberland County Schools Administrative Unit for Project Rap.

Referred to **Appropriations Committee**.

By Senators Odom, Kerr, Warren, and Forrester:

S.B. 1239, a bill to appropriate funds to replace the National Guard Armory in the City of Kinston.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Odom:

S.B. 1240, a bill to appropriate funds for the purchase of aerial reserve equipment for the Army National Guard.

Referred to **Appropriations Committee.**

By Senators Albertson, Perdue, Warren, Jordan, Parnell, and Hunt:

S.B. 1241, a bill to appropriate funds for construction of a toxicology building at North Carolina State University.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 681 (Committee Substitute No. 2), a bill to implement the requirements of the 1990 amendments to the Federal Clean Air Act, to repeal the expiration of a portion of the per gallon fuel tax, to dedicate a portion of the proceeds of the tax to the administration of the air quality program, to dedicate a portion of the proceeds of the tax to the cleanup of leaking petroleum underground storage tanks, and to repeal the expiration of the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 849, a bill to require the Division of Motor Vehicles to place the applicant's race on the drivers license.

Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills on the Calendar carried forward as unfinished business from Tuesday, June 15, are taken up and disposed of, as follows:

H.B. 400, a bill to make the calculation for schools of fund balance available for appropriation the same as the calculation for other local governments.

The bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 471, a bill to make technical changes in the law regarding vocational education.

The bill passes its second (46-0) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 53 (Committee Substitute), an act to clarify the authority that a county or city has to require participation in a recycling program. (Ch. 165)

S.B. 385 (Committee Substitute), an act to implement a recommendation of the Government Performance Audit Committee to consider a lateral entry process for school administrators. (Ch. 166)

S.B. 613 (Committee Substitute), an act to change the manner of election of the Charlotte-Mecklenburg Board of Education to provide for district and at-large election, with nonpartisan plurality elections in the odd-numbered year, and to use the same

districts for election of the Mecklenburg County Board of Commissioners, all subject to a referendum. (Ch. 167)

S.B. 649, an act to update a local act which allows the City of Raleigh to have a subcommittee issue certificates of appropriateness. (Ch. 168)

S.B. 884, an act to allow school superintendents to choose not to put all letters of complaints in teachers' personnel files. (Ch. 169)

H.B. 186, an act to require that publicly funded job training programs include health and safety training. (Ch. 170)

H.B. 847 (Committee Substitute), an act to amend the Charter of the City of Charlotte to authorize the construction, design, and operation of sludge management facilities. (Ch. 171)

H.B. 1077 (Senate Committee Substitute), an act to define septage, to clarify when chemical or portable toilets may be used, and to make technical and conforming corrections. (Ch. 173)

CALENDAR (Continued)

H.B. 524, a bill to permit children under sixteen years of age to be employed by their parents on the premises of a business holding an ABC permit.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (36-6).

Senator Kaplan objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, June 17, for further consideration, upon third reading.

H.B. 561, a bill to clarify the manner in which wages must be paid to employees, and to clarify exemptions under the Wage and Hour Act.

On motion of Senator Kerr, consideration of the bill is postponed until Wednesday, June 23.

H.B. 599 (Committee Substitute), a bill to amend the requirement of notice to employees about wage and hour terms of employment.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 56 (Committee Substitute No. 2), a bill to authorize the Board of Medical Examiners to enter into peer review agreements with the Academy of Physician Assistants, upon third reading.

The Committee Substitute bill No. 2 passes its third reading and is ordered sent to the House of Representatives.

H.B. 937 (Senate Committee Substitute), a bill to require the parties to a claim for equitable distribution to exchange an inventory affidavit, upon third reading.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

Bills standing upon the general orders for today are taken up and disposed of, as follows:

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, as amended, upon third reading, changing the title to read, upon concurrence, **H.B. 466**, a bill to authorize Cleveland, Mecklenburg and Wayne Counties to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

Senator Conder offers Amendment No. 4 which amends Amendment No. 2 as amended by Amendment No. 3, proposing to further change the title upon concurrence to read **H.B. 466**, a bill to authorize various local governments to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

The Chair orders, without objection, the bill, as amended, temporarily displaced, with Amendment No. 4 pending.

S.B. 767 (House Committee Substitute), a bill to modify the authority of Mecklenburg County and the City of Charlotte to undertake local development activities, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—43.

Voting in the negative: Senator Winner of Mecklenburg—1.

The House Committee Substitute bill is ordered enrolled.

H.B. 257 (Committee Substitute), a bill to implement the recommendations of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee concerning school administrator programs at the constituent University of North Carolina institutions, as amended.

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second (42-2) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 396 (Committee Substitute), a bill to clarify the authority of Registers of Deeds to adopt local indexing rules and to delay the effective date of the law requiring registers of deeds to comply with minimum indexing standards for land records management.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

H.B. 991 (Committee Substitute), a bill to provide for the recognition and enforcement in North Carolina of certain judgments rendered by courts in foreign countries.

The Committee Substitute bill passes its second reading (40-2).

Senator Simpson objects to the third reading of the measure. The Chair orders the Committee Substitute bill placed on the Calendar for tomorrow, Thursday, June 17, for further consideration, upon third reading.

H.B. 1158, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County.

The bill passes its second reading (40-4).

Senator Winner of Buncombe objects to the third reading of the measure. The Chair orders the bill placed on the Calendar for tomorrow, Thursday, June 17, for further consideration, upon third reading.

H.B. 602, a bill to establish the Trauma System Act of 1993, upon third reading.

Senator Sands offers Amendment No. 1 which is adopted (41-0).

Senator Sands offers Amendment No. 2 which is adopted (41-0).

The bill, as amended, passes its third reading (42-3) and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 599 (Committee Substitute), a bill to amend the requirement of notice to employees about wage and hour terms of employment, temporarily displaced earlier.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 991 (Committee Substitute), a bill to provide for the recognition and enforcement in North Carolina of certain judgments rendered by courts in foreign countries, placed earlier today on the Calendar for tomorrow, Thursday, June 17, upon third reading

Senator Simpson withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and recalls the measure from the Calendar of tomorrow, Thursday, June 17, for further consideration, upon third reading.

INTRODUCTION OF RESOLUTION

Senator Sands offers a motion that Rule 40 be suspended to allow the introduction of the following resolution, which motion prevails by a two-thirds majority vote.

By Senator Sands:

S.R. 1243, a Senate simple resolution amending the permanent Rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina to create a deadline for the introduction of bills and resolutions during the 1993 Regular Session and to make permanent the rule restricting admission to the floor of the Senate immediately prior to the daily session.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR (Continued)

S.B. 657, a bill to require job listing services to secure a bond as a condition of licensure, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45-0) and the measure is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 881
(Committee Substitute)

House of Representatives
June 16, 1993

Mr. President:

Pursuant to your request, we are returning **House Bill 881** - A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN GRANVILLE COUNTY AND TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN BRUNSWICK COUNTY, for your further consideration.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

June 16, 1993

Senator Speed offers a motion that the vote by which the Committee Substitute bill, as amended, passed its third reading, be reconsidered, which motion prevails, and the question becomes the passage of the measure upon third reading.

Senator Speed offers Amendment No. 2 which is adopted (42-1), changing the title, upon concurrence, to read **H.B. 881** (Committee Substitute), a bill to establish seasons for hunting and trapping foxes in Granville and Franklin Counties and to establish seasons for hunting and trapping foxes in Brunswick County.

The Committee Substitute bill, as amended, passes its third reading (42-1) and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

CALENDAR (Continued)

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, as amended, to read upon concurrence **H.B. 466**, a bill to authorize Cleveland, Mecklenburg and Wayne Counties to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, with Amendment No. 4 pending, which further changes the title, upon concurrence, to read **H.B. 466**, a bill to authorize various local governments to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, temporarily displaced earlier, upon third reading.

Amendment No. 4, offered by Senator Conder, is adopted (41-1).

Senator Soles offers Amendment No. 5 which is adopted (42-1).

The bill, as amended, passes its third reading (39-2) and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1, No. 2, No. 3, No. 4, and No. 5.

With **H.B. 991** remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Codington, the Senate adjourns at 2:54 P.M. to meet tomorrow, Thursday, June 17, at 1:30 P.M.

EIGHTY-THIRD DAY

SENATE CHAMBER,
Thursday, June 17, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Lord Our God, in the face of life's mysteries and unanswerable questions, give us faith to believe that You make all things to work together for good to them that love You.

"Strengthen our conviction that Your Hand is upon us to lead us and to use us in working out Your Purposes in this world.

"Though we may not see over the horizon, our Faith allows us to take one step at a time and trust You for the rest of the journey. Amen."

Senator Sands, for the **Rules and Operation of the Senate Committee**, announces the Journal of yesterday, Wednesday, June 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Cochrane and Senator Smith, who are attending the Southern Regional Education Board, representing North Carolina; to Senator Seymour, due to medical reasons; and to Senator Simpson and Senator Edwards.

The Chair extends courtesies of the gallery to Louise Brennan, former member of the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 657, an act to require job listing services to secure a bond as a condition of licensure. (Ch. 172)

S.B. 767 (House Committee Substitute), an act to modify the authority of Mecklenburg County and the City of Charlotte to undertake local development activities. (Ch. 174)

S.B. 876, an act to amend the Regional Reciprocal Banking Act and to provide for nationwide interstate banking. (Ch. 175)

H.B. 56 (Committee Substitute No. 2), an act to authorize the Board of Medical Examiners to enter into peer review agreements with the Academy of Physician Assistants. (Ch. 176)

H.B. 380 (Senate Committee Substitute), an act to authorize the Board of Adjustment of the City of New Bern to make decisions concerning the issuance of special use permits under the City's unified development ordinance by a concurring three-fifths majority vote. (Ch. 177)

H.B. 396 (Committee Substitute), an act to clarify the authority of Registers of Deeds to adopt local indexing rules and to delay the effective date of the law requiring registers of deeds to comply with minimum indexing standards for land records management. (Ch. 178)

H.B. 400, an act to make the calculation for schools of fund balance available for appropriation the same as the calculation for other local governments. (Ch. 179)

H.B. 471, an act to make technical changes in the law regarding vocational education. (Ch. 180)

H.B. 700, an act to limit the height of structures within the part of the Town of Sunset Beach that is on the Island. (Ch. 181)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following joint resolution which is read the first time and disposed of, as follows:

H.J.R. 1496, a joint resolution honoring the late S. R. "Bud" Fowle, former Mayor of the City of Washington, and recognizing the City on being named an All America City.

With unanimous consent, on motion of Senator Sands, the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second reading (39-0) and third reading, with members standing, and is ordered enrolled.

The Chair extends courtesies of the gallery to family and friends of the late S. R. "Bud" Fowle, former Mayor of Washington, North Carolina.

REPORTS OF COMMITTEES

Bills and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

S.B. 786, a bill to provide for refunds to commercial airlines of the gasoline and oil inspection fee paid on jet fuel, with a favorable report.

On motion of Senator Winner of Buncombe, pursuant to Rule 41.1, with the consent of Senator Winner of Buncombe, Chairman of the **Finance Committee**, and Senator Kaplan, Chairman of the **Capital Expenditures and Improvements Committee**, the bill is re-referred to the **Ways and Means Committee**.

S.B. 14 (Committee Substitute), a bill to authorize the issuance of nine hundred eighty-nine million dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) capital improvements for community colleges, (3) public school facilities for counties, (4) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (5) grants and loans to local government units for solid waste management, with an unfavorable report as to the bill as rewritten by the **Select Committee on Bonds**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the proposed Committee Substitute bill No. 2, 7750, which changes the title to read **S.B. 14** (Committee Substitute No. 2), a bill to authorize the issuance of seven hundred fifty-eight million dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) capital improvements for community colleges, (3) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (4) capital improvements and land acquisition for State parks and recreation areas, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill No. 2 is adopted.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Capital Expenditures and Improvements Committee** and upon receipt of a favorable report, on motion of Senator Winner of Buncombe, is re-referred to the **Appropriations Committee**.

S.B. 591, a bill to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve-month hunting and fishing licenses, to establish short-term and season nonresident licenses for hunting game, and to provide for a free fishing day, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 6669, which changes the title to read **S.B. 591** (Committee Substitute), a bill to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve-month hunting and fishing licenses, to establish short-term and season nonresident licenses for hunting game, to provide for a free fishing day, and to provide for six new members of the Wildlife Resources Commission to be appointed by the General Assembly, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 21, for further consideration.

S.B. 1141, a bill to expand the tax credits for qualified business investments, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 2702, which changes the title to read **S.B. 1141** (Committee Substitute), a bill to expand the tax credits for qualified business investments and to provide that the tax credits shall sunset for investments made on or after January 1, 1999, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 21, for further consideration.

H.B. 405, a bill to incorporate the City of Northwest, with a favorable report.

H.B. 430, a bill to increase the maximum vehicle tax that can be levied in the City of Greenville, with a favorable report.

H.B. 715 (Committee Substitute), a bill to increase the pistol permit fee in Martin County and Pitt County from five dollars to twenty dollars, with a favorable report.

H.B. 811, a bill to clarify that the boundaries of the Town of Atlantic Beach include an area known as The Pocket, with a favorable report.

H.B. 812, a bill to establish the boundary line between Carteret and Craven Counties, with a favorable report.

H.B. 813 (Senate Committee Substitute), a bill to amend the powers of the New Hanover County Airport Authority, and relating to the Dare County Airport Authority, as rewritten by the **Capital Expenditures and Improvements Committee**, with a favorable report.

By Senator Ballance for the **Judiciary I Committee**:

H.B. 318 (Committee Substitute), a bill to adopt the Hertford County Watermelon Festival and the Fair Bluff Watermelon Festival as the official North Carolina Watermelon Festivals, with a favorable report, as amended.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill is placed at the end of today's Calendar for consideration.

By Senator Tally for the **Environment and Natural Resources Committee**:

H.B. 483 (Committee Substitute No. 2), a bill to amend the Dam Safety Law of 1967 to make it more effective, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the proposed Senate Committee Substitute bill 4196 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Folger for the **Local Government and Regional Affairs Committee**:

S.B. 1070 (House Committee Substitute), a bill relating to the powers and scope of the New Hanover County Human Relations Commission, with a favorable report as to concurrence.

H.B. 763, a bill to allow Pender County and its municipalities to specify by interlocal agreement a redistribution of local sales tax revenues not restricted by law, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 820, a bill amending the statutory definition of subdivision in Pasquotank County, with a favorable report.

H.B. 842, a bill to repeal the definition of subdivision for Lincoln County, with a favorable report.

H.B. 924 (Committee Substitute), a bill to provide for the certification of local government property mappers, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 409, a bill to expand the Hildebran Town Board from three to five members, with a favorable report, as amended.

H.B. 856, a bill to allow the Riegelwood Sanitary District to acquire property within the district for parks, recreation, and community purposes, with a favorable report, as amended.

H.B. 575, a bill to allow the Gastonia City Council to delegate certain rezoning authority to the Gastonia Planning Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 6209, which changes the title, upon concurrence, to read **H.B. 575** (Senate Committee Substitute), a bill to allow specified cities and counties to delegate certain rezoning authority to the designated planning agency, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 21, for further consideration.

H.B. 1045, a bill to authorize cities and counties to contract with nonemployees to conduct building inspections, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 5189 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 21, for further consideration.

H.B. 456, a bill to authorize the conveyance of certain property owned by the City of New Bern to the Neuse River Community Development Corporation, Inc., with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 9263, which changes the title, upon concurrence, to read **H.B. 456** (Senate Committee Substitute), a bill to authorize the conveyance of certain property owned by the City of New Bern to the Neuse River Community Development Corporation, Inc., and to authorize the Burlington City School Administrative Unit to dispose of certain property at private sale, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 21, for further consideration.

By Senator Cooper for the **Judiciary II Committee**:

S.B. 780, a bill to permit the organization and operation of limited liability companies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 4661, which changes the title to read **S.B. 780** (Committee Substitute), a bill to permit the organization and operation of limited liability companies and to limit the liability of shareholders of professional corporations and partners of registered limited liability partnerships, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 533 (Committee Substitute), a bill to ensure the reimbursement of unearned commissions to employees from private personnel services, with a favorable report.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Tuesday, June 22, for consideration.

H.B. 570 (Senate Committee Substitute), a bill to clarify the food and lodging sanitation law, as rewritten by the **Environment and Natural Resources Committee**, with a favorable report.

On motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 22, for consideration.

H.B. 668 (Committee Substitute), a bill to repeal the statute pertaining to the Department of Labor's authority to require separate toilets, with a favorable report.

On motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Tuesday, June 22, for consideration.

By Senator Sands for the **Rules and Operation of the Senate Committee**:

S.R. 1243, a Senate simple resolution amending the permanent Rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina to create a deadline for the introduction of bills and resolutions during the 1993 Regular Session and to make permanent the rule restricting admission to the floor of the Senate immediately prior to the daily session, with an unfavorable report as to Senate simple resolution, but favorable as to Committee Substitute simple resolution.

On motion of Senator Sands, the rules are suspended and the proposed Committee Substitute simple resolution 4660 is placed at the end of today's Calendar for adoption.

INTRODUCTION OF BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Sherron:

S.B. 1242, a bill to amend the payment and performance bond laws and to provide enhanced opportunities for small business contractors on State projects.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

CALENDAR

A bill on the Calendar carried forward as unfinished business from yesterday, Wednesday, June 16, is taken up and disposed of, as follows:

H.B. 991 (Committee Substitute), a bill to provide for the recognition and enforcement in North Carolina of certain judgments rendered by courts in foreign countries, upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 590, a bill to add to the authorized uses of designated boating funds by the Wildlife Resources Commission and to increase fees for boat certificates of number, upon second reading.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Sherron, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—38.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, June 21, for further consideration, upon third reading.

S.B. 1151, a bill to authorize the Division of Motor Vehicles to issue specialized license plates to county commissioners, upon second reading.

Without objection, on motion of Senator Basnight, the bill is temporarily displaced.

S.B. 648, a bill to amend Chapter 86A regulating barbers, as amended.

The bill, as amended, passes its second (39-0) and third readings and is ordered sent to the House of Representatives.

H.B. 346 (Committee Substitute), a bill to authorize alcoholic beverage elections in cities located in two or more counties.

The Committee Substitute bill passes its second reading (39-1).

Senator Harris objects to the third reading of the measure. The Chair orders the Committee Substitute bill placed on the Calendar for Monday, June 21, for further consideration, upon third reading.

H.B. 395 (Senate Committee Substitute), a bill to clarify the law regarding the recording of certified copies of documents in the Office of the Register of Deeds and to provide that an assignment of a mortgage or deed of trust need not be recorded in order to perfect the assignment.

On motion of Senator Cooper, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 22.

H.B. 539 (Senate Committee Substitute), a bill to amend the North Carolina Business Corporation Act and to amend G.S. 54-139 relating to foreign cooperative corporations as recommended by the General Statutes Commission and to make other amendments to the Business Corporation Act.

On motion of Senator Cooper, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 22.

H.B. 627, a bill to improve enforcement of the child day care requirements.

The bill passes its second (37-0) and third readings and is ordered enrolled.

Senator Sands and Senator Folger request to be recorded voting "aye" on the third reading of the bill.

H.B. 922 (Senate Committee Substitute), a bill to provide that design and construction requirements of rules adopted by the Commission for Health Services pertaining to public swimming pools do not apply to public swimming pools constructed or remodeled prior to a certain date.

The Senate Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title upon concurrence.

H.B. 1015 (Senate Committee Substitute), a bill relating to prayers for judgment in infraction cases where a defensive driving course, or a similar approved course, has been completed by the person cited.

On motion of Senator Sands, the Senate Committee Substitute bill is re-referred to the **Judiciary II Committee.**

H.B. 1083 (Committee Substitute), a bill to conform State gas pipeline penalty standards to the newly enacted amendments to the Federal Natural Gas Pipeline Safety Act of 1968.

Without objection, on motion of Senator Basnight, the Committee Substitute bill is temporarily displaced.

H.B. 97 (Senate Committee Substitute), a bill to increase the limit on cash prizes for raffles, upon third reading.

Senator Daniel offers Amendment No. 1 which fails of adoption (18-25).

Senator Kaplan offers Amendment No. 2. Without objection, on motion of Senator Kaplan, the Senate Committee Substitute bill is temporarily displaced, with Amendment No. 2 pending.

H.B. 524, a bill to permit children under sixteen years of age to be employed by their parents on the premises of a business holding an ABC permit, as amended, upon third reading.

On motion of Senator Kerr, consideration of the bill, as amended, is postponed until Tuesday, June 22.

H.B. 1158, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County, upon third reading.

On motion of Senator Harris, consideration of the bill is postponed until Tuesday, June 22.

H.B. 1083 (Committee Substitute), a bill to conform State gas pipeline penalty standards to the newly enacted amendments to the Federal Natural Gas Pipeline Safety Act of 1968, temporarily displaced earlier.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

S.R. 1243 (Proposed Committee Substitute), a Senate simple resolution amending the permanent Rules of the Senate for the Regular Sessions of the 1993 General Assembly of North Carolina to create a deadline for the introduction of bills and resolutions during the 1993 Regular Session and to make permanent the rule restricting admission to the floor of the Senate immediately prior to the daily session, for adoption, placed earlier today on the Calendar for adoption by the **Rules and Operation of the Senate Committee.**

Senator Tally offers Amendment No. 1 which is adopted (39-0).

On motion of Senator Sands, the Committee Substitute Senate simple resolution is adopted (41-0) and ordered engrossed.

The text of this resolution is as follows:

Be it resolved by the Senate:

Section 1. The Permanent Rules of the Senate for the Regular Sessions of the 1993 General Assembly, as contained in Senate Simple Resolution 823 (adopted April 19, 1993) and amended by Senate Simple Resolution 1010 (adopted May 11, 1993), are modified as follows:

(a) A new rule is added to read:

"RULE 40.1. **Deadline on filing for introduction of bills and resolutions.** (a) All bills and resolutions, except those honoring the memory of deceased persons or adjourning the General Assembly, must be filed for introduction not later than Thursday, June 24, 1993; provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 3:00 p.m. on that day and filed for introduction in the Senate before 3:00 p.m. on Thursday, July 1, 1993, shall be treated as if it had been filed for introduction under this rule.

(b) A two-thirds vote of the membership of the Senate present and voting shall be required to file for introduction any bill or resolution after the date established by this rule.

(c) This rule shall not apply to any reconvened session following the adjournment of the first year of the biennial session."

(b) Rule 67A is rewritten to read:

"RULE 67A. **Restricted admission to the floor of the Senate prior to the daily session.**—No person, except members of the Senate; members of the House of Representatives; staff of the General Assembly; the staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by a member of the Senate or the Presiding Officer, shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any other provision of this rule, no registered lobbyist shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session. ~~This rule is repealed effective June 10, 1993.~~"

Sec. 2. This resolution is effective upon adoption.

H.B. 318 (Committee Substitute), a bill to adopt the Hertford County Watermelon Festival and the Fair Bluff Watermelon Festival as the official North Carolina Watermelon Festivals, placed earlier today on the Calendar with a favorable report, as amended, by the **Judiciary I Committee.**

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (42-1) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 1151, a bill to authorize the Division of Motor Vehicles to issue specialized license plates to county commissioners, upon second reading, temporarily displaced earlier.

On motion of Senator Sands, further consideration of the bill is postponed until Tuesday, June 22.

H.B. 97 (Senate Committee Substitute), a bill to increase the limit on cash prizes for raffles, upon third reading, with Amendment No. 2 pending, temporarily displaced earlier.

Amendment No. 2, offered by Senator Kaplan, is adopted (32-10).

The Senate Committee Substitute bill, as amended, passes its third reading (25-17) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

RECONSIDERATION

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, ordered sent to the House of Representatives yesterday, Wednesday, June 16, for concurrence in Senate Amendments No. 1, No. 2, No. 3, No. 4, and No. 5, which changes the title, upon concurrence, to read **H.B. 466**, a bill to authorize various local governments to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

Senator Sands offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails, and the question becomes passage of the bill, as amended, upon third reading.

With unanimous consent, on motion of Senator Sands, the bill, as amended, is recommitted to the **Local Government and Regional Affairs Committee.**

On motion of Senator Basnight, seconded by Senator Walker, the Senate adjourns at 3:24 P.M. to meet Monday, June 21, at 7:00 P.M.

EIGHTY-FOURTH DAY

SENATE CHAMBER,
Monday, June 21, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Heavenly Father, in the important matters that face us this week, guard us from the mindset that it is **we** who shall succeed. Success apart from You is often fleeting. Help us instead to go on day to day seeking to do **Your** Will, then we shall be prepared to receive success as You will it.

"Remind us, should we face a roadblock, that not even King David was allowed to build the temple in Jerusalem, but You allowed him to raise up a son, Solomon, who did. To Your Glory, we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, June 17, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Seymour, due to medical reasons; to Senator Walker, due to business in his district; to Senator Perdue, due to personal reasons; and to Senator Daniel.

ENROLLED BILLS AND RESOLUTION

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 470 (Committee Substitute), an act to exempt joint municipal power agencies from the State bidding laws in the construction of electric generation and transmission projects. (Ch. 182)

S.B. 563, an act to extend the expiration date for private contract participation by the Department of Transportation. (Ch. 183)

S.B. 918 (Committee Substitute), an act to clarify the North Carolina Trails System Act. (Ch. 184)

H.B. 627, an act to improve enforcement of the child day care requirements. (Ch. 185)

H.B. 737 (Senate Committee Substitute), an act to provide that elected officers of the Town of Black Creek may not serve as employees or appointive officers of the Town. (Ch. 186)

H.B. 837, an act to allow the Town of Wrightsville Beach to exercise the power of eminent domain for purposes of engaging in beach erosion control and flood and hurricane protection works. (Ch. 187)

H.B. 991 (Committee Substitute), an act to provide for the recognition and enforcement in North Carolina of certain judgments rendered by courts in foreign countries. (Ch. 188)

H.B. 1083 (Committee Substitute), an act to conform State gas pipeline penalty standards to the newly enacted amendments to the Federal Natural Gas Pipeline Safety Act of 1968. (Ch. 189)

H.B. 1149 (Senate Committee Substitute), an act to amend the Medical Practice Act as it relates to oral surgery. (Ch. 190)

H.J.R. 1496, a joint resolution honoring the late S. R. "Bud" Fowle, former Mayor of the City of Washington, and recognizing the City on being named an All America City. (Res. 19)

REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Johnson for the **State Personnel and State Government Committee:**

S.B. 1093, a bill to fund a program to help displaced homemakers, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 95, a bill to amend the law for the North Carolina Capital Planning Commission to allow for a meeting to be called by five members of the Commission, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 490 (Committee Substitute), a bill to change the name of the State Indian Housing Authority to the Indian Housing Authority, with a favorable report.

H.B. 747 (Committee Substitute No. 2), a bill to amend the North Carolina Veterinary Practice Act, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee.**

S.B. 605, a bill to establish a funding formula and a selection process for the inclusion of works of art in State buildings, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the proposed Committee Substitute bill 2701 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 740, a bill to authorize the Secretary of Administration to develop a term contract for the purchase of personal computer equipment, and to require purchases of personal computer equipment to be reported to the Department of Administration, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson, the proposed Committee Substitute bill 7749 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Daniel and Smith:

S.B. 1244, a bill to provide that a manufactured home shall be authorized to be connected to a properly operating existing wastewater system if the wastewater system will serve only that one home, including a home located in a manufactured home park.

Referred to **Environment and Natural Resources Committee.**

By Senators Winner of Buncombe, Hoyle, Parnell, Sands, Albertson, Perdue, Martin of Pitt, Winner of Mecklenburg, Walker, Lee, Warren, Johnson, Harris, Marshall, Plyler, Speed, Sherron, Hyde, Ward, Kaplan, Blackmon, Shaw, Codington, Carpenter, Folger, Kincaid, Hartsell, Hunt, Forrester, Ballance, Allran, Gunter, Kerr, Jordan, Cooper, Odom, and Gulley:

S.B. 1245, a bill to exempt from the intangibles tax stocks that are not publicly traded.

Referred to **Finance Committee.**

By Senators Plyler, Odom, Richardson, Hoyle, Winner of Mecklenburg, Harris, Forrester, Blackmon, Hartsell, Conder, and Daniel:

S.B. 1246, a bill to appropriate funds for the acquisition of land in the vicinity of Mountain Island, Lake in Gaston, Lincoln and Mecklenburg Counties and to preserve the land for future development as a regional State park or nature preserve.

Referred to **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 90 (House Committee Substitute), a bill to promote the source reduction of waste in State purchasing, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 22.

S.B. 386 (House Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to replace current school tenure laws with laws and regulations that provide protection for school administrators from arbitrary or capricious action by a supervisor, for concurrence in the House Committee Substitute bill.

Referred to **Education/Higher Education Committee.**

S.B. 513 (House Committee Substitute), a bill to amend the banking laws, for concurrence in the House Committee Substitute bill.

Referred to **Banks and Thrift Institutions Committee.**

S.B. 851, a bill to abolish the vacant Office of Coroner in Scotland County, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 851**, a bill to abolish the vacant Office of Coroner in Scotland County and the Office of Coroner in Robeson County, which is placed on the Calendar for tomorrow, Tuesday, June 22.

S.B. 1007, a bill to make various technical and conforming revisions to the Nursing Practice Act, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, June 22.

H.B. 13, a bill to raise the force account limit for the City of Mooresville.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 740 (Committee Substitute), a bill to add a relative of a nursing home patient and a relative of a rest home patient to the Nursing Home Penalty Review Committee.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 1061 (Committee Substitute No. 2), a bill to amend the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988 and to clarify the purposes of the Oil or Other Hazardous Substances Pollution Protection Fund.
Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

APPOINTMENT BY THE GOVERNOR

The Chair directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH, 27603-8001

June 15, 1993

The Honorable Marc Basnight
Senate President *Pro Tempore*
Legislative Building
Raleigh, North Carolina 27603

Dear Marc:

Pursuant to North Carolina General Statute 106-2, I hereby appoint the following individuals to the North Carolina Board of Agriculture by and with the advice and consent of the North Carolina Senate:

Maurice K. Berry, Jr., Elizabeth City
Daniel R. Finch, Bailey
Jeffery B. Turner, Pink Hill

Their term of office will be effective immediately and will expire on May 1, 1999. Biographical information on each individual is attached.

Thank you for your attention to this important matter.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 17, North Carolina Emergency Response Commission. Referred to **State Personnel and State Government Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 591 (Committee Substitute), a bill to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve-month hunting and fishing licenses, to establish short-term and season nonresident licenses for hunting game, to provide for a free fishing day, and to provide for six new members of the Wildlife Resources Commission to be appointed by the General Assembly, upon second reading.

With unanimous consent, on motion of Senator Albertson, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Albertson, consideration of the Committee Substitute bill is postponed until Wednesday, June 23.

H.B. 575 (Senate Committee Substitute), a bill to allow specified cities and counties to delegate certain rezoning authority to the designated planning agency.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Hoyle, consideration of the Senate Committee Substitute bill is postponed until Wednesday, June 23.

H.B. 856, a bill to allow the Riegelwood Sanitary District to acquire property within the district for parks, recreation, and community purposes, upon second reading.

With unanimous consent, the Chair orders the bill taken up out of its regular order of business.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

The Chair rules Amendment No. 1 to be material, and adoption constitutes the first reading of the measure.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, June 22, for further consideration, upon second reading.

H.B. 405, a bill to incorporate the City of Northwest, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, June 22, for further consideration, upon third reading.

H.B. 430, a bill to increase the maximum vehicle tax that can be levied in the City of Greenville, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Folger, Forrester, Gunter, Harris, Hartsell,

Hoyle, Hyde, Johnson, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, June 22, for further consideration, upon third reading.

H.B. 715 (Committee Substitute), a bill to increase the pistol permit fee in Martin County and Pitt County from five dollars to twenty dollars, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, June 22, for further consideration, upon third reading.

H.B. 811, a bill to clarify that the boundaries of the Town of Atlantic Beach include an area known as The Pocket, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, June 22, for further consideration, upon third reading.

H.B. 812, a bill to establish the boundary line between Carteret and Craven Counties, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, June 22, for further consideration, upon third reading.

H.B. 813 (Senate Committee Substitute), a bill to amend the powers of the New Hanover County Airport Authority, and relating to the Dare County Airport Authority, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, June 22, for further consideration, upon third reading.

H.B. 409, a bill to expand the Hildebran Town Board from three to five members.

On motion of Senator Hyde, consideration of the bill is postponed until tomorrow, Tuesday, June 22.

H.B. 456 (Senate Committee Substitute), a bill to authorize the conveyance of certain property owned by the City of New Bern to the Neuse River Community Development Corporation, Inc., and to authorize the Burlington City School Administrative Unit to dispose of certain property at private sale.

The Senate Committee Substitute bill passes its second (39-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title upon concurrence.

H.B. 820, a bill amending the statutory definition of subdivision in Pasquotank County.

The bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 842, a bill to repeal the definition of subdivision for Lincoln County.

The bill passes its second (39-0) and third readings and is ordered enrolled.

S.B. 1070 (House Committee Substitute), a bill relating to the powers and scope of the New Hanover County Human Relations Commission, for concurrence in the House Committee Substitute bill.

Without objection, on motion of Senator Basnight, the House Committee Substitute bill is temporarily displaced.

S.B. 590, a bill to add to the authorized uses of designated boating funds by the Wildlife Resources Commission and to increase fees for boat certificates of number, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1141 (Committee Substitute), a bill to expand the tax credits for qualified business investments and to provide that the tax credits shall sunset for investments made on or after January 1, 1999.

Without objection, on motion of Senator Basnight, the Committee Substitute bill is temporarily displaced.

H.B. 1045 (Senate Committee Substitute), a bill to authorize cities and counties to contract with nonemployees to conduct building inspections.

The Senate Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 346 (Committee Substitute), a bill to authorize alcoholic beverage elections in cities located in two or more counties, upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

S.B. 1141 (Committee Substitute), a bill to expand the tax credits for qualified business investments and to provide that the tax credits shall sunset for investments made on or after January 1, 1999, temporarily displaced earlier.

The Chair rules the Committee Substitute bill requires a call of the roll.

Senator Winner of Buncombe offers Amendment No. 1, which is adopted (43-0).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: Senator Simpson—1.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, June 22, for further consideration, upon third reading.

S.B. 1070 (House Committee Substitute), a bill relating to the powers and scope of the New Hanover County Human Relations Commission, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

The Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: Kristi Michelle Boles, Winston-Salem; Sheneque Moneau Brawley, Salisbury; Jennifer Leigh Britt, Rocky Mount; Kirk Wales Brown, Durham; Adrian Daniel Carpenter, Dallas; Hannah Nicole Craven, Kinston; Marisa Cheryl Dawson, Jacksonville; Bobby Farish, Washington; Jennifer Harviel, Burlington; Heather Herrin, Cary; Bryan Thomas Hurdle, Edenton; Shelby A. Hutton, Rocky Mount; Joshua B. Lewis, Monroe; Natasha McKinnon, Leland; Melissa Hannah Powers, Lumberton; Anna Sands, Reidsville; Lisa Michelle Sheppard, Raleigh; Joey Showfety, Hickory; DeCarlo T. Smith, Leasburg; Timothy M. Spence, Portland, Oregon; Shannon Maree Steen, Winston-Salem; Deborah Marie Tyson, Rocky Mount; Leslie Vining, Winston-Salem; Margaret Holt Whitley, Reidsville; and Lauren F. Winner, Charlottesville, Virginia.

On motion of Senator Basnight, seconded by Senator Sands, the Senate adjourns at 8:05 P.M. to meet tomorrow, Tuesday, June 22, at 1:30 P.M.

EIGHTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, June 22, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Craig Gaither, Minister of First United Methodist Church, Cary, as follows:

"Dear Lord and God of all people, we know that You made the universe and that You hold it together.

"We know that You created people, and You count on us to hold society together.

"We thank You that we have freedom to choose our own rulers, freedom to think our own thoughts, freedom to live our own lives.

"Teach us that the right use of our freedom is encouraging and enabling others to make our society a better place.

"For all the men and women in this place, who have the task of governing, guide and protect and encourage them in all they do, not only on this day, but every day to come. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, June 21, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour, due to medical reasons, and to Senator Simpson.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 936 (Committee Substitute), an act to authorize nationwide interstate branch banking and savings and loan and savings bank branching. (Ch. 191)

S.B. 1070 (House Committee Substitute), an act relating to the powers and scope of the New Hanover County Human Relations Commission. (Ch. 192)

H.B. 346 (Committee Substitute), an act to authorize alcoholic beverage elections in cities located in two or more counties. (Ch. 193)

H.B. 820, an act amending the statutory definition of subdivision in Pasquotank County. (Ch. 194)

H.B. 842, an act to repeal the definition of subdivision for Lincoln County. (Ch. 195)

H.B. 882 (Senate Committee Substitute), an act to amend the Charter of the City of Charlotte to authorize the City to purchase telecommunications, data processing and data communications equipment, supplies and services on a request for proposal basis. (Ch. 196)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

H.B. 136, a bill to extend for an additional five years the requirement that counties use part of the first half-cent local sales tax proceeds only for public school buildings, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 1188, which changes the title, upon concurrence, to read **H.B. 136** (Senate Committee Substitute), a bill to extend for an additional ten years the requirement that counties use part of the two half-cent local sales tax proceeds only for public school buildings and to clarify the procedure by which a local government may use the tax proceeds for other lawful purposes if it can provide for its public school and water and sewage capital needs without restricting the tax proceeds, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 23, for further consideration.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Sherron, Hunt, and Lee:
S.B. 1247, a bill to appropriate funds for capital expenditures for the Research Triangle World Trade Corporation.
Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plyler, Lee, Conder, and Smith:
S.B. 1248, a bill to increase the charges for inspection of motor vehicles.
Referred to **Finance Committee.**

By Senators Marshall and Kaplan:
S.B. 1249, a bill to make technical changes to boards and commissions in North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 30 (Committee Substitute), a bill to make it a general misdemeanor to commit an assault on a sports official, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, June 23.

S.B. 578, a bill to increase the maximum speed for school buses to forty-five miles per hour, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, June 23.

H.B. 105 (Committee Substitute), a bill to increase the property tax homestead exemption amount from twelve thousand dollars to fifteen thousand dollars and to make technical changes to the homestead exemption statutes.
Referred to **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 402

House of Representatives
June 21, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concure in Senate Amendment #1 to **HB 402**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT CHILD SUPPORT PAYMENTS BE CONTINUED WHILE THE CHILD IS ENROLLED IN PRIMARY OR SECONDARY SCHOOL, UP TO GRADUATION OR AGE TWENTY, and requests conferees. The Speaker has appointed: Representative Hackney, Representative Richardson,

Representative Flaherty, Representative McCrary, Representative Alexander, and Representative Esposito, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* takes the appointment of conferees under advisement.

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 18, Emergency Management Program.
Referred to **State Personnel and State Government Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

H.B. 476 (Committee Substitute), a bill to clarify the Controlled Substance Examination Regulation Act, with a favorable report.

H.B. 502 (Committee Substitute No. 2), a bill to make technical amendments to the alcoholic beverage laws, to authorize the sale of alcoholic beverages in certain areas of the State, to increase the fees for most commercial alcoholic beverage permits, and to make other changes to the alcoholic beverage laws, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the proposed Senate Committee Substitute bill 5191 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 405, a bill to incorporate the City of Northwest, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

Without objection, on motion of Senator Soles, the bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, by special messenger.

H.B. 430, a bill to increase the maximum vehicle tax that can be levied in the City of Greenville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 715 (Committee Substitute), a bill to increase the pistol permit fee in Martin County and Pitt County from five dollars to twenty dollars, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 811, a bill to clarify that the boundaries of the Town of Atlantic Beach include an area known as The Pocket, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 812, a bill to establish the boundary line between Carteret and Craven Counties, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 813 (Senate Committee Substitute), a bill to amend the powers of the New Hanover County Airport Authority, and relating to the Dare County Airport Authority, upon third reading.

Senator Sands offers Amendment No. 1 which is adopted (45-0).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title, upon concurrence.

H.B. 856, a bill to allow the Riegelwood Sanitary District to acquire property within the district for parks, recreation, and community purposes, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, June 23, for further consideration, upon third reading.

H.B. 409, a bill to expand the Hildebran Town Board from three to five members.

On motion of Senator Hyde, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 222 (Senate Committee Substitute), a bill to repeal the law that allows the State Board of Education to set higher maximum class size for physical education and music classes.

With unanimous consent, on motion of Senator Perdue, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Perdue, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 29.

RECALL FROM COMMITTEE

S.B. 386 (House Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to replace current school tenure laws with laws and regulations that provide protection for school administrators from arbitrary or capricious action by a supervisor, referred to the **Education/Higher Education Committee** on June 21.

Senator Perdue offers a motion the House Committee Substitute bill be recalled from the **Education/Higher Education Committee** and placed on the Calendar for tomorrow, Wednesday, June 23, for consideration upon its passage, which motion prevails.

The Chair recalls the House Committee Substitute bill from the **Education/Higher Education Committee** and places it on the Calendar for tomorrow, Wednesday, June 23, for consideration.

CALENDAR (Continued)

S.B. 851, a bill to abolish the vacant Office of Coroner in Scotland County and the Office of Coroner in Robeson County, for concurrence in House Amendment No. 1.

The Senate fails to concur in House Amendment No. 1, which proposes to change the title. Senator Conder offers a motion the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 1141 (Committee Substitute), a bill to expand the tax credits for qualified business investments and to provide that the tax credits shall sunset for investments made on or after January 1, 1999, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1151, a bill to authorize the Division of Motor Vehicles to issue specialized license plates to county commissioners, upon second reading.

Senator Plexico offers Amendment No. 1, held to be material, which proposes to change the title to read **S.B. 1151**, a bill to authorize the Division of Motor Vehicles to issue specialized license plates to county commissioners and to Register of Deeds. Senator Plexico subsequently withdraws Amendment No. 1.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Wednesday, June 23, for further consideration, upon third reading.

H.B. 395 (Senate Committee Substitute), a bill to clarify the law regarding the recording of certified copies of documents in the Office of the Register of Deeds and to provide that an assignment of a mortgage or deed of trust need not be recorded in order to perfect the assignment.

Senator Gulley offers Amendment No. 1 which is adopted (40-0).

The Senate Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title, upon concurrence.

H.B. 490 (Committee Substitute), a bill to change the name of the State Indian Housing Authority to the Indian Housing Authority.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 533 (Committee Substitute), a bill to ensure the reimbursement of unearned commissions to employees from private personnel services.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 539 (Senate Committee Substitute), a bill to amend the North Carolina Business Corporation Act and to amend G.S. 54-139 relating to foreign cooperative corporations as recommended by the General Statutes Commission and to make other amendments to the Business Corporation Act.

The Senate Committee Substitute bill passes its second (39-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title, upon concurrence.

H.B. 570 (Senate Committee Substitute), a bill to clarify the food and lodging sanitation law.

On motion of Senator Cooper, consideration of the Senate Committee Substitute bill is postponed until tomorrow, Wednesday, June 23.

H.B. 668 (Committee Substitute), a bill to repeal the statute pertaining to the Department of Labor's authority to require separate toilets.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 524, a bill to permit children under sixteen years of age to be employed by their parents on the premises of a business holding an ABC permit, as amended, upon third reading.

Senator Kerr offers Amendment No. 2 which is adopted (44-1).

The bill, as amended, passes its third reading (35-8) and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1158, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County, upon third reading.

Senator Winner of Buncombe offers Amendment No. 1, which proposes to change the title to read **H.B. 1158**, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County and to prohibit the erection of outdoor advertising on Interstate 26 and on a portion of Interstate 40.

On motion of Senator Winner of Buncombe, further consideration of the bill is postponed until Thursday, June 24, with Amendment No. 1 pending.

S.B. 90 (House Committee Substitute), a bill to promote the source reduction of waste in State purchasing, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled.

S.B. 1007, a bill to make various technical and conforming revisions to the Nursing Practice Act, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (43-1) and the measure is ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 851, a bill to abolish the vacant Office of Coroner in Scotland County, with the appointment of conferees under advisement.

The motion of Senator Conder, prevailing earlier today, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Plyler (Chairman), Parnell, and Conder as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 402, a bill to require that child support payments be continued while the child is enrolled in primary or secondary school, up to graduation or age twenty, with the appointment of conferees under advisement.

Pursuant to the message from the House of Representatives received earlier today, requesting conferees, and the motion offered by Senator Sands that the Senate do appoint conferees prevailing, the President *Pro Tempore* appoints Senators Sands (Chairman), Cooper, and Martin of Guilford, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Gunter, the Senate adjourns at 2:59 P.M. to meet tomorrow, Wednesday, June 23, at 1:30 P.M.

EIGHTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, June 23, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, some of the most important decisions in this legislative session are being made now around the table of negotiation.

"At an important point in the deliberations a compromise will be suggested and considered. Remind our gifted leaders that compromise makes a good umbrella but a poor roof.

"Teach us all when to compromise and when to stand our ground. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour, due to medical reasons.

The Chair extends courtesies of the floor to Joseph Thomas, former Senator from Craven County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 90 (House Committee Substitute), an act to promote the source reduction of waste in State purchasing. (Ch. 197)

S.B. 1007, an act to make various technical and conforming revisions to the Nursing Practice Act. (Ch. 198)

H.B. 257 (Committee Substitute), an act to implement the recommendations of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee concerning school administrator programs at the constituent University of North Carolina institutions. (Ch. 199)

H.B. 430, an act to increase the maximum vehicle tax that can be levied in the City of Greenville. (Ch. 200)

H.B. 490 (Committee Substitute), an act to change the name of the State Indian Housing Authority to the Indian Housing Authority. (Ch. 201)

H.B. 533 (Committee Substitute), an act to ensure the reimbursement of unearned commissions to employees from private personnel services. (Ch. 202)

H.B. 599 (Committee Substitute), an act to amend the requirement of notice to employees about wage and hour terms of employment. (Ch. 203)

H.B. 668 (Committee Substitute), an act to repeal the statute pertaining to the Department of Labor's authority to require separate toilets. (Ch. 204)

H.B. 715 (Committee Substitute), an act to increase the pistol permit fee in Martin County and Pitt County from five dollars to twenty dollars. (Ch. 205)

H.B. 811, an act to clarify that the boundaries of the Town of Atlantic Beach include an area known as The Pocket. (Ch. 206)

H.B. 812, an act to establish the boundary line between Carteret and Craven Counties. (Ch. 207)

H.B. 881 (Committee Substitute), an act to establish seasons for hunting and trapping foxes in Granville and Franklin Counties and to establish seasons for hunting and trapping foxes in Brunswick County. (Ch. 208)

H.B. 937 (Senate Committee Substitute), an act to require the parties to a claim for equitable distribution to exchange an inventory affidavit. (Ch. 209)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Walker for the **Children and Human Resources Committee:**

H.B. 914, a bill to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 513 (Committee Substitute), a bill to mandate a single portal of entry and exit policy for services for individuals with developmental disabilities, with a favorable report, as amended.

By Senator Hunt for the **Finance Committee:**

S.B. 659, a bill to provide that deposits on returnable aeronautic replacement parts will be treated the same way as deposits on returnable automotive, industrial, marine, and farm replacement parts for sales tax purposes, with a favorable report.

S.B. 763, a bill to provide that the minimum size requirements for taxation of a farm at use value apply to the combined area of all tracts in the farm unit, with a favorable report.

H.B. 936 (Committee Substitute), a bill to expand the property tax exemption for nonprofit organizations providing low- and moderate-income housing to include real

property held as a site for future low- and moderate-income housing, with a favorable report.

S.B. 1111, a bill to allow each of the members of the Farmers Mutual Fire Insurance Association of North Carolina to be independently chartered, with a favorable report, as amended.

S.B. 255 (Committee Substitute), a bill to provide for the regulation of the practice of counseling and the licensure of counselors, with an unfavorable report as to the Committee Substitute bill as written by the **Children and Human Resources Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill No. 2, 5694, is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, June 24, for further consideration.

By Senator Speed for the **Transportation Committee**:

H.B. 1016 (Committee Substitute), a bill to change the general drivers license renewal cycle from four to five years and to make uniform the requirements for obtaining a drivers license, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Speed, the proposed Senate Committee Substitute bill 6211 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

S.B. 550, a bill to amend the North Carolina Commercial Fertilizer Law, with a favorable report as to concurrence.

H.B. 319, a bill to extend the bear hunting season in Pasquotank and Camden Counties, with a favorable report.

H.B. 320 (Committee Substitute), a bill to repeal the prohibitions on hunting male deer on the Outer Banks of Currituck County and on bear hunting in Currituck County, and to authorize seasons for taking deer with shotguns on a portion of the Outer Banks of Currituck County and for hunting black bears in Currituck County, with a favorable report.

By Senator Cooper for the **Judiciary II Committee**:

H.B. 818, a bill to define the limits of local government employees political activities, with a favorable report, as amended.

H.B. 659, a bill to authorize the Commissioner of Labor to file as judgments final orders assessing civil money penalties under the Wage and Hour Act, with a favorable report.

S.B. 683, a bill to create the North Carolina Citizens' Law Enforcement Review Commission and Local Citizens' Law Enforcement Review Boards to provide for citizen review of the conduct of State and local law enforcement officers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 5697, which changes the title to read **S.B. 683** (Committee Substitute), a bill authorizing the

Legislative Research Commission to study the creation of the North Carolina Citizens' Law Enforcement Review Commission and Local Citizens' Law Enforcement Review Boards to provide for citizen review of the conduct of State and local law enforcement officers, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted, and re-referred to the **Rules and Operation of the Senate Committee.**

By Senator Winner of Buncombe for the **Finance Committee:**

S.B. 692, a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent and providing for the use of the proceeds of the additional tax, with a favorable report.

S.B. 808 (Committee Substitute), a bill to provide additional local revenue options in Orange County and to correct the Chapel Hill Charter concerning low and moderate housing, with a favorable report.

S.B. 923, a bill to authorize Cumberland County to levy a prepared food and beverage tax to provide a means for financing all or part of an arena in Cumberland County, with a favorable report.

H.B. 398 (Committee Substitute No. 2), a bill to amend the Charter of the City of High Point and to allow High Point to take prospective tax revenues into account when transferring certain property held for economic development, with a favorable report.

H.B. 399 (Committee Substitute), a bill to provide additional procedures for Alexander County to increase the size of rural fire protection districts, with a favorable report.

H.B. 491, a bill to repeal the act creating a revolving loan fund for Robeson County from the proceeds of certain past-due tax receipts, with a favorable report.

H.B. 879, a bill to allow the City of Oxford to make sidewalk assessments and assess without a petition, with a favorable report.

S.B. 1121, a bill to make technical corrections and to remove obsolete sections of the Soil Conservation District Law, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

H.B. 379 (Senate Committee Substitute), a bill to allow Halifax County to create fire protection districts in which fire protection is funded by fees rather than taxes and to restrict expenditures of funds donated to the Fire Department of the Town of Bethel, as written by the **Local Government and Regional Affairs Committee**, with a favorable report.

S.B. 1045, a bill to provide income tax credits for the production and installation of photovoltaic equipment, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 7738, which changes the title to read **S.B. 1045** (Committee Substitute), a bill to broaden existing income tax credits for the production and installation of solar and photovoltaic equipment by increasing the amounts of the credits and extending the solar equipment credits to include equipment that generates electricity, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

Pursuant to Rule 41.1, with the consent of Senator Winner of Buncombe, Chairman of the **Finance Committee**, and Senator Sherron, Chairman of the **Ways and Means Committee**, the Committee Substitute bill is re-referred to the **Ways and Means Committee**.

RECALL FROM COMMITTEE

S.B. 51 (Committee Substitute), a bill to authorize counties and cities to expand the fee on owners of improved property for solid waste management, to authorize counties to impose a franchise fee, and to establish the basis for setting the amount of certain local fees for commercial solid waste collection and disposal activities, as written by the **Local Government and Regional Affairs Committee** and referred to the **Finance Committee** on April 29.

Senator Winner of Buncombe offers a motion the Committee Substitute bill be recalled from the **Finance Committee** and re-referred to the **Environment and Natural Resources Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Finance Committee** and re-refers the measure to the **Environment and Natural Resources Committee**.

REPORTS OF COMMITTEES (Continued)

By Senator Folger for the **Local Government and Regional Affairs Committee**:

H.B. 735, a bill to allow the Town of Surf City to replace a water line with its own crew and equipment, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Capital Expenditures and Improvements Committee.**

H.B. 779 (Committee Substitute), a bill to authorize the City of Durham and Durham County to prohibit acts of discrimination in employment and public accommodations based on race, color, national origin, religion, sex, disability, or age, with a favorable report.

H.B. 828, a bill to repeal obsolete provisions of the Charter of the City of Asheville, with a favorable report.

H.B. 840, a bill to amend the Charter of the City of Charlotte to authorize the City to raise the threshold above which it must seek formal bids for the purchase of apparatus, supplies, materials, or equipment and to waive the requirement for a bid bond, with a favorable report.

H.B. 507, a bill amending the Charter of the City of Durham to authorize the City Council to require owners of rental property within the City to authorize an agent to accept service of process, with a favorable report, as amended.

H.B. 687 (Committee Substitute), a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the Planning Commission Authority to rezone property subject to certain rights of appeal, with a favorable report, as amended.

H.B. 692, a bill to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni & Friends, Inc., a North Carolina nonprofit corporation, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to

read **H.B. 692**, a bill to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni and Friends, Inc., a North Carolina nonprofit corporation.

The Chair orders the measure, as amended, re-referred to the **Finance Committee**.

Pursuant to Rule 47(b), with unanimous consent on motion of Senator Winner of Buncombe, the bill, as amended, is recalled from the **Finance Committee** and placed on the Calendar for tomorrow, Thursday, June 24, for further consideration, upon its passage.

H.B. 860 (Committee Substitute), a bill to exempt Davidson and Davie Counties, the Towns of Forest City and Mocksville, and the Cities of Lexington and Thomasville from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, with a favorable report, as amended.

H.B. 466, a bill to authorize Wayne and Sampson Counties and the City of Clinton to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, as amended, which proposes to change the title, upon concurrence, to read **H.B. 466**, a bill to authorize various local governments to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, with an unfavorable report as to bill, as amended, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 6212, which changes the title, upon concurrence, to read **H.B. 466** (Senate Committee Substitute), a bill to authorize various local governments to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 24, for further consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 868, a bill to provide for the liquidation of assets of certain dissolved corporations without requiring court involvement, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 868** (House Committee Substitute), a bill to provide for the liquidation of assets of certain dissolved corporations without requiring court involvement and to provide relief for corporations seeking reinstatement from administrative dissolution or revocation of certificate of authority, which is placed on the Calendar for tomorrow, Thursday, June 24.

H.B. 1150 (Committee Substitute), a bill to require the Department of Transportation to obtain the consent of a municipality before a State highway system road within one mile of the municipality's limits is abandoned, closed, or made private; and to authorize the municipality to assume maintenance of the road.

Referred to **Rules and Operation of the Senate Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 851

House of Representatives
June 23, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **S.B. 851**, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE VACANT OFFICE OF CORONER IN SCOTLAND COUNTY, the Speaker has appointed as conferees on the part of the House: Representative DeVane, Representative Sutton, and Representative Cummings to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 856, a bill to allow the Riegelwood Sanitary District to acquire property within the district for parks, recreation, and community purposes, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Sands, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 575 (Senate Committee Substitute), a bill to allow specified cities and counties to delegate certain rezoning authority to the designated planning agency.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title, upon concurrence.

S.B. 1151, a bill to authorize the Division of Motor Vehicles to issue specialized license plates to county commissioners, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 591 (Committee Substitute), a bill to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve-month hunting and fishing licenses, to establish short-term and season nonresident licenses for hunting game, to provide for a free fishing day, and to provide for six new members of the Wildlife Resources Commission to be appointed by the General Assembly, upon second reading.

Senator Albertson offers Amendment No. 1 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, June 24, for further consideration, upon third reading.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kaplan, Vice-Chairman, for Senator Daniel, Chairman, for the **Appropriations Committee**:

H.B. 446 (Committee Substitute), a bill to require fees that are imposed for the inspection and grading of farm products and are collected under agreements with the federal government to be used as required by the agreements, and to clarify the authority of the Commissioner of Agriculture concerning these agreements, with a favorable report.

S.B. 95 (Committee Substitute), a bill to require annual department budget requests to include a separate line item for energy expenses; to establish the State Facilities Energy Conservation Program; to authorize the Department of Administration to enter into alternative financing agreements for the purchase of energy conservation projects; and to authorize the issuance of bonds that are secured by an interest in the property purchased, with a favorable report, as amended.

H.B. 581, a bill to make differentiated pay available for all State-paid public school employees, with a favorable report, as amended.

CALENDAR (Continued)

H.B. 136 (Senate Committee Substitute), a bill to extend for an additional ten years the requirement that counties use part of the two half-cent local sales tax proceeds only for public school buildings and to clarify the procedure by which a local government may use the tax proceeds for other lawful purposes if it can provide for its public school and water and sewage capital needs without restricting the tax proceeds.

The Chair rules the Senate Committee Substitute bill requires a call of the roll.

Senator Winner of Buncombe offers Amendment No. 1 which is adopted (44-0), further changing the title, upon concurrence, to read **H.B. 136** (Senate Committee Substitute), a bill to extend for an additional five years the requirement that counties use part of the two half-cent local sales tax proceeds only for public school buildings and to

clarify the procedure by which a local government may use the tax proceeds for other lawful purposes if it can provide for its public school and water and sewage capital needs without restricting the tax proceeds.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: Senator Richardson—1.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, June 24, for further consideration, upon third reading.

WITHDRAWAL FROM CALENDAR

H.B. 466 (Senate Committee Substitute), a bill to authorize various local governments to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, placed on the Calendar for tomorrow, Thursday, June 24, upon report from the **Local Government and Regional Affairs Committee** earlier today.

Senator Conder offers a motion the Senate Committee Substitute bill be recalled from the Calendar for tomorrow, Thursday, June 24, and placed before the Senate for immediate consideration, which motion prevails.

The Chair recalls the Senate Committee Substitute bill from the Calendar for tomorrow, Thursday, June 24, and places the measure before the Senate for immediate consideration.

The Senate Committee Substitute bill passes its second (44-1) and third readings and is ordered, on motion of Senator Conder, sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title upon concurrence, by special messenger.

CALENDAR (Continued)

H.B. 476 (Committee Substitute), a bill to clarify the Controlled Substance Examination Regulation Act.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 561, a bill to clarify the manner in which wages must be paid to employees, and to clarify exemptions under the Wage and Hour Act.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 570 (Senate Committee Substitute), a bill to clarify the food and lodging sanitation law.

The Senate Committee Substitute bill passes its second reading (48-0).

Without objection, on motion of Senator Soles, the Senate Committee Substitute bill is temporarily displaced.

S.B. 30 (Committee Substitute), a bill to make it a general misdemeanor to commit an assault on a sports official, for concurrence in House Amendment No. 1.

The Senate fails to concur in House Amendment No. 1 (1-46). A message is ordered sent to the House of Representatives notifying that Honorable Body of such action.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee:**

H.B. 494, a bill to streamline the administration of the Prospective Teacher Scholarship Loan Fund and to permit teacher assistants to qualify for loans from the Fund, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 938 (Committee Substitute), a bill to require the State Board of Education to report on the National Board for Professional Teaching Standards' Program for identifying highly professional teachers and recommend a plan for providing monetary incentives for teachers to participate in that Program, with a favorable report.

H.B. 1131, a bill to direct the Governor's Commission on Work Force Preparedness to study the need for grant funds for State literacy programs, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, re-referred to the **Appropriations Committee.**

CALENDAR (Continued)

S.B. 386 (House Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to replace current school tenure laws with laws and regulations that provide protection for school administrators from arbitrary or capricious action by a supervisor, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-3) and the measure is ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 30 (Committee Substitute), a bill to make it a general misdemeanor to commit an assault on a sports official.

Senator Conder offers a motion that the Senate do appoint conferees, which motion prevails. A message is ordered sent to the House of Representatives notifying that Honorable Body of such action and requesting conferees.

The President *Pro Tempore* takes the appointment of conferees under advisement.

RECALL FROM COMMITTEE

S.B. 783 (Committee Substitute), a bill to create a Community College Equipment Revolving Loan Fund and to appropriate sixty million dollars to the Fund, as written by the **Select Committee on Bonds** and referred to the **Appropriations Committee** on May 3.

Senator Daniel offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and re-referred to the **Capital Expenditures and Improvements Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and re-refers the measure to the **Capital Expenditures and Improvements Committee.**

With a bill remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Johnson, the Senate adjourns at 2:50 P.M. to meet tomorrow, Thursday, June 24, at 1:30 P.M.

EIGHTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, June 24, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Grant, O Lord, that in realizing all our personal blessings, we may never forget to be kind to others. Help us to be unselfish in friendship, thoughtful of those less happy than ourselves and eager to bear the burdens of others.

"All through this day, by Your Spirit, let us touch the lives of others for good, whether through the words we speak, the prayers we pray, or the lives that we live. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour, due to medical reasons; to Senator Martin of Guilford, who is attending the Interstate Migrant Education Council Meeting; and to Senator Johnson and Senator Winner of Mecklenburg.

The Chair extends courtesies of the floor to James B. Garrison, former Senator from Stanly County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 386 (House Committee Substitute), an act to implement a recommendation of the Government Performance Audit Committee to replace current school tenure laws with laws and regulations that provide protection for school administrators from arbitrary or capricious action by a supervisor. (Ch. 210)

S.B. 592, an act to amend the General Statutes pertaining to public health remedies. (Ch. 211)

H.B. 318 (Committee Substitute), an act to adopt the Hertford County Watermelon Festival and the Fair Bluff Watermelon Festival as the official North Carolina Watermelon Festivals. (Ch. 212)

H.B. 476 (Committee Substitute), an act to clarify the Controlled Substance Examination Regulation Act. (Ch. 213)

H.B. 561, an act to clarify the manner in which wages must be paid to employees, and to clarify exemptions under the Wage and Hour Act. (Ch. 214)

H.B. 922 (Senate Committee Substitute), an act to provide that design and construction requirements of rules adopted by the Commission for Health Services pertaining to public swimming pools do not apply to public swimming pools constructed or remodeled prior to a certain date. (Ch. 215)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

S.B. 60 (Committee Substitute), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, with an unfavorable report as to the **Local Government and Regional Affairs Committee** Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill No. 2, 7754, is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for Monday, June 28, for further consideration.

S.B. 871, a bill to authorize cities and towns to license contractors engaged in the business of making improvements to buildings and structures and to increase the collectibility of municipal privilege license taxes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill A705, which changes the title to read **S.B. 871** (Committee Substitute), a bill to authorize cities and towns to levy a privilege license tax on contractors engaged in the business of making improvements to buildings and structures and to increase the collectibility of municipal privilege license taxes, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 28, for further consideration.

S.B. 1044, a bill to impose a surtax on certain short-term car rentals, to use the proceeds of the tax to compensate rental car companies for the amount of vehicle registration fees and property taxes paid on their rental cars, and to distribute any remaining proceeds to the Highway Fund and the Highway Trust Fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill A703 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 28, for further consideration.

S.B. 1084 (Committee Substitute), a bill to make substantive and technical changes and improvements in the laws regulating service agreements and to enable the Department of Insurance to properly administer those laws, with an unfavorable report as to the **Insurance Committee** Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill No. 2, 2704, which changes the title to read **S.B. 1084** (Committee Substitute No. 2), a bill to make substantive and technical

changes and improvements in the laws regulating service agreements and to enable the Department of Insurance to properly administer those laws by authorizing two examiner positions, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for Monday, June 28, for further consideration.

S.B. 1146, a bill to increase the State privilege license tax for itinerant merchants and specialty market operators, to modify the privilege license tax requirements for flea market vendors, and to prohibit sales of over-the-counter drugs at flea markets, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 3702, which changes the title to read **S.B. 1146** (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators, to modify the privilege license tax requirements for flea market vendors and peddlers, and to prohibit sales of over-the-counter drugs at flea markets unless the manufacturer agrees in writing, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 28, for further consideration.

By Senator Sherron for the **Ways and Means Committee**:

H.B. 459, a bill to prohibit the sale or other disposal of tobacco to minors, knowingly or otherwise, and to provide that it is an affirmative defense that the seller requested identification or had other facts that reasonably indicated that the purchaser was of legal age, with an unfavorable report.

INTRODUCTION OF RESOLUTIONS

Resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plyler, Odom, Conder, Winner of Mecklenburg, Smith, Plexico, Sherron, Hyde, Tally, Ward, Blackmon, Edwards, Speed, Shaw, Carpenter, Codington, Hartsell, Richardson, Soles, Martin of Pitt, Hoyle, Parnell, Hunt, Perdue, Kerr, Cooper, Kincaid, Winner of Buncombe, Lee, Forrester, Allran, Cochrane, Warren, Jordan, Harris, Ballance, Marshall, Folger, Kaplan, Gulley, Johnson, Walker, Martin of Guilford, Basnight, Albertson, Daniel, and Sands:

S.J.R. 1250, a joint resolution recognizing and honoring the Charlotte Hornets for their economic contributions to the State of North Carolina, the Southern Piedmont Area, the County of Mecklenburg, and the City of Charlotte.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Marshall, Harris, Ballance, Johnson, Blackmon, Codington, Daniel, and Carpenter:

S.J.R. 1251, a joint resolution authorizing the Legislative Research Commission to study long-term care medicaid eligibility, medicaid estate recovery, and ways to encourage the development and use of private-sector resources in the provision and financing of long-term care.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 682 (House Committee Substitute), a bill to allow the Counties of Caldwell and Catawba and the Cities of Granite Falls, Hudson, Hickory, Lenoir, and Sawmills to establish the Carolina and Northwestern Railroad Authority, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 28.

H.B. 114 (Committee Substitute), a bill to authorize Lincoln County to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Lincoln County and the cities and towns located in Lincoln County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 649 (Committee Substitute), a bill to authorize the City of Thomasville to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Davidson County and the cities and towns located in Davidson County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 859 (Commi e Substitute), a bill to authorize Granville County to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Granville County and the cities and towns located in Granville County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 923 (Committee Substitute No. 2), a bill to permit the organization and operation of limited liability companies.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Wednesday, June 23, are taken up and disposed of, as follows:

H.B. 570 (Senate Committee Substitute), a bill to clarify the food and lodging sanitation law, upon third reading.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 578, a bill to increase the maximum speed for school buses to forty-five miles per hour, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (39-0) and the measure is ordered enrolled.

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 692, a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent and providing for the use of the proceeds of the additional tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 34, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—34.

Voting in the negative: Senators Cochrane, Forrester, Kaplan, and Smith—4.

The bill is ordered placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

S.B. 808 (Committee Substitute), a bill to provide additional local revenue options in Orange County and to correct the Chapel Hill Charter concerning low and moderate housing, upon second reading.

Senator Lee offers Amendment No. 1 which is adopted (39-1).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 28, noes 13, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Conder, Edwards, Folger, Gulley, Gunter, Hartsell, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sherron, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—28.

Voting in the negative: Senators Allran, Blackmon, Carpenter, Cochrane, Codington, Cooper, Forrester, Harris, Hoyle, Kaplan, Sands, Smith, and Warren—13.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

S.B. 923, a bill to authorize Cumberland County to levy a prepared food and beverage tax to provide a means for financing all or part of an arena in Cumberland County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 30, noes 11, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Codington, Conder, Edwards, Folger, Gulley, Gunter, Hartsell, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sherron, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—30.

Voting in the negative: Senators Allran, Carpenter, Cochrane, Cooper, Forrester, Harris, Hoyle, Kaplan, Sands, Smith, and Warren—11.

The bill is ordered placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 379 (Senate Committee Substitute), a bill to allow Halifax County to create fire protection districts in which fire protection is funded by fees rather than taxes and to restrict expenditures of funds donated to the Fire Department of the Town of Bethel, upon second reading.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—38.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 398 (Committee Substitute No. 2), a bill to amend the Charter of the City of High Point and to allow High Point to take prospective tax revenues into account when transferring certain property held for economic development, as amended, upon second reading.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kaplan, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron,

Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—38.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 399 (Committee Substitute), a bill to provide additional procedures for Alexander County to increase the size of rural fire protection districts, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kaplan, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—38.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 879, a bill to allow the City of Oxford to make sidewalk assessments and assess without a petition, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kaplan, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—39.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 319, a bill to extend the bear hunting season in Pasquotank and Camden Counties.

The bill passes its second and third readings and is ordered enrolled.

H.B. 320 (Committee Substitute), a bill to repeal the prohibitions on hunting male deer on the Outer Banks of Currituck County and on bear hunting in Currituck County, and to authorize seasons for taking deer with shotguns on a portion of the Outer Banks of Currituck County and for hunting black bears in Currituck County.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 491, a bill to repeal the act creating a revolving loan fund for Robeson County from the proceeds of certain past-due tax receipts.

The bill passes its second and third readings and is ordered enrolled.

H.B. 507, a bill amending the Charter of the City of Durham to authorize the City Council to require owners of rental property within the City to authorize an agent to accept service of process.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading.

Senator Gulley objects to the third reading of the measure. The Chair orders the bill placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 687 (Committee Substitute), a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the Planning Commission Authority to rezone property subject to certain rights of appeal.

On motion of Senator Gulley, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

Senator Gulley objects to the third reading of the measure. The Chair orders the Committee Substitute bill, as amended, placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 692, a bill to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni and Friends, Inc., a North Carolina nonprofit corporation, as amended.

The bill, as amended, passes its second reading.

Senator Kerr objects to the third reading of the measure. The Chair orders the bill, as amended, placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 779 (Committee Substitute), a bill to authorize the City of Durham and Durham County to prohibit acts of discrimination in employment and public accommodations based on race, color, national origin, religion, sex, disability, or age.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 828, a bill to repeal obsolete provisions of the Charter of the City of Asheville.

The bill passes its second and third readings and is ordered enrolled.

H.B. 840, a bill to amend the Charter of the City of Charlotte to authorize the City to raise the threshold above which it must seek formal bids for the purchase of apparatus, supplies, materials, or equipment and to waive the requirement for a bid bond.

The bill passes its second and third readings and is ordered enrolled.

H.B. 860 (Committee Substitute), a bill to exempt Davidson and Davie Counties, the Towns of Forest City and Mocksville, and the Cities of Lexington and Thomasville from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection.

On motion of Senator Cochrane, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 860** (Committee Substitute), a bill to exempt various counties, towns and cities from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, which changes the title, upon concurrence.

H.B. 692, a bill to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni & Friends, Inc., a North Carolina nonprofit corporation, as amended, placed earlier today on the Calendar for Monday, June 28, upon third reading.

Senator Kerr withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Monday, June 28, and placed before the Senate for further consideration, upon its third reading.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, which changes the title, upon concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

H.B. 681 (Committee Substitute No. 2), a bill to implement the requirements of the 1990 amendments to the Federal Clean Air Act, to repeal the expiration of a portion of the per gallon fuel tax, to dedicate a portion of the proceeds of the tax to the administration of the air quality program, to dedicate a portion of the proceeds of the tax to the cleanup of leaking petroleum underground storage tanks, and to repeal the expiration of the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the proposed Senate Committee Substitute bill 5194 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Cooper for the **Judiciary II Committee:**

H.B. 658, a bill to authorize a mediation program for the Industrial Commission, with a favorable report.

H.B. 624 (Committee Substitute No. 2), a bill to rewrite Chapter 55A of the General Statutes relating to nonprofit corporations as recommended by the General Statutes Commission, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, re-referred to the **Finance Committee.**

CALENDAR (Continued)

S.B. 591 (Committee Substitute), a bill to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve-month hunting and fishing licenses, to establish short-term and season nonresident licenses for hunting game, to provide for a free fishing day, and to provide for six new members of the Wildlife Resources Commission to be appointed by the General Assembly, as amended, upon third reading.

Senator Albertson offers Amendment No. 2, amending the bill as amended by Amendment No. 1, which is adopted (39-0), changing the title to read **S.B. 591** (Committee Substitute), a bill to restructure the hunting and fishing license schedule to more clearly define license requirements, to provide for twelve-month hunting and fishing licenses, to establish short-term and season nonresident licenses for hunting game, to provide for a free fishing day, and to provide for seven new members of the Wildlife Resources Commission to be appointed by the General Assembly.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—41.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

RECALL FROM COMMITTEE

S.B. 513 (House Committee Substitute), a bill to amend the banking laws, referred to the **Banks and Thrift Institutions Committee** on June 21.

Senator Warren offers a motion the House Committee Substitute bill be recalled from the **Banks and Thrift Institutions Committee** and placed before the Senate for immediate consideration, upon concurrence in the House Committee Substitute bill, which motion prevails.

The Chair recalls the House Committee Substitute bill from the **Banks and Thrift Institutions Committee** and places the measure before the Senate for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-40).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 136 (Senate Committee Substitute), a bill to extend for an additional five years the requirement that counties use part of the two half-cent local sales tax proceeds only for public school buildings and to clarify the procedure by which a local government may use the tax proceeds for other lawful purposes if it can provide for its public school and water and sewage capital needs without restricting the tax proceeds, as amended, upon third reading.

Without objection, on motion of Senator Basnight, the Senate Committee Substitute bill, as amended, is temporarily displaced.

S.B. 95 (Committee Substitute), a bill to require annual department budget requests to include a separate line item for energy expenses; to establish the State Facilities Energy Conservation Program; to authorize the Department of Administration to enter into alternative financing agreements for the purchase of energy conservation projects; and to authorize the issuance of bonds that are secured by an interest in the property purchased, as amended, upon second reading.

On motion of Senator Plexico, Committee Amendment No. 2 is adopted, changing the title to read **S.B. 95** (Committee Substitute), a bill to establish the State Facilities Energy Conservation Program; to authorize the Department of Administration to enter into alternative financing agreements for the purchase of energy conservation projects; and to authorize the issuance of bonds that are secured by an interest in the property purchased.

On motion of Senator Plexico, Committee Amendment No. 3 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—43.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 136 (Senate Committee Substitute), a bill to extend for an additional ten years the requirement that counties use part of the two half-cent local sales tax proceeds only for public school buildings and to clarify the procedure by which a local government may use the tax proceeds for other lawful purposes if it can provide for its public school and water and sewage capital needs without restricting the tax proceeds, as amended, upon third reading, temporarily displaced earlier.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—42.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title, upon concurrence.

RECALL FROM COMMITTEE

H.B. 1167, a bill to add to the investment authority of joint municipal power agencies, referred to the **Rules and Operation of the Senate Committee** on June 3.

Senator Sands offers a motion the bill be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Public Utilities Committee**, and upon a favorable report, re-referred to the **Finance Committee**, which motions prevail.

The Chair recalls the bill from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Public Utilities Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

CALENDAR (Continued)

H.B. 513 (Committee Substitute), a bill to mandate a single portal of entry and exit policy for services for individuals with developmental disabilities.

With unanimous consent, on motion of Senator Walker, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Walker, consideration of the Committee Substitute bill is postponed until Tuesday, June 29.

S.B. 763, a bill to provide that the minimum size requirements for taxation of a farm at use value apply to the combined area of all tracts in the farm unit, upon second reading.

On motion of Senator Sherron, consideration of the bill is postponed until Thursday, July 1.

S.B. 255 (Committee Substitute No. 2), a bill to provide for the regulation of the practice of counseling and the licensure of counselors.

Pursuant to Rule 41.1, on motion of Senator Sherron, Chairman of the **Ways and Means Committee**, in agreement with Senator Kaplan, Chairman of the **Capital Expenditures and Improvements Committee**, the Committee Substitute bill No. 2 is re-referred to the **Ways and Means Committee**.

S.B. 659, a bill to provide that deposits on returnable aeronautic replacement parts will be treated the same way as deposits on returnable automotive, industrial, marine, and farm replacement parts for sales tax purposes.

The bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1111, a bill to allow each of the members of the Farmers Mutual Fire Insurance Association of North Carolina to be independently chartered.

On motion of Senator Hoyle, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (39-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 446 (Committee Substitute), a bill to require fees that are imposed for the inspection and grading of farm products and are collected under agreements with the federal government to be used as required by the agreements, and to clarify the authority of the Commissioner of Agriculture concerning these agreements.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered enrolled.

H.B. 581, a bill to make differentiated pay available for all State-paid public school employees, as amended.

On motion of Senator Ward, Committee Amendment No. 2, amending the bill as amended by Amendment No. 1, is adopted.

The bill, as amended, passes its second reading (39-0).

Senator Shaw objects to the third reading of the measure. The Chair orders the bill, as amended, placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 659, a bill to authorize the Commissioner of Labor to file as judgments final orders assessing civil money penalties under the Wage and Hour Act.

The bill passes its second (40-0) and third readings and is ordered enrolled.

H.B. 581, a bill to make differentiated pay available for all State-paid public school employees, as amended, placed earlier today on the Calendar for Monday, June 28, upon third reading.

Senator Shaw withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Monday, June 28, and placed before the Senate for further consideration, upon its third reading.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 818, a bill to define the limits of local government employees political activities.

On motion of Senator Cooper, Committee Amendment No. 1 fails of adoption (2-40).

Senator Cooper offers Amendment No. 2 which is adopted (40-0).

The bill, as amended, passes its second reading (36-4).

Senator Marshall objects to the third reading of the bill. The Chair orders the measure placed on the Calendar for Monday, June 28, for further consideration, upon third reading.

H.B. 936 (Committee Substitute), a bill to expand the property tax exemption for nonprofit organizations providing low- and moderate-income housing to include real property held as a site for future low- and moderate-income housing.

The Committee Substitute bill passes its second (38-0) and third readings and is ordered enrolled.

H.B. 938 (Committee Substitute), a bill to require the State Board of Education to report on the National Board for Professional Teaching Standards' Program for identifying highly professional teachers and recommend a plan for providing monetary incentives for teachers to participate in that Program.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered enrolled.

H.B. 1158, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County, upon third reading, with Amendment No. 1 pending.

With unanimous consent, Senator Winner of Buncombe withdraws Amendment No. 1, offered Tuesday, June 22.

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (34-7), changing the title, upon concurrence, to read **H.B. 1158**, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County and to prohibit the erection of most new outdoor advertising on Interstate 26 and on a portion of Interstate 40.

The bill, as amended, passes its third reading (36-6) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 2, which changes the title upon concurrence.

S.B. 550, a bill to amend the North Carolina Commercial Fertilizer Law, for concurrence in House Amendment No. 1.

The Senate Concurs in House Amendment No. 1 (41-0) and the measure is ordered enrolled.

S.B. 868 (House Committee Substitute), a bill to provide for the liquidation of assets of certain dissolved corporations without requiring court involvement and to provide relief for corporations seeking reinstatement from administrative dissolution or revocation of certificate of authority, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (39-0), which changes the title, and the measure is ordered enrolled.

H.B. 507, a bill amending the Charter of the City of Durham to authorize the City Council to require owners of rental property within the City to authorize an agent to accept service of process, as amended, placed earlier today on the Calendar for Monday, June 28, upon third reading.

Senator Gulley withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Monday, June 28, and placed before the Senate for immediate consideration, upon its third reading.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 687 (Committee Substitute), a bill to amend the Charter of the City of Durham to authorize the City Council to delegate to the Planning Commission Authority to rezone property subject to certain rights of appeal, as amended, placed earlier today on the Calendar for Monday, June 28, upon third reading.

Senator Gulley withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Monday, June 28, and placed before the Senate for immediate consideration, upon its third reading.

Senator Gulley offers Amendment No. 2 which is adopted (41-0).

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 30 (Committee Substitute), a bill to make it a general misdemeanor to commit an assault on a sports official, with the motion of Senator Conder, prevailing on Wednesday, June 23, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Conder (Chairman), Jordan, and Smith as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Carpenter, the Senate adjourns at 3:49 P.M. to meet Monday, June 28, at 7:00 P.M.

EIGHTY-EIGHTH DAY

SENATE CHAMBER,
Monday, June 28, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, it is easy to be brave when everyone agrees with us. The difficulty comes when nine hundred and ninety-nine of our friends think we are wrong. Help us to be the brave souls who stand up one in a thousand when Your Eternal Truth is at stake.

"As Advocate in our behalf and even against those odds, You have promised, 'I will never leave you or forsake you.' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, June 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Seymour, due to medical reasons, and to Senator Odom.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 550, an act to amend the North Carolina Commercial Fertilizer Law. (Ch. 216)

S.B. 578, an act to increase the maximum speed for school buses to forty-five miles per hour. (Ch. 217)

S.B. 868 (House Committee Substitute), an act to provide for the liquidation of assets of certain dissolved corporations without requiring court involvement and to provide relief for corporations seeking reinstatement from administrative dissolution or revocation of certificate of authority. (Ch. 218)

H.B. 97 (Senate Committee Substitute), an act to increase the limit on cash prizes for raffles. (Ch. 219)

H.B. 319, an act to extend the bear hunting season in Pasquotank and Camden Counties. (Ch. 220)

H.B. 320 (Committee Substitute), an act to repeal the prohibitions on hunting male deer on the Outer Banks of Currituck County and on bear hunting in Currituck County, and to authorize seasons for taking deer with shotguns on a portion of the Outer Banks of Currituck County and for hunting black bears in Currituck County. (Ch. 221)

H.B. 405, an act to incorporate the City of Northwest. (Ch. 222)

H.B. 446 (Committee Substitute), an act to require fees that are imposed for the inspection and grading of farm products and are collected under agreements with the federal government to be used as required by the agreements, and to clarify the authority of the Commissioner of Agriculture concerning these agreements. (Ch. 223)

H.B. 491, an act to repeal the act creating a revolving loan fund for Robeson County from the proceeds of certain past-due tax receipts. (Ch. 224)

H.B. 659, an act to authorize the Commissioner of Labor to file as judgments final orders assessing civil money penalties under the Wage and Hour Act. (Ch. 225)

H.B. 665 (Senate Committee Substitute), an act to improve the regulation of credit insurance and lower premium rates charged for credit insurance. (Ch. 226)

H.B. 779 (Committee Substitute), an act to authorize the City of Durham and Durham County to prohibit acts of discrimination in employment and public accommodations based on race, color, national origin, religion, sex, disability, or age. (Ch. 227)

H.B. 828, an act to repeal obsolete provisions of the Charter of the City of Asheville. (Ch. 228)

H.B. 840, an act to amend the Charter of the City of Charlotte to authorize the City to raise the threshold above which it must seek formal bids for the purchase of apparatus, supplies, materials, or equipment and to waive the requirement for a bid bond. (Ch. 229)

H.B. 936 (Committee Substitute), an act to expand the property tax exemption for nonprofit organizations providing low- and moderate-income housing to include real property held as a site for future low- and moderate-income housing. (Ch. 230)

H.B. 938 (Committee Substitute), an act to require the State Board of Education to report on the National Board for Professional Teaching Standards' Program for identifying highly professional teachers and recommend a plan for providing monetary incentives for teachers to participate in that Program. (Ch. 231)

H.B. 1045 (Senate Committee Substitute), an act to authorize cities and counties to contract with nonemployees to conduct building inspections. (Ch. 232)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee**:

H.B. 876, a bill to establish a no-wake zone on a portion of the Waccamaw River, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Senate Committee Substitute bill 1191, which changes the title, upon concurrence, to read **H.B. 876** (Senate Committee Substitute), a bill to establish a no-wake zone on a portion of the Waccamaw and Pamlico Rivers, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 29, for further consideration.

By Senator Johnson for the **State Personnel and State Government Committee**:

H.B. 611 (Committee Substitute), a bill to amend the composition, appointment process, terms, compensation, and duties of the Advisory Council for the Division of Vocational Rehabilitation Services, with a favorable report.

H.B. 636 (Committee Substitute), a bill concerning the procedure for adopting rules for underwater archaeology sites, with a favorable report.

H.B. 663, a bill to delineate the responsibilities of the Department of Commerce and the Department of Environment, Health, and Natural Resources regarding the development of the State's recycling industry and markets for recyclable materials, with a favorable report.

H.B. 946 (Committee Substitute), a bill to allow certain nonprofit businesses that provide supported employment for the disabled to come within the purview of the State policy that promotes the use of minority, physically handicapped, and women contractors for State contracts, with a favorable report.

H.B. 505 (Committee Substitute), a bill requested by the North Carolina Council for the Deaf and Hard of Hearing to reconstitute the membership of the North Carolina Council for the Deaf and Hard of Hearing, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, re-referred to the **Appropriations Committee**.

H.B. 1021 (Committee Substitute), a bill to require that all State agencies issuing business licenses or privilege licenses report quarterly to the Business License Information Office the number of licenses issued by category, with a favorable report, as amended.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Martin of Guilford, Seymour, and Shaw:

S.J.R. 1252, a joint resolution honoring the life and memory of Warmouth Thomas Gibbs.

On motion of Senator Sands, the joint resolution is placed on the Calendar for tomorrow, Tuesday, June 29, for consideration upon its passage.

By Senator Sherron:

S.B. 1253, a bill to appropriate funds for building and equipping a multipurpose building at the

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Sherron:

S.B. 1254, a bill to appropriate funds for capital improvement projects at parks and recreation areas in North Carolina.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Sherron:

S.B. 1255, a bill to appropriate funds to reestablish the Governor's Executive Institute.

Referred to **Appropriations Committee**.

By Senator Sherron:

S.B. 1256, a bill to appropriate funds to implement a Total Quality Management Program for State Government.

Referred to **Appropriations Committee**.

By Senator Sherron:

S.B. 1257, a bill to appropriate funds to Camel 24 Fellowship for capital improvements.

Referred to **Appropriations Committee**.

By Senators Sherron and Daniel:

S.B. 1258, a bill to appropriate funds for construction of the Centennial Center on the North Carolina State University at Raleigh campus.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Sherron:

S.B. 1259, a bill to provide that funds from the Highway Trust Fund may be used to complete the outer loop around Raleigh.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 233 (Committee Substitute No. 2), a bill to require licensure of marriage and family therapists.

Referred to **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 862 (Committee Substitute No. 2), a bill to require the registration of out-of-state pharmacies that regularly distribute prescription medicines to citizens of the State through the mail or other common carriers.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1046 (Committee Substitute), a bill to make various amendments to update the laws regarding governmental purchasing and contracting.

Referred to **Rules and Operation of the Senate Committee.**

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue submits its Comparative Statement of Net Collections for the Months of May 1993 and 1992.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 60 (Committee Substitute No. 2), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, upon second reading.

With unanimous consent, on motion of Senator Sands, the Committee Substitute bill No. 2 is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the Committee Substitute bill No. 2 is postponed until tomorrow, Tuesday, June 29.

S.B. 871 (Committee Substitute), a bill to authorize cities and towns to levy a privilege license tax on contractors engaged in the business of making improvements to buildings and structures and to increase the collectibility of municipal privilege license taxes, upon second reading.

With unanimous consent, on motion of Senator Sands, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the Committee Substitute bill is postponed until tomorrow, Tuesday, June 29.

S.B. 1084 (Committee Substitute No. 2), a bill to make substantive and technical changes and improvements in the laws regulating service agreements and to enable the Department of Insurance to properly administer those laws by authorizing two examiner positions.

With unanimous consent, on motion of Senator Sands, the Committee Substitute bill No. 2 is taken up out of its regular order of business.

On motion of Senator Sands, the Committee Substitute bill No. 2 is re-referred to the **Appropriations Committee.**

S.B. 692, a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent and providing for the use of the proceeds of the additional tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Marshall, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Simpson, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—38.

Voting in the negative: Senators Cochrane, Forrester, and Smith—3.

The bill is ordered sent to the House of Representatives.

S.B. 808 (Committee Substitute), a bill to provide additional local revenue options in Orange County and to correct the Chapel Hill Charter concerning low and moderate housing, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 32, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Codington, Conder, Edwards, Folger, Gulley, Gunter, Hartsell, Hunt, Hyde, Johnson, Jordan, Kincaid, Lee, Marshall, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Simpson, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—32.

Voting in the negative: Senators Cochrane, Cooper, Forrester, Harris, Hoyle, Kaplan, Kerr, Sands, and Smith—9.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 923, a bill to authorize Cumberland County to levy a prepared food and beverage tax to provide a means for financing all or part of an arena in Cumberland County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 29, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Blackmon, Codington, Conder, Edwards, Folger, Gulley, Gunter, Hartsell, Hunt, Hyde, Johnson, Jordan, Marshall, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Sherron, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—29.

Voting in the negative: Senators Carpenter, Cochrane, Cooper, Forrester, Harris, Hoyle, Kaplan, Sands, and Smith—9.

The bill is ordered sent to the House of Representatives.

H.B. 379 (Senate Committee Substitute), a bill to allow Halifax County to create fire protection districts in which fire protection is funded by fees rather than taxes and to restrict expenditures of funds donated to the Fire Department of the Town of Bethel, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: Senator Hoyle—1.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title.

H.B. 398 (Committee Substitute No. 2), a bill to amend the Charter of the City of High Point and to allow High Point to take prospective tax revenues into account when transferring certain property held for economic development, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 399 (Committee Substitute), a bill to provide additional procedures for Alexander County to increase the size of rural fire protection districts, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes, 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 879, a bill to allow the City of Oxford to make sidewalk assessments and assess without a petition, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 682 (House Committee Substitute), a bill to allow the Counties of Caldwell and Catawba and the Cities of Granite Falls, Hudson, Hickory, Lenoir, and Sawmills to

establish the Carolina and Northwestern Railroad Authority, for concurrence in the House Committee Substitute bill, upon second reading.

The Chair rules the House Committee Substitute bill not to be material and does not require a call of the roll.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled.

S.B. 95 (Committee Substitute), a bill to establish the State Facilities Energy Conservation Program; to authorize the Department of Administration to enter into alternative financing agreements for the purchase of energy conservation projects; and to authorize the issuance of bonds that are secured by an interest in the property purchased, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1044 (Committee Substitute), a bill to impose a surtax on certain short-term car rentals, to use the proceeds of the tax to compensate rental car companies for the amount of vehicle registration fees and property taxes paid on their rental cars, and to distribute any remaining proceeds to the Highway Fund and the Highway Trust Fund, upon second reading.

On motion of Senator Cooper, consideration of the Committee Substitute bill is postponed until tomorrow, Tuesday, June 29.

S.B. 1146 (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators, to modify the privilege license tax requirements for flea market vendors and peddlers, and to prohibit sales of over-the-counter drugs at flea markets unless the manufacturer agrees in writing, upon second reading.

Without objection, on motion of Senator Kaplan, the Committee Substitute bill is temporarily displaced.

H.B. 658, a bill to authorize a mediation program for the Industrial Commission.

On motion of Senator Cooper, consideration of the bill is postponed until tomorrow, Tuesday, June 29.

H.B. 818, a bill to define the limits of local government employees political activities, as amended, upon third reading.

Senator Kincaid, Vice Chairman of the **Appropriations Committee**, requests a fiscal note on the bill, as amended.

Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Wednesday, June 30, for receipt of the fiscal note.

S.B. 1146 (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators, to modify the privilege license tax requirements for flea market vendors and peddlers, and to prohibit sales of over-the-counter drugs at flea markets unless the manufacturer agrees in writing, upon second reading, temporarily displaced earlier.

Senator Kaplan offers Amendment No. 1, held to be material, which is adopted (45-1), constituting the first reading of the measure.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, June 29, for further consideration, upon second reading.

RECALL FROM COMMITTEE

S.B. 835, a bill to study minority and women-owned business participation in the State's overall procurement, contract, and construction programs, referred to the **Rules and Operation of the Senate Committee** on April 13.

Senator Sands offers a motion the bill be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Appropriations Committee**, which motions prevail.

The Chair recalls the bill from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Appropriations Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Manufacturing and Labor Committee**:

H.B. 1047, a bill to revise certain procedures for appeal under the Occupational Safety and Health Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kerr, the rules are suspended, and the proposed Senate Committee Substitute bill 3250 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 29, for further consideration.

The President recognizes the following pages serving in the Senate this week: Amanda Elizabeth Boyd, Concord; George Ivan Canada, Greensboro; Natalie Lou Cox, Zebulon; Heather d'Ambrosi, Raleigh; Christopher Fortune, Lexington; Kevin Brad Grant, Forest City; Kimberly Ann Hamilton, Pollocksville; Lindsay Elizabeth Kolconay, Raleigh; Lara Massey, Raleigh; Dara Newman, Charlotte; Andrew O'Reilly, Durham; Dameron P. Page, Wilson; William Wright Powell, Raleigh; Heather Rivera, Raleigh; Mary G. Ryan, Burlington; Thomas W. Ryan, Burlington; Cheryl E. Smith, Rocky Mount; Kyle Hardee Smith, Cary; Shelton Elliott Smith, Durham; Dawn Michele Spencer, Scranton; Kristin Lynn Sulfaro, Rocky Mount; Douglas Sutton, Raleigh; and Paula Faye Tooley, Scranton.

On motion of Senator Basnight, seconded by Senator Harris, the Senate adjourns at 7:52 P.M., to meet tomorrow, Tuesday, June 29, at 1:30 P.M.

EIGHTY-NINTH DAY

SENATE CHAMBER,
Tuesday, June 29, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with excerpts from Frederick Buechner's sermon, The Magnificent Defeat, as follows:

"Some days, Oh God, we choose the wrong battle and the wrong opponent.

"That truth is illustrated by the story of two monks, one old and the other a novice, walking together in the monastery. The novice turns to the saintly old monk and asks, 'Father, do you still wrestle with the Devil?'

"'No, my son,' he answered. 'I am much too old and too wise for that: You see, now I wrestle with God.'

"'With God?' the young novice exclaimed. 'But Father, do you hope to win?'

"'Oh, no, my child,' said the old monk. And limping off into the morning brightness, he smiled and said, 'I hope to lose.'

"Allow us, Dear Lord, with all the battles we face in this world, that one Magnificent Defeat! Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, June 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour, due to medical reasons.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 595 (Committee Substitute), an act to increase the number of semester hours of study required for registration as a sanitarian. (Ch. 233)

S.B. 604 (Committee Substitute), an act to designate the Office of Administrative Hearings as the deferral agency for cases under the Americans with Disabilities Act. (Ch. 234)

S.B. 682 (House Committee Substitute), an act to allow the Counties of Caldwell and Catawba and the Cities of Granite Falls, Hudson, Hickory, Lenoir, and Sawmills to establish the Carolina and Northwestern Railroad Authority. (Ch. 235)

S.B. 684, an act to provide that the simulated election "Kids Voting" project may take place at the polling place and is not considered electioneering. (Ch. 236)

H.B. 399 (Committee Substitute), an act to provide additional procedures for Alexander County to increase the size of rural fire protection districts. (Ch. 237)

H.B. 409, an act to expand the Hildebran Town Board from three to five members. (Ch. 238)

H.B. 524, an act to permit children under sixteen years of age to be employed by their parents on the premises of a business holding an ABC permit. (Ch. 239)

H.B. 879, an act to allow the City of Oxford to make sidewalk assessments and assess without a petition. (Ch. 240)

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Seymour, Kaplan, Lee, Smith, Walker, Cochrane, Shaw, Daniel, Sands, Folger, and Ward:

S.B. 1260, a bill to appropriate funds for the Piedmont Triad International Trade Council.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1261, a bill to establish the Economic Impact of Rules Study Commission and to cause the Rules Review Commission to submit monthly summaries of rules to the Governor and the Joint Legislative Commission on Governmental Operations.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Jordan:

S.B. 1262, a bill to establish the African-American Cultural Center Study Commission.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1263, a bill to appropriate funds for construction of a new Guilford County juvenile detention facility.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Harris, Warren, Forrester, Smith, Edwards, Winner of Buncombe, Folger, Hunt, Parnell, Walker, Gunter, Ward, Tally, Conder, and Sherron:

S.J.R. 1264, a joint resolution authorizing the Legislative Research Commission to study the early retirement penalty for members of the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Conder, Walker, Ward, and Tally:

S.B. 1265, a bill to amend the mental health laws.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Sherron and Smith:

S.J.R. 1266, a joint resolution authorizing the Legislative Research Commission to study the issue of providing career fire fighters with the same benefits received by law enforcement officers under the Local Governmental Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Cooper:

S.B. 1267, a bill to clarify the standard of care applicable for liability for blood-related services.

Referred to **Children and Human Resources Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 554, a bill to permit area mental health authorities to serve as managed care providers, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 554** (House Committee Substitute), a bill to enact the Fletcher-Jeralds Omnibus Health Reform Act of 1993.

Referred to **Rules and Operation of the Senate Committee.**

S.B. 793 (House Committee Substitute), a bill to make it a misdemeanor for a person under eighteen years of age to possess or carry a handgun and to make it a misdemeanor to sell or transfer any handgun to a person who is under eighteen years of age, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary I Committee.**

S.B. 889 (House Committee Substitute), a bill to provide for mandatory continuing education for North Carolina's dentists and dental hygienists, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary II Committee.**

H.B. 473 (Committee Substitute No. 2), a bill to separate the Real Estate Appraisal Board from the Real Estate Commission.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

H.B. 222 (Senate Committee Substitute), a bill to repeal the law that allows the State Board of Education to set higher maximum class size for physical education and music classes.

With unanimous consent, on motion of Senator Perdue, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Perdue, consideration of the Senate Committee Substitute bill is postponed until Thursday, July 8.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee:**

H.B. 841, a bill to make various amendments to the Principal and Income Act, with a favorable report.

S.B. 922, a bill to provide for an examination and an examination fee for surety bondsmen license applicants, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee.**

CALENDAR (Continued)

H.B. 876 (Senate Committee Substitute), a bill to establish a no-wake zone on a portion of the Waccamaw and Pamlico Rivers.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, which changes the title.

S.B. 60 (Committee Substitute No. 2), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Forrester, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Wednesday, June 30, for further consideration, upon third reading.

S.B. 871 (Committee Substitute), a bill to authorize cities and towns to levy a privilege license tax on contractors engaged in the business of making improvements to buildings and structures and to increase the collectibility of municipal privilege license taxes, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: Senator Kincaid—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, June 30, for further consideration, upon third reading.

S.B. 1044 (Committee Substitute), a bill to impose a surtax on certain short-term car rentals, to use the proceeds of the tax to compensate rental car companies for the amount of vehicle registration fees and property taxes paid on their rental cars, and to distribute any remaining proceeds to the Highway Fund and the Highway Trust Fund, upon second reading.

The Committee Substitute passes its second reading by roll-call vote, ayes 41, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: Senators Cochrane, Forrester, Sherron, and Smith—4.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, June 30, for further consideration, upon third reading.

S.B. 1146 (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators, to modify the privilege license tax requirements for flea market vendors and peddlers, and to prohibit sales of

over-the-counter drugs at flea markets unless the manufacturer agrees in writing, as amended, upon second reading.

Senator Kaplan offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails, and the question becomes the adoption of Amendment No. 1. With unanimous consent, Senator Kaplan withdraws Amendment No. 1.

Senator Shaw offers Amendment No. 2.

On motion of Senator Sherron, further consideration of the Committee Substitute bill is postponed until tomorrow, Wednesday, June 30, with Amendment No. 2 pending.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

H.B. 214, a bill to abolish the spousal defense to a prosecution for rape or sexual offense, with a favorable report.

On motion of Senator Ballance, the bill is placed on the Calendar for Thursday, July 1, for further consideration.

H.B. 625, a bill to amend the law regarding the definition of "neglected" juvenile, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill, which deletes the quotation marks from the title.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 2257 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 30, for further consideration.

RECALL FROM COMMITTEE

H.B. 923 (Committee Substitute No. 2), a bill to permit the organization and operation of limited liability companies, referred to the **Judiciary II Committee** on June 24.

Senator Cooper offers a motion the Committee Substitute bill No. 2 be recalled from the **Judiciary II Committee** and re-referred to the **Finance Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill No. 2 from the **Judiciary II Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR (Continued)

S.J.R. 1252, a joint resolution honoring the life and memory of Warmoth Thomas Gibbs.

With unanimous consent, on motion of Senator Martin of Guilford, the joint resolution is read in its entirety.

The joint resolution passes its second reading (45-0) and third reading with members standing, and is ordered without objection, on motion of Senator Martin of Guilford, sent the the House of Representatives by special messenger.

The Chair extends courtesies of the gallery to Elizabeth Gibbs-Moore, daughter of the late Warmoth Thomas Gibbs, to his grandchildren, and to his close friend, Dr. Samuel Cooper Smith.

H.B. 513 (Committee Substitute), a bill to mandate a single portal of entry and exit policy for services for individuals with developmental disabilities.

On motion of Senator Walker, consideration of the Committee Substitute bill is postponed until Tuesday, July 6.

H.B. 611 (Committee Substitute), a bill to amend the composition, appointment process, terms, compensation, and duties of the Advisory Council for the Division of Vocational Rehabilitation Services.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered enrolled.

RECALL FROM COMMITTEE

S.B. 1121, a bill to make technical corrections and to remove obsolete sections of the Soil Conservation District Law, as amended, referred to the **Appropriations Committee** on June 23.

Senator Plyler offers a motion the bill, as amended, be recalled from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage which motion prevails.

The Chair recalls the bill, as amended, from the **Appropriations Committee** and places the measure before the Senate for immediate consideration, upon second reading.

Without objection, on motion of Senator Plyler, the bill, as amended, is temporarily displaced.

H.B. 494, a bill to streamline the administration of the Prospective Teacher Scholarship Loan Fund and to permit teacher assistants to qualify for loans from the Fund, referred to the **Appropriations Committee** on June 23.

Senator Plyler offers a motion the bill be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, June 30, which motions prevail.

The Chair recalls the bill from the **Appropriations Committee** and places the measure on the Calendar for tomorrow, Wednesday, June 30, for consideration.

CALENDAR (Continued)

H.B. 636 (Committee Substitute), a bill concerning the procedure for adopting rules for underwater archaeology sites.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

H.B. 658, a bill to authorize a mediation program for the Industrial Commission.

On motion of Senator Cooper, the bill is recommitted to the **Judiciary II Committee**.

S.B. 1121, a bill to make technical corrections and to remove obsolete sections of the Soil Conservation District Law, as amended, upon second reading, placed earlier today on the Calendar for immediate consideration and temporarily displaced.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, June 30, for further consideration, upon third reading.

H.B. 663, a bill to delineate the responsibilities of the Department of Commerce and the Department of Environment, Health, and Natural Resources regarding the development of the State's recycling industry and markets for recyclable materials.

The bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 946 (Committee Substitute), a bill to allow certain nonprofit businesses that provide supported employment for the disabled to come within the purview of the State policy that promotes the use of minority, physically handicapped, and women contractors for State contracts.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 1021 (Committee Substitute), a bill to require that all State agencies issuing business licenses or privilege licenses report quarterly to the Business License Information Office the number of licenses issued by category.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 1047 (Senate Committee Substitute), a bill to revise certain procedures for appeal under the Occupational Safety and Health Act.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 1216 (Committee Substitute), a bill to authorize the Director of the Budget to continue expenditures for the operation of government at the level in effect on June 30, 1993, with an unengrossed amendment.

On motion of Senator Daniel, without objection, the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 602

House of Representatives
June 29, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment # 1 to **HB 602**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TRAUMA SYSTEM ACT OF 1993, and requests conferees. The Speaker has appointed Representative Beall, Representative G. Miller, and Representative Gray on the part of the House to confer with a like

committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

On motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns at 3:10 P.M. to meet tomorrow, Wednesday, June 30, at 1:30 P.M.

NINETIETH DAY

SENATE CHAMBER,
Wednesday, June 30, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, help us to understand that there are no ordinary people. Though we all act like mere mortals some days, if we look closely enough and listen well enough, we shall see and hear the divine spark of Your Image in the faces and stories of those we encounter.

"Then we shall understand that it is immortals whom we joke with, marry, debate, work alongside of.

"Next to You, O Lord, our neighbor is the greatest gift You have given. Help us to treat them as such. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, June 29, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour, due to medical reasons, and to Senator Walker.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 341 (Committee Substitute), an act regulating the practice of complementary medicine and to increase the membership of the Board of Medical Examiners and include more public members. (Ch. 241)

S.B. 466 (Committee Substitute), an act to allow the original contracting preneed licensee to retain up to ten percent of the funds when transferring trust deposits to a successor funeral establishment. (Ch. 242)

S.B. 726, an act to regulate Sunday sales and consumption of alcoholic beverages. (Ch. 243)

S.B. 812, an act to amend the law regarding the Supplemental Retirement Fund for Firefighters in the City of Hendersonville. (Ch. 244)

S.B. 865 (Committee Substitute), an act to provide that information on rabies vaccination certificates held by county agencies not be used for commercial purposes. (Ch. 245)

H.B. 466 (Senate Committee Substitute), an act to authorize various local governments to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance. (Ch. 246)

H.B. 575 (Senate Committee Substitute), an act to allow specified cities and counties to delegate certain rezoning authority to the designated planning agency. (Ch. 247)

H.B. 611 (Committee Substitute), an act to amend the composition, appointment process, terms, compensation, and duties of the Advisory Council for the Division of Vocational Rehabilitation Services. (Ch. 248)

H.B. 636 (Committee Substitute), an act concerning the procedure for adopting rules for underwater archaeology sites. (Ch. 249)

H.B. 663, an act to delineate the responsibilities of the Department of Commerce and the Department of Environment, Health, and Natural Resources regarding the development of the State's recycling industry and markets for recyclable materials. (Ch. 250)

H.B. 813 (Senate Committee Substitute), an act to amend the powers of the New Hanover County Airport Authority, and relating to the Dare County Airport Authority. (Ch. 251)

H.B. 946 (Committee Substitute), an act to allow certain nonprofit businesses that provide supported employment for the disabled to come within the purview of the State policy that promotes the use of minority, physically handicapped, and women contractors for State contracts. (Ch. 252)

H.B. 1216 (Committee Substitute), an act to authorize the Director of the Budget to continue expenditures for the operation of government at the level in effect on June 30, 1993. (Ch. 253)

S.J.R. 1252, a joint resolution honoring the life and memory of Warmoth Thomas Gibbs. (Res. 20)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris, Vice-Chairman, for Senator Walker, Chairman, for the **Children and Human Resources Committee:**

S.B. 974, a bill to require continuing education for registered cosmetologists and registered manicurists, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the proposed Committee Substitute bill 1676, which changes the title to read **S.B. 974** (Committee Substitute), a bill to require continuing

education for registered cosmetology instructors, is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee:**

H.B. 474, a bill to enlarge the purposes of the North Carolina Seafood Industrial Park Authority to include the promotion of general maritime activities, with a favorable report.

H.B. 1122, a bill to direct the Health Services Commission to adopt rules restricting the offering of unwrapped food samples, with a favorable report.

H.B. 485 (Committee Substitute), a bill to adopt the Inland Navigation Rules as the law in this State, with a favorable report, as amended.

By Senator Folger for the **Local Government and Regional Affairs Committee:**

H.B. 520, a bill amending the Charter of the City of Durham to authorize the giving of notice of special meetings of the City Council or any other public body of the City by means of facsimile transmission or electronic mail, with a favorable report.

H.B. 521, a bill to authorize the City Council of the City of Durham to delegate to the city manager authority to approve petitions for water and sewer service, with a favorable report.

H.B. 731, a bill to repeal an act to prevent the operation of loudspeakers, amplifying systems, and public address systems in Cabarrus County, with a favorable report.

H.B. 757 (Committee Substitute), a bill concerning public-private reimbursement agreements for infrastructure development by the Town of Garner, with a favorable report.

H.B. 762, a bill to provide for modification of the Haywood County predevelopment ordinance, with a favorable report.

H.B. 794, a bill amending the Charter of the City of Durham with respects to the service of complaints and orders in housing code cases, with a favorable report.

S.B. 94, a bill to authorize units of local government, local school boards, and community colleges to enter into guaranteed energy savings contracts in order to finance energy conservation measures in local public facilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Folger, the proposed Committee Substitute bill 1682 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 799, a bill to exempt Burke County and the municipalities therein from certain zoning notice requirements, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill, which changes the measure from a local bill to a public bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 7309, which changes the title, upon concurrence, to read **H.B. 799** (Senate Committee Substitute), a bill to exempt cities and counties from

certain zoning notice requirements and to repeal various local acts, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 1, for further consideration.

By Senator Cooper for the **Judiciary II Committee:**

H.B. 1009 (Committee Substitute), a bill to require school principals to report certain acts occurring on school property to law enforcement, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 9270 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 1, for further consideration.

H.B. 449 (Committee Substitute), a bill to include interest and penalties in refunds of monies collected by mistake from borrowers and customers, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the proposed Senate Committee Substitute bill 1192 is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Cooper, the Senate Committee Substitute bill is re-referred to the **Public Utilities Committee.**

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Kaplan, Daniel, Odom, Plyler, Speed, Hoyle, and Conder:

S.B. 1268, a bill to authorize the Legislative Research Commission to study alternative revenue sources for State government.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Kaplan, Daniel, Odom, Plyler, Speed, Hoyle, and Conder:

S.B. 1269, a bill to authorize the Legislative Research Commission to study regional government and economic development zones.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Kaplan:

S.B. 1270, a bill to authorize the Legislative Research Commission to study subjects referred to it by the General Assembly.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Kaplan, Daniel, Odom, Plyler, Speed, Hoyle, Conder, Albertson, and Sands:

S.B. 1271, a bill to authorize the Legislative Research Commission to study the impact of the North American Free Trade Agreement on North Carolina.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Odom:

S.B. 1272, a bill to appropriate funds to the Department of Crime Control and Public Safety for the construction of a communications and logistics headquarters facility.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Daniel and Senator Plyler (by request):

S.B. 1273, a bill to make appropriations to provide capital improvements and other nonrecurring expenditures for State departments, institutions, and agencies.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 1148, a bill to make provisions which affect the Teachers' and State Employees' Comprehensive Major Medical Plan, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1148** (House Committee Substitute), a bill to clarify provisions that affect the Teachers' and State Employees' Comprehensive Major Medical Plan.

On motion of Senator Kaplan, the measure is recommitted to the **Pensions and Retirement Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 164 (House Committee Substitute), a bill to clarify that local governments have the authority to impose civil penalties for violations of the Fire Prevention Code of the State Building Code, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary II Committee.**

S.B. 500 (House Committee Substitute), a bill to require prostate-specific antigen (PSA) test coverage in health and accident insurance policies, in hospital or medical services plans, and in HMO plans, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 1.

S.B. 681, a bill to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 681** (House Committee Substitute), a bill to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court and to amend the Loan Broker Act.

Referred to **Judiciary II Committee.**

H.B. 1028 (Committee Substitute), a bill to provide for State taxpayers' rights.

Referred to **Rules and Operation of the Senate Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt for the **Finance Committee**:

S.B. 63, a bill to repeal the two percent restriction on the use of proceeds of the Regional Transportation Authority registration tax for administrative purposes, with a favorable report.

S.B. 501, a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax, with a favorable report.

S.B. 1222, a bill to provide for a disabled sportsman program under the Wildlife Resources Commission, with a favorable report.

H.B. 424, a bill to authorize the City of Burlington to convey certain surplus property by private sale, with a favorable report.

H.B. 1016 (Senate Committee Substitute), a bill to change the general drivers license renewal cycle from four to five years and to make uniform the requirements for obtaining a drivers license, as written by the **Transportation Committee**, with a favorable report.

On motion of Senator Hunt, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 7, for consideration.

S.B. 1165 (Committee Substitute), a bill to provide for a partial credit or refund of fees in excess of the amount needed to operate the commercial hazardous waste facilities resident inspectors program, to revise the method by which resident inspectors are assigned, and to provide that certain facilities that burn hazardous waste as a fuel are subject to the resident inspectors program, as written by the **Environment and Natural Resources Committee**, with a favorable report, as amended.

S.B. 1195, a bill to provide that if land taxed at its present use value is donated to a unit of State or local government, there shall be no rollback of deferred taxes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill 7751, which changes the title to read **S.B. 1195** (Committee Substitute), a bill to provide that if land taxed at its present use value is donated to a county or municipality, there shall be no rollback of deferred taxes, is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 1, for further consideration.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 60 (Committee Substitute No. 2), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, and Winner of Buncombe—44.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

S.B. 871 (Committee Substitute), a bill to authorize cities and towns to levy a privilege license tax on contractors engaged in the business of making improvements to buildings and structures and to increase the collectibility of municipal privilege license taxes, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Shaw, Smith, Soles, Speed, Tally, Ward, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: Senators Kincaid and Simpson—2.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1044 (Committee Substitute), a bill to impose a surtax on certain short-term car rentals, to use the proceeds of the tax to compensate rental car companies for the amount of vehicle registration fees and property taxes paid on their rental cars, and to distribute any remaining proceeds to the Highway Fund and the Highway Trust Fund, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 28, noes 17, as follows:

Voting in the affirmative: Senators Allran, Basnight, Codington, Conder, Cooper, Edwards, Gunter, Harris, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Soles, Tally, Ward, Warren, and Winner of Buncombe—28.

Voting in the negative: Senators Albertson, Ballance, Blackmon, Carpenter, Cochrane, Folger, Forrester, Gulley, Hoyle, Jordan, Kerr, Kincaid, Martin of Pitt, Sherron, Simpson, Smith, and Winner of Mecklenburg—17.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1121, a bill to make technical corrections and to remove obsolete sections of the Soil Conservation District Law, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Simpson, Smith, Soles, Speed, Tally, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: Senator Sherron—1.

The bill, as amended, is ordered sent to the House of Representatives.

H.B. 625 (Senate Committee Substitute), a bill to amend the law regarding the definition of neglected juvenile.

With unanimous consent, on motion of Senator Ballance, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Ballance, consideration of the Senate Committee Substitute bill is postponed until tomorrow, Thursday, July 1.

RECALL FROM COMMITTEE

S.B. 793 (House Committee Substitute), a bill to make it a misdemeanor for a person under eighteen years of age to possess or carry a handgun and to make it a misdemeanor

to sell or transfer any handgun to a person who is under eighteen years of age, referred to the **Judiciary I Committee** on June 29.

Senator Ballance offers a motion the House Committee Substitute bill be recalled from the **Judiciary I Committee** and placed at the end of today's Calendar upon concurrence, which motions prevail.

The Chair recalls the House Committee Substitute bill from the **Judiciary I Committee** and places the measure at the end of today's Calendar for concurrence.

S.B. 1148 (House Committee Substitute), a bill to clarify provisions that affect the Teachers' and State Employees' Comprehensive Major Medical Plan, received for concurrence in the House Committee Substitute bill and referred to the **Pensions and Retirement Committee** earlier today.

Senator Harris offers a motion the House Committee Substitute bill be recalled from the **Pensions and Retirement Committee** and placed before the Senate for immediate consideration upon concurrence.

Senator Kaplan offers a substitute motion the House Committee Substitute bill be re-referred to the **Capital Expenditures and Improvements Committee**, which motion the Chair rules out of order pursuant to Rule 47, as the Senate Rules provide only the Chairman authorized to offer the motion to recall from Committee without three days notice.

The motion of Senator Harris that the House Committee Substitute bill be recalled from the **Pensions and Retirement Committee** and placed before the Senate for immediate consideration, upon concurrence, fails to prevail (30-16) for lack of a two-thirds majority affirmative vote of members present and voting.

The House Committee Substitute bill remains in the **Pensions and Retirement Committee.**

CONFERENCE REPORTS

H.B. 385 (Senate Committee Substitute)

Senator Odom, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 385** (Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to reduce the blood alcohol level to be considered as slight impairment from 0.11 to 0.09; to make the results of a first breath test admissible under certain circumstances; to change the method of calculating the revocation of a provisional licensee's license for certain alcohol-related offenses; and to provide clarification about when a prior conviction for driving while impaired can be used for aggravation purposes, which proposed to change the title to read **H.B. 385** (Senate Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require expunction of civil revocations following acquittal of impaired driving offenses, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 385, A BILL TO BE ENTITLED AN

ACT TO REDUCE THE BLOOD ALCOHOL CONTENT FOR DRIVING WHILE IMPAIRED AND RELATED OFFENSES FROM 0.10 TO 0.08; TO REDUCE THE MINIMUM BLOOD ALCOHOL CONTENT NECESSARY FOR AN IMMEDIATE TEN-DAY REVOCATION OF DRIVING PRIVILEGES FROM 0.10 TO 0.08; TO MAKE THE RESULTS OF A FIRST BREATH TEST ADMISSIBLE UNDER CERTAIN CIRCUMSTANCES; TO ESTABLISH THAT THE REVOCATION OF A PROVISIONAL LICENSEE'S LICENSE FOR DRIVING AFTER CONSUMING ALCOHOL SHALL BE UNTIL THE LICENSEE'S EIGHTEENTH BIRTHDAY OR FORTY-FIVE DAYS, WHICHEVER IS LONGER; TO PROVIDE CLARIFICATION ABOUT WHEN AN EARLIER CONVICTION FOR DRIVING WHILE IMPAIRED CAN BE USED FOR AGGRAVATION PURPOSES; TO ADD A NEW GROSSLY AGGRAVATING FACTOR TO IMPAIRED DRIVING; TO AMEND THE FELONY DEATH BY VEHICLE STATUTE; AND TO REQUIRE EXPUNCTION OF CIVIL REVOCATIONS FOLLOWING ACQUITTAL OF IMPAIRED DRIVING OFFENSES, Senate Judiciary I Committee Substitute Adopted 6/7/93 (Third Edition), wish to report as follows: The House concurs in the Senate Judiciary I Committee Substitute Adopted 6/7/93 (Third Edition), and the House and the Senate agree to the following amendments:

(1) on page 1, lines 16-17, by rewriting those lines to read: "THAT THERE BE NO INSURANCE CONSEQUENCES FOR A REVOCATION UNDER G.S. 20-16.5 WHEN THERE IS A DISMISSAL OR ACQUITTAL OF THE IMPAIRED DRIVING OFFENSE.";

(2) on page 4, line 13, through page 5, line 7, by rewriting those lines to read:

"'(b3) Sequential Breath Tests Required. — By January 1, 1985, the regulations of the Commission for Health Services governing the administration of chemical analyses of the breath must require the testing of at least duplicate sequential breath samples. Those regulations must provide:

(1) A specification as to the minimum observation period before collection of the first breath sample and the time requirements as to collection of second and subsequent samples.

(2) That the test results may only be used to prove a person's particular alcohol concentration if:

a. The pair of readings employed are from consecutively administered tests; and

b. The readings do not differ from each other by an alcohol concentration greater than 0.02.

(3) That when a pair of analyses meets the requirements of subdivision (2), only the lower of the two readings may be used by the State as proof of a person's alcohol concentration in any court or administrative proceeding.

A person's willful refusal to give the sequential breath samples necessary to constitute a valid chemical analysis is a willful refusal under G.S. 20-16.2(c).

A person's willful refusal to give the second or subsequent breath sample shall make the result of the first breath sample, or the result of the sample providing the lowest alcohol concentration if more than one breath sample is provided, admissible in any judicial or administrative hearing for any relevant purpose, including the establishment that a person had a particular alcohol concentration for conviction of an offense involving impaired driving.'";

(3) on page 5, line 16, through page 6, line 26, by rewriting those lines to read:

"'(c) Determining Existence of Grossly Aggravating ~~Factors; Habitual Offender.~~ Factors. — At the sentencing hearing, based upon the evidence presented at trial and in the hearing, the judge must first determine whether there are any grossly aggravating factors in the case. ~~If the defendant has been convivted of two prior offenses involving impaired driving and the convictions occurred within seven years before the date of the offense for which he is being sentenced, the judge must impose the Level One punishment under subsection (g).~~ The judge must ~~also~~ impose the Level One punishment under

subsection (g) of this section if ~~he~~ the judge determines that two or more ~~of the following~~ grossly aggravating factors ~~apply:~~ apply. The judge must impose the Level Two punishment under subsection (h) of this section if the judge determines that only one of the grossly aggravating factors applies. The grossly aggravating factors are:

(1) A ~~single conviction~~ prior conviction for an offense involving impaired ~~driving, if~~ driving if:

a. ~~the~~ The conviction occurred within seven years before the date of the offense for which the defendant is being ~~sentenced.~~ sentenced; or

b. The conviction occurs after the date of the offense for which the defendant is presently being sentenced, but prior to or contemporaneously with the present sentencing.

Each prior conviction is a separate grossly aggravating factor.

(2) Driving by the defendant at the time of the offense while his driver's license was revoked under G.S. 20-28, and the revocation was an impaired driving revocation under G.S. 20-28.2(a).

(3) Serious injury to another person caused by the defendant's impaired driving at the time of the offense.

(4) Driving by the defendant while a child under the age of 16 years was in the vehicle at the time of the offense.

If the judge determines that only one of the above grossly aggravating factors applies, he must impose the Level Two punishment under subsection (h).

In imposing a Level One or Two punishment, the judge may consider the aggravating and mitigating factors in subsections (d) and (e) in determining the appropriate sentence. If there are no grossly aggravating factors in the case, the judge must weigh all aggravating and mitigating factors and impose punishment as required by subsection (f).'";

(4) on page 6, lines 32-38, by rewriting those lines to read: "Sec. 11. G.S. 58-36-75 is amended by adding a new subsection to read:

'(a2) The subclassification plan shall provide that there shall be no premium surcharge or assessment of points against an insured where (i) the insured's driver's license has been revoked under G.S. 20-16.5; and (ii) the insured is subsequently acquitted of the offense involving impaired driving, as defined in G.S. 20-4.01(24a), that is related to the revocation, or the charge for that offense is dismissed. In addition, no insurer shall use, for rating, underwriting, or classification purposes, including ceding any risk to the Facility or writing any kind of coverage subject to this Article, any license revocation under G.S. 20-16.5 if the insured is acquitted or the charge is dismissed as described in this subsection.'";

(5) on page 6, line 27, by deleting "11" and substituting "10";

(6) on page 6, line 39, by deleting "13" and substituting "12".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23 day of June, 1993.

S/T. LaFontine Odom	S/Joe Hackney
S/Frank W. Ballance, Jr.	S/Theresa H. Esposito
S/John G. Blackmon	S/Larry T. Justus
S/Howard N. Lee	S/Billy Richardson
	S/Ronnie Sutton
	S/Thomas E. Wright
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Odom, the Conference Report is adopted (47-0), changing the title to read **H.B. 385** (Senate Committee Substitute), a bill to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of

driving privileges from 0.10 to 0.08; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require that there be no insurance consequences for a revocation under G.S. 20-16.5 when there is a dismissal or acquittal of the impaired driving offense, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

S.B. 851

Senator Plyler, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 851**, a bill to abolish the vacant Office of Coroner in Scotland County, which proposed to change the title to read **S.B. 851**, a bill to abolish the vacant Office of Coroner in Scotland County and the Office of Coroner in Robeson County, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **S.B. 851**, AN ACT TO ABOLISH THE VACANT OFFICE OF CORONER IN SCOTLAND COUNTY, wish to report as follows: The House recedes from House Amendment #1.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 30th day of June, 1993.

S/Aaron W. Plyler
S/J. Richard Conder
S/David R. Parnell

Conferees for the Senate

S/Daniel H. DeVane
Frances McArthur Cummings
S/Ronnie Sutton

Conferees for the House of Representatives

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

On motion of Senator Plyler, the Conference Report is adopted (42-1), which changes the title to read **S.B. 851**, a bill to abolish the vacant Office of Coroner in Scotland County, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REMOVAL FROM THE TABLE

S.B. 576, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification, placed upon the table by an unfavorable report from the **Education/Higher Education Committee** on April 22.

Senator Perdue offers a motion that the bill be removed from the table.

With unanimous consent, the Chair orders the measure temporarily displaced, with the motion pending.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 513, a bill to amend the banking laws, with the motion to concur in the House Committee Substitute bill failing to prevail on June 24.

Senator Warren offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Winner of Buncombe (Chairman), Warren, Hoyle, and Harris as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (Continued)

S.B. 1146 (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators, to modify the privilege license tax requirements for flea market vendors and peddlers, and to prohibit sales of over-the-counter drugs at flea markets unless the manufacturer agrees in writing, upon second reading, with Amendment No. 2 pending.

With unanimous consent, Senator Shaw withdraws Amendment No. 2.

Senator Sherron offers Amendment No. 3, which proposes to change the title to read **S.B. 1146** (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators and to modify the privilege license tax requirements for flea market vendors and peddlers.

The President of the Senate approaches the dais and Senator Basnight, President *Pro Tempore*, relinquishes the gavel to Lieutenant Governor Wicker, who presides.

Senator Sherron, Chairman of the **Ways and Means Committee**, requests a fiscal note on the Committee Substitute bill with Amendment No. 3 pending.

Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, July 1, for receipt of the fiscal note.

H.B. 841, a bill to make various amendments to the Principal and Income Act, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, July 1, for further consideration, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 789, an act to revise the boundaries of the Town of Oakboro. (Ch. 254)

H.B. 136 (Senate Committee Substitute), an act to extend for an additional five years the requirement that counties use part of the two half-cent local sales tax proceeds only for public school buildings and to clarify the procedure by which a local government may use the tax proceeds for other lawful purposes if it can provide for its public school and water and sewage capital needs without restricting the tax proceeds. (Ch. 255)

CALENDAR (Continued)

H.B. 494, a bill to streamline the administration of the Prospective Teacher Scholarship Loan Fund and to permit teacher assistants to qualify for loans from the Fund.

The bill passes its second (44-0) and third readings and is ordered enrolled.

RECALL FROM COMMITTEE

H.B. 292, a bill to implement the recommendations of the Government Performance Audit Committee regarding the continuum of education in North Carolina, referred to the **Rules and Operation of the Senate Committee** on April 27.

Senator Sands offers a motion the bill be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Education/Higher Education Committee**, which motions prevail.

The Chair recalls the bill from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Education/Higher Education Committee**.

H.B. 657 (Committee Substitute), a bill to authorize a mediation program for the Office of Administrative Hearings, referred to the **Rules and Operation of the Senate Committee** on May 18.

Senator Sands offers a motion the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Judiciary II Committee**.

H.B. 536 (Committee Substitute), a bill to allow area mental health, developmental disabilities, and substance abuse authorities to purchase property by installment contracts, referred to the **Rules and Operation of the Senate Committee** on June 2.

Senator Sands offers a motion the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Children and Human Resources Committee**, and upon receipt of a favorable report, re-referred to the **Finance Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Children and Human Resources Committee** and upon receipt of a favorable report, re-referred to the **Finance Committee**.

H.B. 551 (Committee Substitute No. 2), a bill to impose conditions for the restoration or continued enjoyment of a driving privilege after a conviction for driving while impaired or driving while a provisional licensee after consuming drugs or alcohol, and to promote compliance with these conditions, referred to the **Rules and Operation of the Senate Committee** on June 15.

Senator Sands offers a motion the Committee Substitute bill No. 2 be recalled from the **Rules and Operation of the Senate Committee** and upon receipt of a favorable report, re-referred to the **Judiciary I Committee** and upon receipt of a favorable report, re-referred to the **Finance Committee**, which motions prevail.

The Chair recalls the Committee Substitute No. 2 bill from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Children and Human Resources Committee**, and upon receipt of a favorable report, re-referred to the **Judiciary I Committee** and upon receipt of a favorable report, re-referred to the **Finance Committee**.

CALENDAR (Continued)

H.B. 818, a bill to define the limits of local government employees political activities, as amended, upon third reading, with a request for a fiscal note on June 24.

The Chair notes a fiscal note is attached to the measure.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 2.

REMOVAL FROM THE TABLE

S.B. 576, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification, placed upon the table by an unfavorable report from the **Education/Higher Education Committee** on April 22, with a motion to remove pending.

The motion offered by Senator Perdue that the bill be removed from the table and placed before the Senate prevails by a two-thirds majority vote of members present and voting and the question becomes passage of the measure, upon second reading.

On motion of Senator Perdue, the bill is recommitted to the **Education/Higher Education Committee**.

CALENDAR (Continued)

S.B. 793 (House Committee Substitute), a bill to make it a misdemeanor for a person under eighteen years of age to possess or carry a handgun and to make it a misdemeanor to sell or transfer any handgun to a person who is under eighteen years of age, for concurrence in the House Committee Substitute bill, recalled from the **Judiciary I Committee** and placed on the Calendar earlier today.

The Senate concurs in the House Committee Substitute bill (36-6) and the measure is ordered enrolled.

RECALL FROM COMMITTEE

S.B. 906 (Committee Substitute), a bill to make various substantive amendments to the Workers' Compensation Act, as written by the **Manufacturing and Labor Committee**, as amended, referred to the **Appropriations Committee** on May 11.

Senator Daniel offers a motion the Committee Substitute bill, as amended, be recalled from the **Appropriations Committee** and re-referred to the **Select Committee on S.B. 906**, which motions prevail.

The Chair recalls the Committee Substitute bill, as amended, from the **Appropriations Committee** and re-refers the measure to the **Select Committee on S.B. 906**.

On motion of Senator Basnight, seconded by Senator Forrester, the Senate adjourns at 3:30 P.M. to meet tomorrow, Thursday, July 1, at 12:30 P.M.

NINETY-FIRST DAY

SENATE CHAMBER,
Thursday, July 1, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Francis Daniel, Minister of Divine Street Methodist Church, Dunn, as follows:

"O God of all the ages, in Your sight nations rise and fall, and pass through times of peril as well as peace. In all times and all places You alone are near to judge and to save.

"In this knowledge we come now, in this season of decision, and ask Thy blessings upon this Body and those whom they serve. May our leaders be led by Your Wisdom; may they search Your Will and see it clearly.

"If we have turned from Your Way, reverse our ways and help us to repent.

"Give us Your Light and Your Truth, let them guide us; through Jesus Christ, Who is Lord of this world, and our Savior. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, June 30, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour, due to medical reasons; to Senator Jordan, due to a death in his family; and to Senator Daniel, due to a court case.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 58 (Committee Substitute), an act to establish a procurement policy that promotes the purchase of materials and supplies with recycled content by the State, the University System, Community Colleges, and public schools and to establish certain goals for the purchase of recycled paper and paper products. (Ch. 256)

S.B. 744 (Committee Substitute), an act to amend various statutes to delete obsolete references to warrants issued by the State Auditor, to make technical corrections in references to the State Auditor's oversight, and to repeal Chapter 112 of the General Statutes Confederate Homes and Pensions. (Ch. 257)

S.B. 748, an act to amend the Land Records Management Program to provide that the Secretary of State appoint the members of the Advisory Committee and to include a member of the North Carolina Property Mappers' Association on the Advisory Committee. (Ch. 258)

S.B. 793 (House Committee Substitute), an act to make it a misdemeanor for a person under eighteen years of age to possess or carry a handgun and to make it a misdemeanor to sell or transfer any handgun to a person who is under eighteen years of age. (Ch. 259)

H.B. 494, an act to streamline the administration of the Prospective Teacher Scholarship Loan Fund and to permit teacher assistants to qualify for loans from the Fund. (Ch. 260)

H.B. 507, an act amending the Charter of the City of Durham to authorize the City Council to require owners of rental property within the City to authorize an agent to accept service of process. (Ch. 261)

H.B. 570 (Senate Committee Substitute), an act to clarify the food and lodging sanitation law. (Ch. 262)

H.B. 581, an act to make differentiated pay available for all State-paid public school employees. (Ch. 263)

H.B. 687 (Committee Substitute), an act to amend the Charter of the City of Durham to authorize the City Council to delegate to the Planning Commission Authority to rezone property subject to certain rights of appeal. (Ch. 264)

H.B. 692, an act to exempt the City of Kinston from Article 12, Chapter 160A of the General Statutes in the sale or lease of certain surplus real property to Adkin High School Alumni and Friends, Inc., a North Carolina nonprofit corporation. (Ch. 265)

H.B. 856, an act to allow the Riegelwood Sanitary District to acquire property within the district for parks, recreation, and community purposes. (Ch. 266)

H.B. 860 (Committee Substitute), an act to exempt various counties, towns and cities from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection. (Ch. 267)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

S.J.R. 1264, a joint resolution authorizing the Legislative Research Commission to study the early retirement penalty for members of the Teachers' and State Employees' Retirement System, with a favorable report.

Pursuant to Rule 43, the joint resolution is re-referred to the **Rules and Operation of the Senate Committee.**

S.J.R. 1266, a joint resolution authorizing the Legislative Research Commission to study the issue of providing career fire fighters with the same benefits received by law enforcement officers under the Local Governmental Retirement System, with a favorable report.

Pursuant to Rule 43, the joint resolution is re-referred to the **Rules and Operation of the Senate Committee.**

S.B. 1148 (House Committee Substitute), a bill to clarify provisions that affect the Teachers' and State Employees' Comprehensive Major Medical Plan, with a favorable report as to concurrence.

By Senator Tally for the **Environment and Natural Resources Committee**:

H.B. 1061 (Committee Substitute No. 2), a bill to amend the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988 and to clarify the purposes of the Oil or Other Hazardous Substances Pollution Protection Fund, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the proposed Senate Committee Substitute bill 4206 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Parnell for the **Insurance Committee:**

H.B. 457 (Committee Substitute), a bill to remove barriers in insurance policies and plans to provide for reimbursement to advanced practice registered nurses providing services within the scope of their practice, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Senate Committee Substitute bill 1193 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 5, for further consideration.

H.B. 622 (Committee Substitute No. 2), a bill to improve the laws relating to North Carolina's monitoring of insurance company finances and the preservation of insurance company solvency, to maintain North Carolina's accreditation by the National Association of Insurance Commissioners, and to establish a fee for the accreditation and renewal of accreditation of reinsurance companies, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Appropriations Committee.**

By Senator Winner of Buncombe for the **Finance Committee:**

S.B. 685 (Committee Substitute), a bill to clarify the treatment of streets and roads in population density calculations in an annexation, with a favorable report.

S.B. 1112, a bill to amend the North Carolina Clean Water Revolving Loan and Grant Program to allow municipalities to pledge user fees or any available sources of revenues for the payment of revolving funds, with a favorable report.

S.B. 1248, a bill to increase the charges for inspection of motor vehicles, with a favorable report.

H.B. 734, a bill to allow annexation of a described piece of property to the Town of Old Fort, with a favorable report.

S.B. 678, a bill to clarify what funds may be used to repay revenue bonds and special obligation bonds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 1684 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, July 5, for further consideration.

S.B. 716, a bill to provide that a partnership may qualify for the corporate income tax credit for construction of a cogenerating power plant, to provide an alternative method to calculate the credit, and to clarify that a partnership may pass an income tax credit through to its partners, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 9730, which changes the title to read **S.B. 716** (Committee Substitute), a bill to modify the corporate income tax credit for construction of a cogenerating power plant by (1) providing that a partnership may qualify for the partnership, (2) clarifying that a partnership may pass an income tax credit through to its partners, (3) expanding the credit to include natural gas cogenerating power plants, (4)

providing an alternative method to calculate the credit, (5) limiting the amount of credit that may be allowed each year, and (6) restricting the credit to natural gas cogenerating power plants effective beginning in 1998, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, July 5, for further consideration.

By Senator Ballance for the **Judiciary I Committee**:

H.B. 1143, a bill to clarify that breast feeding does not violate indecency laws, with a favorable report.

S.B. 940, a bill to rewrite the Charitable Solicitations Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the proposed Committee Substitute bill 3706 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Cooper for the **Judiciary II Committee**:

H.B. 944 (Committee Substitute), a bill to raise the limit on the amount recovered in a wrongful death action that is liable for the payment of hospital and medical expenses of the decedent, with a favorable report.

H.B. 467, a bill to remove the requirement that the register of deeds provide the County Commissioners with a justification for having a second deputy, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 2253, which changes the title, upon concurrence, to read **H.B. 467** (Senate Committee Substitute), a bill to provide that each register of deeds is entitled to a second deputy or assistant deputy without being required to provide the county commissioners with a justification, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 5, for further consideration.

INTRODUCTION OF BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Hyde and Winner of Buncombe:

S.B. 1274, a bill to provide that the regulation of water supply watersheds does not apply to certain watersheds.

Referred to **Environment and Natural Resources Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 628, a bill to prohibit the sale or other transfer of a crossbow or the bolts used with the crossbow unless the purchaser has a permit for the weapon, for concurrence in

the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 628** (House Committee Substitute), a bill to prohibit the sale or other transfer of a crossbow unless the purchaser has a permit for the weapon.

Referred to **Judiciary I Committee**.

S.B. 817, a bill to exempt Rockingham County from certain zoning notice requirements, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 817** (House Committee Substitute), a bill to exempt Forsyth and Rockingham Counties from certain zoning notice requirements.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (42-0), which changes the title and the measure is ordered enrolled.

S.B. 885 (House Committee Substitute), a bill to ensure that consumers have the right to select the pharmacy of their choice, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, July 5.

S.B. 914, a bill to provide that any provision in a contract to improve real property that provides that the contract is subject to the laws of another State or subject to litigation and arbitration in another State is void as against public policy, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, July 5.

S.B. 1082, a bill to exempt Nash County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1082** (House Committee Substitute), a bill to exempt Nash and Franklin Counties and the municipalities located in Franklin County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, which is placed on the Calendar for Monday, July 5.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

S.B. 501, a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Soles, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: Senators Cochrane, Forrester, and Smith—3.

The bill is ordered placed on the Calendar for Monday, July 5, for further consideration, upon third reading.

H.B. 521, a bill to authorize the City Council of the City of Durham to delegate to the city manager authority to approve petitions for water and sewer service, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger,

Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 5, for further consideration, upon third reading.

H.B. 424, a bill to authorize the City of Burlington to convey certain surplus property by private sale.

The bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 520, a bill amending the Charter of the City of Durham to authorize the giving of notice of special meetings of the City Council or any other public body of the City by means of facsimile transmission or electronic mail.

The bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 731, a bill to repeal an act to prevent the operation of loudspeakers, amplifying systems, and public address systems in Cabarrus County.

The bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 757 (Committee Substitute), a bill concerning public-private reimbursement agreements for infrastructure development by the Town of Garner.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 762, a bill to provide for modification of the Haywood County predevelopment ordinance.

The bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 794, a bill amending the Charter of the City of Durham with respects to the service of complaints and orders in housing code cases.

The bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 841, a bill to make various amendments to the Principal and Income Act, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 763, a bill to provide that the minimum size requirements for taxation of a farm at use value apply to the combined area of all tracts in the farm unit, upon second reading.

On motion of Senator Sherron, the bill is re-referred to the **Ways and Means Committee.**

S.B. 1146 (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators, to modify the privilege license tax requirements for flea market vendors and peddlers, and to prohibit sales of over-the-counter drugs at flea markets unless the manufacturer agrees in writing, upon second reading, with Amendment No. 3 pending.

On motion of Senator Sherron, further consideration of the Committee Substitute bill, with Amendment No. 3 pending, is postponed until Wednesday, July 7.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 1139 (Committee Substitute), a bill to increase fees in the General Court of Justice, to establish the percentage rates for the public utility regulatory fee and the insurance regulatory charge, and to provide for hearings for persons who fail to appear in criminal court, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 1139** (House Committee Substitute No. 2), a bill to impose a processing fee on twenty-day failures.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration for concurrence.

The Senate fails to concur in the House Committee Substitute bill (0-44). Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Odom (Chairman), Sands, Ballance, Blackmon, and Winner of Buncombe as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 602, a bill to establish the Trauma System Act of 1993, with the motion of Senator Sands, prevailing on June 28, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Sands (Chairman), Richardson, and Folger as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 63, a bill to repeal the two percent restriction on the use of proceeds of the Regional Transportation Authority registration tax for administrative purposes.

The bill passes its second (39-6) and third readings and is ordered sent to the House of Representatives.

S.B. 1165 (Committee Substitute), a bill to provide for a partial credit or refund of fees in excess of the amount needed to operate the commercial hazardous waste facilities resident inspectors program, to revise the method by which resident inspectors are assigned, and to provide that certain facilities that burn hazardous waste as a fuel are subject to the resident inspectors program.

On motion of Senator Tally, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 1165** (Committee Substitute), a bill to provide that fees collected under the commercial hazardous waste facilities resident inspectors program are nonreverting, to revise the method by which resident inspectors are assigned, and to provide that certain facilities that burn hazardous waste as a fuel are subject to the resident inspectors program.

The Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1195 (Committee Substitute), a bill to provide that if land taxed at its present use value is donated to a county or municipality, there shall be no rollback of deferred taxes.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1222, a bill to provide for a disabled sportsman program under the Wildlife Resources Commission.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 214, a bill to abolish the spousal defense to a prosecution for rape or sexual offense.

Senator Kincaid offers Amendment No. 1, proposing to change the title, upon concurrence, to read **H.B. 214**, a bill to abolish the spousal defense to a prosecution for rape or sexual offense and to add a thirty-day reporting requirement, which fails of adoption (5-42).

Senator Folger offers Amendment No. 2, proposing to change the title, upon concurrence, to read **H.B. 214**, a bill to abolish the spousal defense to a prosecution for rape or sexual offense and to add a statute of limitations for these offenses when between spouses.

Senator Ballance calls the previous question, seconded by Senator Harris.

Senator Folger rises to a point of order as to Senator Ballance authorized to call the question on Amendment No. 2. The Chair fails to sustain the point of order as Senator Ballance is Chairman of the Committee reporting the measure. The call for the previous question on Amendment No. 2 is sustained (39-8). Amendment No. 2, offered by Senator Folger, fails of adoption (13-33).

The bill passes its second (44-3) and third readings and is ordered enrolled.

H.B. 474, a bill to enlarge the purposes of the North Carolina Seafood Industrial Park Authority to include the promotion of general maritime activities.

The bill passes its second (38-0) and third readings and is ordered enrolled.

H.B. 485 (Committee Substitute), a bill to adopt the Inland Navigation Rules as the law in this State.

On motion of Senator Odom, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second (40-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 625 (Senate Committee Substitute), a bill to amend the law regarding the definition of neglected juvenile.

On motion of Senator Sands, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 6.

Senator Daniel is noted present.

H.B. 799 (Senate Committee Substitute), a bill to exempt cities and counties from certain zoning notice requirements and to repeal various local acts.

The Senate Committee Substitute bill passes its second reading (44-0).

Senator Sands objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Tuesday, July 6, for further consideration, upon third reading.

H.B. 1009 (Senate Committee Substitute), a bill to require school principals to report certain acts occurring on school property to law enforcement.

The Senate Committee Substitute bill passes its second reading (44-0).

Senator Ballance objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Tuesday, July 6, for further consideration, upon third reading.

H.B. 1122, a bill to direct the Health Services Commission to adopt rules restricting the offering of unwrapped food samples.

On motion of Senator Sands, consideration of the bill is postponed until Wednesday, July 7.

S.B. 500 (House Committee Substitute), a bill to require prostate-specific antigen (PSA) test coverage in health and accident insurance policies, in hospital or medical services plans, and in HMO plans, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 851

House of Representatives
July 1, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the House Amendment to **S B 851**, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE VACANT OFFICE OF CORONER IN SCOTLAND COUNTY, to the end that when similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Chair orders the bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 385
(Senate Committee Substitute)

House of Representatives
July 1, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the Senate Committee Substitute to **H B 385**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE BLOOD ALCOHOL CONTENT FOR DRIVING WHILE IMPAIRED AND RELATED OFFENSES FROM 0.10 TO 0.08; TO REDUCE THE MINIMUM BLOOD ALCOHOL CONTENT NECESSARY FOR AN IMMEDIATE TEN-DAY REVOCATION OF DRIVING PRIVILEGES FROM 0.10 TO 0.08; TO MAKE THE RESULTS OF A FIRST BREATH TEST ADMISSIBLE UNDER CERTAIN CIRCUMSTANCES; TO ESTABLISH THAT THE REVOCATION OF A PROVISIONAL LICENSEE'S LICENSE FOR DRIVING AFTER CONSUMING ALCOHOL SHALL BE UNTIL THE LICENSEE'S EIGHTEENTH BIRTHDAY OR FORTY-FIVE DAYS, WHICHEVER IS LONGER; TO PROVIDE CLARIFICATION ABOUT WHEN AN EARLIER CONVICTION FOR DRIVING WHILE IMPAIRED CAN BE USED FOR AGGRAVATION PURPOSES; TO ADD A NEW GROSSLY AGGRAVATING FACTOR TO IMPAIRED DRIVING; TO AMEND THE FELONY DEATH BY VEHICLE STATUTE; AND TO REQUIRE EXPUNCTION OF CIVIL REVOCATIONS FOLLOWING ACQUITTAL OF IMPAIRED DRIVING OFFENSES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1139
(House Committee Substitute)

House of Representatives
July 1, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute to **S B 1139**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A PROCESSING FEE ON TWENTY-DAY FAILURES, the Speaker has appointed as conferees on the part of the House, Representative Hackney, Representative G. Miller, Representative R. Hunter, Representative Culpepper, Representative Wright, Representative C. Preston, and Representative Daughtry to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 513
(House Committee Substitute)

House of Representatives
July 1, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute for **S B 513**, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS, the Speaker has appointed as conferees on the part of the House, Representative R. Hunter, Representative Church, Representative Cunningham, Representative Spears, Representative Tallent, and Representative Justus to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

CALENDAR (Continued)

Senator Sands offers a motion the following bills ordered placed on the Calendar for Monday, July 5, earlier today be taken from that Calendar and placed on the Calendar for Tuesday, July 6, which motion prevails. The Chair orders the following measures placed on the Calendar for Tuesday, July 6.

S.B. 1148 (House Committee Substitute), a bill to clarify provisions that affect the Teachers' and State Employees' Comprehensive Major Medical Plan.

H.B. 457 (Senate Committee Substitute), a bill to remove barriers in insurance policies and plans to provide for reimbursement to advanced practice registered nurses providing services within the scope of their practice.

S.B. 685 (Committee Substitute), a bill to clarify the treatment of streets and roads in population density calculations in an annexation.

S.B. 1112, a bill to amend the North Carolina Clean Water Revolving Loan and Grant Program to allow municipalities to pledge user fees or any available sources of revenues for the payment of revolving funds.

S.B. 1248, a bill to increase the charges for inspection of motor vehicles.

H.B. 734, a bill to allow annexation of a described piece of property to the Town of Old Fort.

S.B. 678 (Committee Substitute), a bill to clarify what funds may be used to repay revenue bonds and special obligation bonds.

S.B. 716 (Committee Substitute), a bill to modify the corporate income tax credit for construction of a cogenerating power plant by (1) providing that a partnership may qualify for the partnership, (2) clarifying that a partnership may pass an income tax credit through to its partners, (3) expanding the credit to include natural gas cogenerating power plants, (4) providing an alternative method to calculate the credit, (5) limiting the amount of credit that may be allowed each year, and (6) restricting the credit to natural gas cogenerating power plants effective beginning in 1998.

H.B. 1143, a bill to clarify that breast feeding does not violate indecency laws.

H.B. 944 (Committee Substitute), a bill to raise the limit on the amount recovered in a wrongful death action that is liable for the payment of hospital and medical expenses of the decedent.

H.B. 467 (Senate Committee Substitute), a bill to provide that each register of deeds is entitled to a second deputy or assistant deputy without being required to provide the county commissioners with a justification.

S.B. 885 (House Committee Substitute), a bill to ensure that consumers have the right to select the pharmacy of their choice.

S.B. 914, a bill to provide that any provision in a contract to improve real property that provides that the contract is subject to the laws of another State or subject to litigation and arbitration in another State is void as against public policy.

S.B. 1082 (House Committee Substitute), a bill to exempt Nash and Franklin Counties and the municipalities located in Franklin County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection.

S.B. 501, a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax.

H.B. 521, a bill to authorize the City Council of the City of Durham to delegate to the city manager authority to approve petitions for water and sewer service.

RECALL FROM COMMITTEE

S.B. 587 (Committee Substitute), a bill to create the Workers' Compensation Study Commission, referred to the **Appropriations Committee** on May 24.

Senator Daniel offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and re-referred to the **Select Committee on S.B. 906** which motions prevail.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and re-refers the measure to the **Select Committee on S.B. 906.**

On motion of Senator Basnight, seconded by Senator Speed, the Senate adjourns at 2:59 P.M. to meet Monday, July 5, at 8:00 P.M.

NINETY-SECOND DAY

SENATE CHAMBER,
Monday, July 5, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, we return from a weekend when our nation has celebrated another anniversary of her independence. From sermons and fireworks to picnics and parades, we have heard the message, 'Let Freedom Ring.'

"But it has never been the task of the men and women of the Senate to legislate freedom. Their most difficult task has always been to legislate freedom's abuses, for Scripture reminds us that there will always be those who use their freedom as a cloak of maliciousness.

"Give Your free and faithful servants here, wisdom to protect our precious liberty. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, July 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Led by the Lieutenant Governor, Senators and guests stand and pledge allegiance to the United States of America.

With unanimous consent, the President grants a leave of absence for tonight to Senator Folger, whose presence is required in Winston-Salem for legal business; to Senator Hartsell, who is attending a county commissioners' meeting; to Senator Seymour, due to medical reasons; and to Senator Walker.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 227, an act to ban corporal punishment from certain "nonregistered" day care that receives reimbursement from the State. (Ch. 268)

S.B. 500 (House Committee Substitute), an act to require prostate-specific antigen (PSA) test coverage in health and accident insurance policies, in hospital or medical services plans, and in HMO plans. (Ch. 269)

S.B. 559, an act to resolve the conflict between the State and federal special education law regarding the procedure of filing a civil action. (Ch. 270)

S.B. 817 (House Committee Substitute), an act to exempt Forsyth and Rockingham Counties from certain zoning notice requirements. (Ch. 271)

S.B. 851, an act to abolish the vacant Office of Coroner in Scotland County. (Ch. 272)

S.B. 1164, an act to conform the means by which solid waste management facilities may demonstrate financial responsibility to the requirements of federal law. (Ch. 273)

H.B. 214, an act to abolish the spousal defense to a prosecution for rape or sexual offense. (Ch. 274)

H.B. 398 (Committee Substitute No. 2), an act to amend the Charter of the City of High Point and to allow High Point to take prospective tax revenues into account when transferring certain property held for economic development. (Ch. 275)

H.B. 424, an act to authorize the City of Burlington to convey certain surplus property by private sale. (Ch. 276)

H.B. 456 (Senate Committee Substitute), an act to authorize the conveyance of certain property owned by the City of New Bern to the Neuse River Community Development Corporation, Inc., and to authorize the Burlington City School Administrative Unit to dispose of certain property at private sale. (Ch. 277)

H.B. 474, an act to enlarge the purposes of the North Carolina Seafood Industrial Park Authority to include the promotion of general maritime activities. (Ch. 278)

H.B. 520, an act amending the Charter of the City of Durham to authorize the giving of notice of special meetings of the City Council or any other public body of the City by means of facsimile transmission or electronic mail. (Ch. 279)

H.B. 731, an act to repeal an act to prevent the operation of loudspeakers, amplifying systems, and public address systems in Cabarrus County. (Ch. 280)

H.B. 757 (Committee Substitute), an act concerning public-private reimbursement agreements for infrastructure development by the Town of Garner. (Ch. 281)

H.B. 762, an act to provide for modification of the Haywood County predevelopment ordinance. (Ch. 282)

H.B. 794, an act amending the Charter of the City of Durham with respects to the service of complaints and orders in housing code cases. (Ch. 283)

H.B. 841, an act to make various amendments to the Principal and Income Act. (Ch. 284)

H.B. 385 (Senate Committee Substitute), an act to reduce the blood alcohol content for driving while impaired and related offenses from 0.10 to 0.08; to reduce the minimum blood alcohol content necessary for an immediate ten-day revocation of driving privileges from 0.10 to 0.08; to make the results of a first breath test admissible under certain circumstances; to establish that the revocation of a provisional licensee's license for driving after consuming alcohol shall be until the licensee's eighteenth birthday or forty-five days, whichever is longer; to provide clarification about when an earlier conviction for driving while impaired can be used for aggravation purposes; to add a new grossly aggravating factor to impaired driving; to amend the felony death by vehicle statute; and to require that there be no insurance consequences for a revocation under G.S. 20-16.5 when there is a dismissal or acquittal of the impaired driving offense. (Ch. 285)

DISMISSAL OF CONFEREES

S.B. 30 (Committee Substitute), a bill to make it a general misdemeanor to commit an assault on a sports official, with the Senate having failed to concur in House Amendment No. 1 on June 23, and conferees appointed on June 24.

Senator Conder offers a motion the conferees be dismissed, which motion prevails, with unanimous consent.

Senator Conder offers a motion that the vote by which the motion to concur in House Amendment No. 1 failed to prevail be reconsidered, which motion prevails, and the question becomes concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (38-2) and the measure is ordered enrolled.

RECALL FROM COMMITTEE

S.B. 628 (House Committee Substitute), a bill to prohibit the sale or other transfer of a crossbow unless the purchaser has a permit for the weapon, referred to the **Judiciary I Committee** on July 1.

Senator Ballance offers a motion the House Committee Substitute bill be recalled from the **Judiciary I Committee** and placed on the Calendar for tonight, upon concurrence, which motion prevails.

The Chair recalls the House Committee Substitute bill from the **Judiciary I Committee** and orders it placed on the Calendar for tonight, upon concurrence.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

S.B. 900, a bill to establish the Certified Interior Designers Title Registration Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the proposed Committee Substitute bill 1689 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Odom:

S.B. 1275, a bill requiring the Department of Environment, Health, and Natural Resources to study the feasibility of developing the Mountain Island Lake area as a regional State Park.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Sherron:

S.B. 1276, a bill to place a moratorium on issuance of certain certificates of participation for major projects.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Walker:

S.B. 1277, a bill to appropriate funds for supportive living for the mentally ill.

Referred to **Appropriations Committee**.

By Senator Odom:

S.B. 1278, a bill to appropriate funds for capital improvements at Correction Enterprises facilities.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

By Senator Plyler:

S.B. 1279, a bill to provide that certain pre-1989 net economic losses in excess of the amount carried forward and deducted in the five years following the loss may be carried forward for five additional years beginning with the 1993 tax year.

Referred to **Finance Committee.**

By Senator Perdue:

S.B. 1280, a bill to require the Board of Governors of the University of North Carolina to develop a proposal for a North Carolina Institute of Gerontology.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Education/Higher Education Committee.**

By Senator Perdue:

S.B. 1281, a bill to require the Joint Legislative Education Oversight Committee to study the issue of educational neglect.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Perdue:

S.B. 1282, a bill to require the Board of Governors of the University of North Carolina to evaluate all marine sciences programs.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Harris (by request):

S.B. 1283, a bill to require bill payment agents to pay a privilege license tax.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Martin of Pitt:

S.B. 1284, a bill to appropriate funds for the establishment of the Northeastern North Carolina Regional Economic Development Commission.

Referred to **Appropriations Committee.**

By Senator Odom:

S.B. 1285, a bill to appropriate funds for construction of a replacement for Polk Youth Institution.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Basnight:

S.B. 1286, a bill to create the Roanoke Island Historical Commission to oversee historical and cultural events on Roanoke Island.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Daniel:

S.B. 1287, a bill to appropriate funds for the Union Tavern - Thomas Day House Restoration project in Caswell County.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Plexico:

S.B. 1288, a bill to provide that a child victim may testify in court in certain cases by means of closed circuit television.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Daniel and Plyler:

S.B. 1289, a bill to appropriate funds for grants to local governments to develop access areas, scenic vistas, and related facilities associated with the water resources of the State.

Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1290, a bill to authorize the State Treasurer to issue refunding bonds in the amount exceeding the principal amount of the outstanding obligation to be refunded.

Referred to **Finance Committee.**

By Senator Daniel:

S.B. 1291, a bill to authorize counties that will derive economic benefits from the North Carolina Piedmont-Triad Partnership to form a Piedmont-Triad Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone.

Referred to **Economic Development/Travel and Tourism Committee.**

By Senator Daniel:

S.B. 1292, a bill to appropriate funds to the Department of Cultural Resources, Historic Sites Section, to develop public-private partnerships in maintaining and interpreting State historic sites.

Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1293, a bill to establish the Leadership Commission on Health Care Reform.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Daniel and Plyler:

S.B. 1294, a bill to appropriate funds to the Department of Cultural Resources for the Museum of the Albemarle in Elizabeth City.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Daniel:

S.B. 1295, a bill to authorize the Legislative Research Commission to study the burden of compliance with wastewater discharge requirements at public schools.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 59 (Committee Substitute), a bill to prohibit the disposal of certain classes of recyclable solid waste in landfills or by incineration, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, July 6.

S.B. 117, a bill relating to illegally parked vehicles, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, July 6.

S.B. 442, a bill to approve an annexation agreement between Davidson County, the City of High Point, and the City of Thomasville, as to territory in Davidson County, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, July 6.

S.B. 1006 (Committee Substitute), a bill providing for the regulation of purchases of regulated metals property by secondary metals recyclers in North Carolina, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, July 6.

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order 19, Center for the Prevention of School Violence.
Referred to **State Personnel and State Government Committee.**

CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

S.B. 628 (House Committee Substitute), a bill to prohibit the sale or other transfer of a crossbow unless the purchaser has a permit for the weapon, for concurrence in the House Committee Substitute bill, placed earlier on the Calendar for tonight.

The Senate concurs in the House Committee Substitute bill (38-0) and the measure is ordered enrolled.

The President recognizes the following pages serving in the Senate this week: Mark Christopher Carson, Bethel; Heather Eve Coleman, Raleigh; Maisha Jenyetta Cottman, Charlotte; Lauren Elizabeth Dodgen, Gastonia; Geoffrey Neal Edge, Fayetteville; James Douglas Garris, Ayden; Amy Lynn Garrison, Greensboro; Elizabeth Ann Garrison, Greensboro; John Christopher Glenn, Burlington; David Brian Harris, Elizabeth City; Christy Dianne Hill, Graham; Jake Byron Hodges, Swan Quarter; Alison Keely Horton, Chapel Hill; Anna Kemp, New Bern; Steve Lassiter, Apex; Christopher Blaise Margiotti, Mount Airy; Danae S. Nunn, Raleigh; Amy LaRae Ogle, Apex; Bessie Mae Parrish, Edenton; Emily Parrish, New Bern; Rachel Allison Rinehart, Raleigh; Crystal Sadler, Manteo; Jody Garrett Smith, Clinton; and Davidson S. Wicker, Greensboro.

On motion of Senator Basnight, seconded by Senator Daniel, the Senate adjourns at 8:32 P.M. to meet tomorrow, Tuesday, July 6, at 1:30 P.M.

NINETY-THIRD DAY

SENATE CHAMBER,
Tuesday, July 6, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, let us not be frightened or frustrated by the problems that confront us; instead let us give You thanks that You have matched us to the hour. May we resolve, God helping us, always to be part of the answer and not part of the problem. To Your Glory, Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, July 5, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Hartsell, who is attending a school board meeting, and to Senator Seymour, due to medical reasons.

RECALL FROM COMMITTEE

S.J.R. 1250, a joint resolution recognizing and honoring the Charlotte Hornets for their economic contributions to the State of North Carolina, the Southern Piedmont Area, the County of Mecklenburg, and the City of Charlotte, referred to the **Rules and Operation of the Senate Committee** on June 24.

Senator Sands offers a motion the joint resolution be recalled from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails.

The Chair recalls the joint resolution from the **Rules and Operation of the Senate Committee** and places the measure before the Senate for immediate consideration.

Senator Odom offers a motion to the end courtesies of the floor be extended to Mr. George Shinn from Mecklenburg County and owner of the Charlotte Hornets Basketball Team, which motion prevails.

The Chair recognizes Senator Basnight, President *Pro Tempore*, who appoints Senators Odom, Plyler, Winner of Mecklenburg, Blackmon, and Richardson as a committee to escort Mr. Shinn to the Well of the Senate.

Senator Odom presents Mr. Shinn to the Senate and requests permission he be allowed to address the Senate, which permission is granted with unanimous consent. Mr. Shinn briefly addresses the Senate.

With unanimous consent on motion of Senator Basnight, the joint resolution is read in its entirety.

The joint resolution passes its second reading (42-0) and third reading, with members standing, and is ordered, without objection, on motion of Senator Odom, sent to the House of Representatives by special messenger.

The President expresses his appreciation to Mr. Shinn and to the Charlotte Hornets for their contributions to the State of North Carolina and directs the Committee to escort the distinquished guest from the Chameber.

CONSENT TO APPOINTMENT OF GOVERNOR

Senator Albertson, Chairman of the **Agriculture, Marine Resources, and Wildlife Committee,** submits the following report:

In compliance with the provisions of General Statute 106-2 requiring appointees to the North Carolina Board of Agriculture to be confirmed by the General Assembly, Governor Hunt has submitted his appointees for confirmation. These appointees are: Maurice K. Berry, Jr., of Elizabeth City; Daniel R. Finch of Bailey; and Jeffery B. Turner of Pink Hill. Their terms will begin immediately and will expire on May 1, 1999.

The Senate Committee on **Agriculture, Marine Resources, and Wildlife** has considered the appointments and makes the following recommendation to the General Assembly:

That the appointments of Maurice K. Berry, Jr., Daniel R. Finch, and Jeffery B. Turner to the North Carolina Board of Agriculture beginning immediately and expiring May 1, 1999, be confirmed.

On motion of Senator Albertson, the Senate consents to the appointments of the Governor to membership on the State Board of Agriculture by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The Chair orders the Governor notified of the action of the Senate.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 30 (Committee Substitute), an act to make it a general misdemeanor to commit an assault on a sports official. (Ch. 286)

S.B. 628 (House Committee Substitute), an act to prohibit the sale or other transfer of a crossbow unless the purchaser has a permit for the weapon. (Ch. 287)

H.B. 395 (Senate Committee Substitute), an act to clarify the law regarding the recording of certified copies of documents in the office of the Register of Deeds and to provide that an assignment of a mortgage or deed of trust need not be recorded in order to perfect the assignment. (Ch. 288)

H.B. 1021 (Committee Substitute), an act to require that all State agencies issuing business licenses or privilege licenses report quarterly to the Business License Information Office the number of licenses issued by category. (Ch. 289)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

S.B. 889 (House Committee Substitute), a bill to provide for mandatory continuing education for North Carolina's dentists and dental hygienists, with a favorable report as to concurrence.

S.B. 834 (House Committee Substitute), a bill to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure, with a favorable report as to concurrence.

H.B. 473 (Committee Substitute No. 2), a bill to separate the Real Estate Appraisal Board from the Real Estate Commission, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 504 (Committee Substitute), a bill to clarify record protection during ongoing OSHA investigations, with a favorable report.

H.B. 545, a bill to implement a recommendation of the General Statutes Commission to make technical amendments regarding the renunciation of property, with a favorable report.

H.B. 587, a bill to clarify the rule-making authority of the Medical Care Commission for nursing home regulation, with a favorable report.

H.B. 1015 (Senate Committee Substitute), a bill relating to prayers for judgment in infraction cases where a defensive driving course, or a similar approved course, has been completed by the person cited, as written by the **Judiciary I Committee**, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 218 (Committee Substitute No. 2), a bill to provide for the regulation of the practice of counseling and the licensure of counselors.

Referred to **Ways and Means Committee.**

H.B. 1161 (Committee Substitute), a bill to direct the Mental Health Study Commission to study insurance coverage for biologically based brain diseases.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriation Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 799 (Senate Committee Substitute), a bill to exempt cities and counties from certain zoning notice requirements and to repeal various local acts, upon third reading.

With unanimous consent, on motion of Senator Folger, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Folger, further consideration of the Senate Committee Substitute bill is postponed until Thursday, July 8.

H.B. 457 (Senate Committee Substitute), a bill to remove barriers in insurance policies and plans to provide for reimbursement to advanced practice registered nurses providing services within the scope of their practice.

With unanimous consent, on motion of Senator Parnell, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Parnell, consideration of the Senate Committee Substitute bill is postponed until tomorrow, Wednesday, July 7.

S.B. 501, a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: Senators Allran, Cochrane, Forrester, Hoyle, and Smith—5.

The bill is ordered sent to the House of Representatives.

H.B. 521, a bill to authorize the City Council of the City of Durham to delegate to the city manager authority to approve petitions for water and sewer service, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.
The bill is ordered enrolled.

H.B. 734, a bill to allow annexation of a described piece of property to the Town of Old Fort, upon second reading.
Without objection, on motion of Senator Basnight, the bill is temporarily displaced.

S.B. 117, a bill relating to illegally parked vehicles, for concurrence in House Amendment No. 1.
The Senate concurs in House Amendment No. 1 (44-2) and the measure is ordered enrolled.

H.B. 734, a bill to allow annexation of a described piece of property to the Town of Old Fort, upon second reading, temporarily displaced earlier.
The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:
Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Smith, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.
Voting in the negative: None.
The bill is ordered placed on the Calendar for tomorrow, Wednesday, July 7, for further consideration, upon third reading.

S.B. 442, a bill to approve an annexation agreement between Davidson County, the City of High Point, and the City of Thomasville, as to territory in Davidson County, for concurrence in House Amendment No. 1.
The Senate concurs in House Amendment No. 1 (43-0) and the measure is ordered enrolled.

S.B. 1082 (House Committee Substitute), a bill to exempt Nash and Franklin Counties and the municipalities located in Franklin County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, for concurrence in the House Committee Substitute bill.
Senator Cooper offers a motion to the end the House Committee Substitute bill be recommitted to the **Local Government and Regional Affairs Committee**, which motion prevails. The Chair orders the measure recommitted to the **Local Government and Regional Affairs Committee**.

The Chair grants a leave of absence to Senator Ballance for the remainder of today's Session.

S.B. 678 (Committee Substitute), a bill to clarify what funds may be used to repay revenue bonds and special obligation bonds, upon second reading.
With unanimous consent on motion of Senator Carpenter, staff members are granted privileges of the floor for the purpose of assistance in the explanation of the measure.
Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (40-3).
The Committee Substitute bill, as amended, fails to pass its second reading by roll-call vote, ayes 16, noes 28, as follows:
Voting in the affirmative: Senators Albertson, Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Forrester, Hoyle, Kincaid, Martin of Pitt, Parnell, Shaw, Simpson, Smith, and Winner of Buncombe—16.
Voting in the negative: Senators Basnight, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—28.

S.B. 685 (Committee Substitute), a bill to clarify the treatment of streets and roads in population density calculations in an annexation, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: Senator Richardson—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, July 7, for further consideration, upon third reading.

S.B. 1112, a bill to amend the North Carolina Clean Water Revolving Loan and Grant Program to allow municipalities to pledge user fees or any available sources of revenues for the payment of revolving funds, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: Senator Sherron—1.

The bill is ordered placed on the Calendar for tomorrow, Wednesday, July 7, for further consideration.

RECONSIDERATION

S.B. 1082 (House Committee Substitute), a bill to exempt Nash and Franklin Counties and the municipalities located in Franklin County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, with the motion to recommit to the **Local Government and Regional Affairs Committee**, prevailing earlier today.

Senator Cooper offers a motion that the vote by which the motion to recommit the House Committee Substitute bill to the **Local Government and Regional Affairs Committee** prevailed be reconsidered, which motion prevails, and the question becomes the motion to recommit the measure to the **Local Government and Regional Affairs Committee.**

With unanimous consent, Senator Cooper withdraws his motion to recommit the House Committee Substitute bill to the **Local Government and Regional Affairs Committee** and the question reverts to concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled.

CALENDAR (Continued)

S.B. 716 (Committee Substitute), a bill to modify the corporate income tax credit for construction of a cogenerating power plant by (1) providing that a partnership may qualify for the partnership, (2) clarifying that a partnership may pass an income tax credit through to its partners, (3) expanding the credit to include natural gas cogenerating power plants, (4) providing an alternative method to calculate the credit,

(5) limiting the amount of credit that may be allowed each year, and (6) restricting the credit to natural gas cogenerating power plants effective beginning in 1998.

The Chair rules the Committee Substitute bill a material amendment and the measure requires a call of the roll.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Hoyle, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, July 7, for further consideration, upon third reading.

S.B. 1248, a bill to increase the charges for inspection of motor vehicles.

Senator Conder offers Amendment No. 1 which is adopted (42-0).

The bill, as amended, passes its second (38-4) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 467 (Senate Committee Substitute), a bill to provide that each register of deeds is entitled to a second deputy or assistant deputy without being required to provide the county commissioners with a justification.

Senator Albertson offers Amendment No. 1.

On motion of Senator Hyde, further consideration of the Senate Committee Substitute bill, with Amendment No. 1 pending, is postponed until Thursday, July 8.

H.B. 513 (Committee Substitute), a bill to mandate a single portal of entry and exit policy for services for individuals with developmental disabilities.

On motion of Senator Harris, consideration of the Committee Substitute bill is postponed until Wednesday, July 14.

H.B. 625 (Senate Committee Substitute), a bill to amend the law regarding the definition of neglected juvenile.

The Senate Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 944 (Committee Substitute), a bill to raise the limit on the amount recovered in a wrongful death action that is liable for the payment of hospital and medical expenses of the decedent.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered enrolled.

H.B. 1143, a bill to clarify that breast feeding does not violate indecency laws.

The bill passes its second (41-0) and third readings and is ordered enrolled.

H.B. 1009 (Senate Committee Substitute), a bill to require school principals to report certain acts occurring on school property to law enforcement, upon third reading.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 59 (Committee Substitute), a bill to prohibit the disposal of certain classes of recyclable solid waste in landfills or by incineration, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (44-0) and the measure is ordered enrolled.

S.B. 885 (House Committee Substitute), a bill to ensure that consumers have the right to select the pharmacy of their choice, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (43-1) and the measure is ordered enrolled.

S.B. 914, a bill to provide that any provision in a contract to improve real property that provides that the contract is subject to the laws of another State or subject to litigation and arbitration in another State is void as against public policy, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (43-0) and the measure is ordered enrolled.

S.B. 1006 (Committee Substitute), a bill providing for the regulation of purchases of regulated metals property by secondary metals recyclers in North Carolina, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (43-0) and the measure is ordered enrolled.

S.B. 1148 (House Committee Substitute), a bill to clarify provisions that affect the Teachers' and State Employees' Comprehensive Major Medical Plan, for concurrence in the House Committee Substitute bill.

Senator Hyde rises to a point of order as to the defeat of a principal provision contained in the measure.

The Chair rules the provisions of Rule 53 not applicable to a defeated amendment and fails to sustain the point of order.

The Senate fails to concur in the House Committee Substitute bill (17-27).

REPORTS OF COMMITTEES

A standing committee reports is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kaplan for the Capital Expenditures and Improvements Committee:

H.B. 735, a bill to allow the Town of Surf City to replace a water line with its own crew and equipment, with a favorable report.

S.B. 605 (Committee Substitute), a bill to establish a funding formula and a selection process for the inclusion of works of art in State buildings, as written by the **State Personnel and State Government Committee**, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and the **Capital Expenditures and Improvements Committee** Amendments, No. 1 and No. 2, are adopted.

On motion of Senator Kaplan, the Chair orders the measure, as amended, engrossed and re-referred to the **Finance Committee.**

RECALL FROM COMMITTEE

H.B. 102 (Committee Substitute), a bill to require the local Boards of Education to use the energy guidelines for school design and construction and to require energy-use goals and standards in order to assure the construction of energy efficient new schools and school renovations, referred to the **Capital Expenditures and Improvements Committee** on April 26.

Senator Kaplan offers a motion the Committee Substitute bill be recalled from the **Capital Expenditures and Improvements Committee** and re-referred to the **Education/Higher Education Committee,** which motions prevail.

The Chair recalls the Committee Substitute bill from the **Capital Expenditures and Improvements Committee** and re-refers the measure to the **Education/ Higher Education Committee.**

S.B. 1274, a bill to provide that the regulation of water supply watersheds does not apply to certain watersheds, referred to the **Environment and Natural Resources Committee** on July 1.

Senator Tally offers a motion the bill be recalled from the **Environment and Natural Resources Committee** and re-referred to the **Constitution and Election Laws Committee,** and upon receipt of a favorable report, recommitted to the **Environment and Natural Resources Committee,** which motions prevail.

The Chair recalls the bill from the **Environment and Natural Resources Committee** and orders the measure re-referred to the **Constitution and Election Laws Committee** and upon receipt of a favorable report, recommitted to the **Environment and Natural Resources Committee.**

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1148 (House Committee Substitute), a bill to clarify provisions that affect the Teachers' and State Employees' Comprehensive Major Medical Plan, with the Senate failing to concur in the House Committee Substitute bill, earlier today.

Senator Harris offers a motion that the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* takes the appointment of conferees under advisement.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee:**

H.B. 815, a bill authorizing Burke County to assist thoroughfare plan implementation, with a favorable report.

RECALL FROM COMMITTEE

H.B. 71, a bill to permit the use of the Prison Enterprise Laundry Operation in emergency situations, referred to the **Rules and Operation of the Senate Committee** on May 4.

Senator Sands offers a motion the bill be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Judiciary I Committee,** which motions prevail.

The Chair recalls the bill from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Judiciary I Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.J.R. 1250, a joint resolution recognizing and honoring the Charlotte Hornets for their economic contributions to the State of North Carolina, the Southern Piedmont Area, the County of Mecklenburg, and the City of Charlotte, ordered sent to the House of Representatives by special messenger, earlier today.

The House of Representatives declines delivery of the special message, and returns the joint resolution to the Senate, citing House Rule 31(g), and the measure is ordered, with unanimous consent, held in the Office of the Senate Principal Clerk.

On motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns at 3:53 P.M. to meet tomorrow, Wednesday, July 7, at 1:30 P.M.

NINETY-FOURTH DAY

SENATE CHAMBER,
Wednesday, July 7, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our Gracious God, a very old Cherokee proverb says that when we come onto something good, the first thing to do is share it with whomever we can find; that way the good spreads out and there's no telling where it will go.

"Help us to live out that proverb today in the warm light of Your Goodness, O Lord, our Strength and our Redeemer. What a difference 'spreading the good' can make on our impact of the world around us. Amen"

Senator Soles, Deputy President *Pro Tempore*, for the **Rules and Operation of the Senate Committee** announces the Journal of yesterday, Tuesday, July 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour for medical reasons and to Senator Edwards for personal reasons.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 59 (Committee Substitute), an act to prohibit the disposal of certain classes of recyclable solid waste in landfills or by incineration. (Ch. 290)

S.B. 117, an act relating to illegally parked vehicles. (Ch. 291)

S.B. 442, an act to approve an annexation agreement between Davidson County, the City of High Point, and the City of Thomasville, as to territory in Davidson County. (Ch. 292)

S.B. 885 (House Committee Substitute), an act to ensure that consumers have the right to select the pharmacy of their choice. (Ch. 293)

S.B. 914, an act to provide that any provision in a contract to improve real property that provides that the contract is subject to the laws of another State or subject to litigation and arbitration in another State is void as against public policy. (Ch. 294)

S.B. 1006 (Committee Substitute), an act providing for the regulation of purchases of regulated metals property by secondary metals recyclers in North Carolina. (Ch. 295)

S.B. 1082 (House Committee Substitute), an act to exempt Nash and Franklin Counties and the municipalities located in Franklin County from certain notice requirements

for the purpose of adopting or amending zoning ordinances for water supply watershed protection. (Ch. 296)

H.B. 521, an act to authorize the City Council of the City of Durham to delegate to the city manager authority to approve petitions for water and sewer service. (Ch. 297)

H.B. 818, an act to define the limits of local government employees political activities. (Ch. 298)

H.B. 944 (Committee Substitute), an act to raise the limit on the amount recovered in a wrongful death action that is liable for the payment of hospital and medical expenses of the decedent. (Ch. 299)

H.B. 1047 (Senate Committee Substitute), an act to revise certain procedures for appeal under the Occupational Safety and Health Act. (Ch. 300)

H.B. 1143, an act to clarify that breast feeding does not violate indecency laws. (Ch. 301)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

H.B. 630 (Committee Substitute), a bill to update the controlled substances schedules in Article 5 of Chapter 90 of the General Statutes, with a favorable report.

By Senator Winner of Buncombe for the **Finance Committee**:

H.B. 57 (Committee Substitute), a bill to require partnerships to furnish each partner a copy of the State "K-1" tax form, with a favorable report.

H.B. 547 (Committee Substitute), a bill to clarify that the North Carolina Seafood Industrial Park Authority may charge fees for its services or for the use of its facilities, with a favorable report.

H.B. 556 (Senate Committee Substitute), a bill to make technical and other changes to the Uniform Boiler and Pressure Vessel Act, as written by the **Manufacturing and Labor Committee**, with a favorable report.

H.B. 483 (Senate Committee Substitute), a bill to amend the Dam Safety Law of 1967 to make it more effective, as written by the **Environment and Natural Resources Committee**, with a favorable report, as amended.

H.B. 567 (Senate Committee Substitute), a bill to provide for the issuance of replacement data plates for LP-gas tanks, to provide civil penalties for violations of the laws regarding LP-gas, to provide for suspension or revocation of an LP-gas dealer's registration for violations of these laws, and to provide for contractor certification of LP-gas systems code compliance, as written by the **Judiciary II Committee**, with a favorable report, as amended.

S.B. 733, a bill to establish a North Carolina Park Authority, to establish a Park Fund of North Carolina for land acquisition and capital projects at State parks and city and county parks, and to fund the Park Fund of North Carolina primarily from the deed stamp tax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 2713, which changes the title to read **S.B. 733** (Committee Substitute), a bill to establish a North Carolina Park Authority, to establish a Park Fund of North Carolina for park and recreation purposes, and to fund the Park Fund of North Carolina primarily from the deed stamp tax, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Thursday, July 8, for further consideration.

H.B. 31 (Committee Substitute), a bill to modify the annual rental charged for water column leases, with a favorable report.

H.B. 173 (Committee Substitute), a bill to provide that the State shall pay interest on income tax refunds not refunded to the taxpayer within forty-five days after the return was filed or due to be filed, whichever is later, with a favorable report.

H.B. 743, a bill to authorize the merger of the Towns of Hazelwood and Waynesville, as amended by the **Local Government and Regional Affairs Committee**, with a favorable report.

H.B. 898, a bill to allow the Town of Cary to levy a motor vehicle tax of up to ten dollars, with a favorable report.

H.B. 924 (Committee Substitute), a bill to provide for the certification of local government property mappers, with a favorable report.

S.B. 869, a bill to implement a master application system for business licenses and to appropriate funds to the Department of the Secretary of State to implement the master application system, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 543 (Committee Substitute No. 2), a bill to authorize the certification of providers of employee assistance programs, as written by the **Judiciary I Committee**, with a favorable report, as amended.

H.B. 923 (Committee Substitute No. 2), a bill to permit the organization and operation of limited liability companies, with a favorable report, as amended.

S.B. 1088, a bill to provide that the tax on diesel fuel shall be paid partly at the pump and partly by reporting, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 7771, which changes the title to read **S.B. 1088** (Committee Substitute), a bill to provide that the tax on diesel fuel shall be paid partly at the pump and partly by either reporting or annual registration tax, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Thursday, July 8, for further consideration.

By Senator Walker for the **Children and Human Resources Committee:**

H.B. 233 (Committee Substitute No. 2), a bill to require licensure of marriage and family therapists, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee.**

By Senator Folger for the **Local Government and Regional Affairs Committee:**

H.B. 114 (Committee Substitute), a bill to authorize Lincoln County to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Lincoln County and the cities and towns located in Lincoln County, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 588 (Committee Substitute), a bill to amend the Charter of the City of Wilmington relating to site plan review and authorizing adoption of a unified land use ordinance, with a favorable report.

H.B. 649 (Committee Substitute), a bill to authorize the City of Thomasville to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Davidson County and the cities and towns located in Davidson County, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 787 (Committee Substitute), a bill to authorize the Department of Environment, Health, and Natural Resources to deny a permit for a sanitary landfill or a solid waste incinerator to an applicant that has not submitted an approved solid waste management plan, with a favorable report.

H.B. 859 (Committee Substitute), a bill to authorize Granville County to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Granville County and the cities and towns located in Granville County, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 888, a bill to revise and consolidate the Charter of the Town of Enfield, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 844 (Committee Substitute), a bill to provide that Alamance County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing, with a favorable report, as amended.

RECALL FROM COMMITTEE

S.B. 1230, a bill to replace the Substance Abuse Program within the Department of Correction with the Division of Alcoholism and Chemical Dependency Programs, referred to the **State Personnel and State Government Committee** on June 10.

Senator Johnson offers a motion the bill be recalled from the **State Personnel and State Government Committee** and re-referred to the **Appropriations Committee,** which motions prevail.

The Chair recalls the bill from the **State Personnel and State Government Committee** and orders it re-referred to the **Appropriations Committee.**

COMMITTEE REPORTS (Continued)

By Senator Cooper for the **Judiciary II Committee:**

H.B. 358 (Committee Substitute), a bill to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 7312, which changes the title, upon concurrence, to read **H.B. 358** (Senate Committee Substitute), a bill to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives and to modify the conditions for bail and pretrial release for persons accused of sex offenses and crimes of violence against child victims, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 8, for further consideration.

H.B. 877 (Committee Substitute), a bill to clarify the definition of coin-operated machines, video games, and devices and to increase the punishment for certain gambling offenses, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 1195 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Thursday, July 8, for further consideration.

By Senator Kaplan for the **Capital Expenditures and Improvements Committee:**

S.B. 1053, a bill to provide for the creation of University and Local Government Regional Facilities Authorities, setting forth the powers of such Authorities and authorizing certain powers to units of local government that are member units of such Authorities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kaplan, the rules are suspended, and the proposed Committee Substitute bill 9740 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

INTRODUCTION OF RESOLUTION

A joint resolution filed for introduction is presented to the Senate. Senator Sands rises to a point of order as to the eligibility of the joint resolution following the deadline for the filing of bills and resolutions. The Chair rules the deadline not applicable to resolutions speaking to adjournment or memorializing deceased individuals failing to sustain the point of order. The joint resolution is read the first time and disposed of as follows:

By Senators Tally and Edwards:

S.J.R. 1296, a joint resolution honoring the life and memory of Henry McMillan Tyson, former member of the General Assembly.

On motion of Senator Sands, the joint resolution is placed on the Calendar for Monday, July 12, for consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 70 (Committee Substitute), a bill to require the inspection of ostriches and other ratites under the Meat Inspection Act, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, July 8.

S.B. 422 (Committee Substitute No. 2), a bill regulating the practice of acupuncture and adding the practice of dietetics/nutrition to the list of practices that are not considered practicing medicine without a license, for concurrence in House Amendments No. 1, No. 3, No. 4, and No. 6.

On motion of Senator Sands, the rules are suspended without objection, and the Committee Substitute bill No. 2 is placed on the Calendar for today for consideration at the end of the regular order of business.

S.B. 859 (House Committee Substitute), a bill to amend the Charter of the City of Reidsville to alter the size and method of electing the City Council, for concurrence in the House Committee Substitute bill.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute bill is placed on the Calendar for today for consideration at the end of the regular order of business.

H.B. 686 (Committee Substitute), a bill to authorize Henderson and Transylvania Counties and the City of Brevard to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance and to extend water and sewer lines to industrial properties for economic development purposes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 485
(Committee Substitute)

House of Representatives
July 7, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment #2 to **HB 485**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE INLAND NAVIGATION RULES AS THE LAW IN THIS STATE, and requests conferees. The Speaker has appointed Representative Holt, Representative Brawley, and Representative Sutton on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee:**

H.B. 1008 (Committee Substitute), a bill to make it a Class I felony to possess or carry a firearm on school property or to aid a minor to possess or carry a weapon on school property, to require the reporting of weapons on school property, to require safe storage of firearms to protect minors, and to require a warning about safe storage upon sale or transfer of a firearm, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Perdue, the proposed Senate Committee Substitute bill 6213, which changes the title, upon concurrence, to read **H.B. 1008** (Senate Committee Substitute), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or knowingly to allow a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor knowingly to allow a minor to take or possess other types of weapons on educational property, to direct the Department of Crime Control and Public Safety to study the State's criminal statutes to determine whether a parent or other individual entrusted with the care or supervision of a minor may be prosecuted under existing laws for failure to safely store a weapon, and to direct the State Board of Education to develop a model curriculum and guide for weapon safety, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Senate Committee Substitute is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Judiciary II Committee.**

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1148, a bill to make provisions which affect the Teachers' and State Employees' Comprehensive Major Medical Plan, with the Senate failing to concur in the House Committee Substitute bill which proposes to change the title to read **S.B. 1148** (House Committee Substitute), a bill to clarify provisions that affect the Teachers' and State Employees' Comprehensive Major Medical Plan, with the motion of Senator Harris, prevailing on Tuesday, July 6, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Kaplan (Chairman), Cooper, Conder, and Harris as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 734, a bill to allow annexation of a described piece of property to the Town of Old Fort, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kerr, Kincaid, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 735, a bill to allow the Town of Surf City to replace a water line with its own crew and equipment.

The bill passes its second (45-0) and third readings and is ordered enrolled.

H.B. 815, a bill authorizing Burke County to assist thoroughfare plan implementation, upon second reading.

The President rules the bill requires a call of the roll.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico,

Plyler, Richardson, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

On motion of Senator Odom, the bill is ordered placed on the Calendar for Tuesday, July 13, for further consideration, upon third reading.

S.B. 685 (Committee Substitute), a bill to clarify the treatment of streets and roads in population density calculations in an annexation, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: Senator Richardson—1.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 716 (Committee Substitute), a bill to modify the corporate income tax credit for construction of a cogenerating power plant by (1) providing that a partnership may qualify for the partnership, (2) clarifying that a partnership may pass an income tax credit through to its partners, (3) expanding the credit to include natural gas cogenerating power plants, (4) providing an alternative method to calculate the credit, (5) limiting the amount of credit that may be allowed each year, and (6) restricting the credit to natural gas cogenerating power plants effective beginning in 1998, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1112, a bill to amend the North Carolina Clean Water Revolving Loan and Grant Program to allow municipalities to pledge user fees or any available sources of revenues for the payment of revolving funds, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1146 (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators, to modify the privilege license tax requirements for flea market vendors and peddlers, and to prohibit sales of over-the-counter drugs at flea markets unless the manufacturer agrees in writing, upon second reading, with Amendment No. 3 pending and a fiscal note requested on June 30.

The Chair acknowledges receipt of a fiscal note which is attached to the jacket of the measure.

With unanimous consent, staff is granted privileges of the floor to assist in the explanation of the measure.

With unanimous consent, Senator Sherron withdraws Amendment No. 3, and offers Amendment No. 4, held to be material, which is adopted (41-5), constituting the first reading of the measure, and changing the title to read **S.B. 1146** (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators and to modify the privilege license tax requirements for flea market vendors and peddlers.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 8, for further consideration, upon second reading.

H.B. 1016 (Senate Committee Substitute), a bill to change the general drivers license renewal cycle from four to five years and to make uniform the requirements for obtaining a drivers license, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 8, for further consideration, upon third reading.

H.B. 457 (Senate Committee Substitute), a bill to remove barriers in insurance policies and plans to provide for reimbursement to advanced practice registered nurses providing services within the scope of their practice.

Senator Johnson offers Amendment No. 1 which is adopted (45-1).

Senator Soles offers Amendment No. 2. Senator Winner of Buncombe offers a motion to the end that the Senate Committee Substitute bill, as amended, with Amendment No. 2 pending, be placed on the Calendar for Tuesday, July 13, for further consideration, which motion fails to prevail (16-31). Amendment No. 2, offered by Senator Soles, fails of adoption (12-35).

The Senate Committee Substitute bill, as amended, passes its second reading (43-4).

Senator Winner of Buncombe objects to the third reading of the measure. The Chair orders the Senate Committee Substitute bill, as amended, placed on the Calendar for tomorrow, Thursday, July 8, for further consideration, upon third reading.

RECALL FROM COMMITTEE

H.B. 826, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate, referred to the **Rules and Operation of the Senate Committee** on May 18.

Senator Sands offers a motion the bill be recalled from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration upon its passage, which motion prevails.

The Chair recalls the bill from the **Rules and Operation of the Senate Committee** and places it before the Senate.

Senator Sands offers Amendment No. 1 which is adopted (42-0).

The bill, as amended, passes its second (44-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

CALENDAR (Continued)

H.B. 504 (Committee Substitute), a bill to clarify record protection during ongoing OSHA investigations.

On motion of Senator Cooper, consideration of the Committee Substitute bill is postponed until tomorrow, Thursday, July 8.

CONFERENCE COMMITTEE

H.B. 485 (Committee Substitute), a bill to adopt the Inland Navigation Rules as the law in this State.

Pursuant to the message from the House of Representatives received earlier today, requesting conferees, Senator Albertson offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CALENDAR (Continued)

H.B. 545, a bill to implement a recommendation of the General Statutes Commission to make technical amendments regarding the renunciation of property.

The bill passes its second (42-0) and third readings and is ordered enrolled.

H.B. 587, a bill to clarify the rule-making authority of the Medical Care Commission for nursing home regulation.

On motion of Senator Cooper, consideration of the bill is postponed until Wednesday, July 14.

H.B. 1015 (Senate Committee Substitute), a bill relating to prayers for judgment in infraction cases where a defensive driving course, or a similar approved course, has been completed by the person cited.

On motion of Senator Ballance, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 13.

H.B. 1122, a bill to direct the Health Services Commission to adopt rules restricting the offering of unwrapped food samples.

Senator Odom offers Amendment No. 1 which is adopted (31-14).

The bill, as amended, passes its second reading (33-10).

Senator Harris objects to the third reading of the measure. The Chair orders the bill, as amended, placed on the Calendar for tomorrow, Thursday, July 8, for further consideration, upon third reading.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 826, an act to appoint persons to various public offices upon the recommendation of the President of the Senate. (Ch. 302)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 1148
(House Committee Substitute)

House of Representatives
July 7, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute bill to **S B 1148**, A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS THAT AFFECT THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, the Speaker has appointed as conferees on the part of the House, Representative Nesbitt, Representative Brawley, Representative Kuczmarski, and Representative Cunningham to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Senator Edwards, granted a leave of absence earlier today, appears and the Chair acknowledges his presence.

CALENDAR (Continued)

S.B. 834 (House Committee Substitute), a bill to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure, for concurrence in the House Committee Substitute bill.

On motion of Senator Hyde, consideration of the House Committee Substitute bill is postponed until Thursday, July 8.

S.B. 889 (House Committee Substitute), a bill to provide for mandatory continuing education for North Carolina's dentists and dental hygienists, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (42-0) and the measure is ordered enrolled.

S.B. 422 (Committee Substitute No. 2), a bill regulating the practice of acupuncture and adding the practice of dietetics/nutrition to the list of practices that are not considered practicing medicine without a license, received from the House of Representatives for concurrence in House Amendments No. 1, No. 3, No. 4, and No. 6, and placed on the Calendar earlier today for consideration.

The Senate concurs in House Amendments No. 1, No. 3, No. 4, and No. 6 (42-2) and the measure is ordered enrolled.

S.B. 859 (House Committee Substitute), a bill to amend the Charter of the City of Reidsville to alter the size and method of electing the City Council, received from the House of Representatives for concurrence in the House Committee Substitute bill, and placed earlier today on the Calendar for consideration.

The Senate concurs in the House Committee Substitute bill (42-0) and the measure is ordered enrolled.

RECONSIDERATION

S.B. 834 (House Committee Substitute), a bill to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure.

Senator Winner of Buncombe offers a motion that the vote by which the motion to place the House Committee Substitute bill on the Calendar for Thursday, July 8, upon concurrence prevailed, be reconsidered, which motion prevails, and the question becomes the motion to postpone consideration. Senator Hyde withdraws the motion. With unanimous consent the measure is temporarily displaced.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 485 (Committee Substitute), a bill to adopt the Inland Navigation Rules as the law in this State, with the motion of Senator Albertson, prevailing earlier today, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Albertson (Chairman), Marshall, and Simpson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 834 (House Committee Substitute), a bill to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Codington, the Senate adjourns at 4:04 P.M. to meet tomorrow, Thursday, July 8, at 1:30 P.M.

NINETY-FIFTH DAY

SENATE CHAMBER,
Thursday, July 8, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Mack Thompson, Minister of Ridge Road Baptist Church, Raleigh, as follows:

"Dear Lord and Father of all of us, we are grateful for the gift of this day and this opportunity. We offer our praise unto You for the gift of life and for the blessings You send our way. We thank You for revealing Yourself to us and for letting us come to know You. Moments of prayer, like this one, are precious indeed, because they give us a chance to get to know You even more.

"On the occasion of the opening of this session, we are grateful for many blessings in particular. We thank You for the blessing of freedom which makes this session possible. We thank you for our nation and State in which our freedom can be expressed. We also know that You are the Source of Truth, and when we turn to You, we can experience the freedom to live and serve as the people You made us to be.

"Thank You for all the people of our State. I give special thanks for these persons who have been elected to serve as Senators. They come from the many regions of North Carolina and represent the rich diversity of our people. Give them the strength and ability to serve.

"Bless them, O Lord, as they come together now. Give them strength and courage, patience and wisdom. Give to them an openness of heart and mind that will enable them to make decisions that will be pleasing to You and good for all our people. In Your Name we pray. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, July 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Hunt; Senator Seymour, for medical reasons; Senator Winner of Mecklenburg, for a redistricting meeting with the Attorney General; to Senator Shaw for today and tomorrow, July 8 and 9; and to Senator Walker for Monday, July 12, and Tuesday, July 13.

The Chair extends courtesies of the gallery to Robert Morgan, former North Carolina and United States Senator.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 422 (Committee Substitute No. 2), an act regulating the practice of acupuncture and adding the practice of dietetics/nutrition to the list of practices that are not considered practicing medicine without a license. (Ch. 303)

S.B. 689, an act to permit the City of Durham to provide relocation assistance payments for the value of mortgage credit certificates. (Ch. 304)

S.B. 834 (House Committee Substitute), an act to clarify the procedure for foreclosure under power of sale and to establish a new upset bid procedure. (Ch. 305)

S.B. 859 (House Committee Substitute), an act to amend the Charter of the City of Reidsville to alter the size and method of electing the City Council. (Ch. 306)

S.B. 889 (House Committee Substitute), an act to provide for mandatory continuing education for North Carolina's dentists and dental hygienists. (Ch. 307)

H.B. 545, an act to implement a recommendation of the General Statutes Commission to make technical amendments regarding the renunciation of property. (Ch. 308)

H.B. 734, an act to allow annexation of a described piece of property to the Town of Old Fort. (Ch. 309)

H.B. 735, an act to allow the Town of Surf City to replace a water line with its own crew and equipment. (Ch. 310)

CALENDAR

H.B. 483 (Senate Committee Substitute), a bill to amend the Dam Safety Law of 1967 to make it more effective.

With unanimous consent, on motion of Senator Tally, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Tally, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 13.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell, Vice-Chairman, for Senator Seymour, Chairman, for the **Public Utilities Committee:**

H.B. 26 (Committee Substitute), a bill to exempt campgrounds for transients and marinas which resell electricity from the definition of a public utility, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the proposed Senate Committee Substitute bill 9272 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 9, for further consideration.

H.B. 1167, a bill to add to the investment authority of joint municipal power agencies, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Ballance for the **Judiciary I Committee:**

H.B. 957, a bill to regulate smoking in public places and to establish standards for local governments electing to regulate smoking, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 3256 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Friday, July 9, for further consideration.

H.B. 1092 (Committee Substitute), a bill to require juvenile court counselors to notify school officials in certain cases when a juvenile is adjudicated delinquent and is ordered to attend school as a condition of probation, with an unfavorable report as to the Committee Substitute bill, as amended by the **Education/Higher Education Committee,** but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill A289, is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Friday, July 9, for further consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 431, a bill recommended by the Juvenile Law Study Commission to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors, for concurrence in House Amendment No. 1.

With unanimous consent, the measure is recommitted to the **Judiciary I Committee.**

S.B. 802 (House Committee Substitute), a bill to make technical and other changes to the employment security laws, for concurrence in the House Committee Substitute bill.

With unanimous consent, the measure is recommitted to the **Manufacturing and Labor Committee.**

S.B. 970, a bill to provide that it is a misdemeanor to assemble for the purpose of teaching any techniques to be used for the purpose of intimidating a person because of that person's race, color, religion, nationality, or country of origin, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 970** (House Committee Substitute), a bill to provide that it is a misdemeanor to assemble for the purpose of teaching any techniques to be used for the purpose of committing a crime against a person because of that person's race, color, religion, nationality, or country of origin.

With unanimous consent, the measure is recommitted to the **Judiciary I Committee.**

H.B. 1109 (Committee Substitute), a bill to authorize counties and cities to engage in additional local economic development activities.

Referred to **Local Government and Regional Affairs Committee** and, upon a favorable report, re-referred to the **Finance Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 743, a bill to authorize the merger of the Towns of Hazelwood and Waynesville, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—42.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 9, for further consideration, upon third reading.

H.B. 898, a bill to allow the Town of Cary to levy a motor vehicle tax of up to ten dollars, upon second reading.

On motion of Senator Basnight, the Chair orders, without objection, the bill temporarily displaced.

H.B. 588 (Committee Substitute), a bill to amend the Charter of the City of Wilmington relating to site plan review and authorizing adoption of a unified land use ordinance.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered enrolled.

H.B. 844 (Committee Substitute), a bill to provide that Alamance County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing.

On motion of Senator Folger, consideration of the Committee Substitute bill is postponed until Tuesday, July 13.

H.B. 898, a bill to allow the Town of Cary to levy a motor vehicle tax of up to ten dollars, temporarily displaced earlier, upon second reading.

On motion of Senator Gunter, further consideration of the bill is postponed temporarily.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee**:

S.B. 164 (House Committee Substitute), a bill to clarify that local governments have the authority to impose civil penalties for violations of the Fire Prevention Code of the State Building Code, with a favorable report as to concurrence.

S.B. 681 (House Committee Substitute), a bill to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court and to amend the Loan Broker Act, with a favorable report as to concurrence.

H.B. 1094, a bill to clarify the law relating to the conditional delivery of motor vehicles and to provide for insurance coverage for vehicles added to existing policies on nonbusiness days, with a favorable report.

CALENDAR (Continued)

H.B. 1016 (Senate Committee Substitute), a bill to change the general drivers license renewal cycle from four to five years and to make uniform the requirements for obtaining a drivers license, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—44.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 733 (Committee Substitute), a bill to establish a North Carolina Park Authority, to establish a Park Fund of North Carolina for park and recreation purposes, and to fund the Park Fund of North Carolina primarily from the deed stamp tax, upon second reading.

Senator Sherron offers Amendment No. 1 which is adopted (37-6).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—45.

Voting in the negative: None.

The Committee Substitute bill, a amended, is ordered placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

S.B. 1146 (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators and to modify the privilege license tax requirements for flea market vendors and peddlers, as amended, upon second reading.

Pursuant to the motion of Senator Sherron prevailing on Wednesday, July 7, staff is granted privileges of the floor for the purpose of assisting in the explanation of the measure.

Senator Simpson offers Amendment No. 5, amending Amendments No. 1 and No. 4, which is adopted (24-17).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—43.

Voting in the negative: Senator Hyde—1.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

H.B. 31 (Committee Substitute), a bill to modify the annual rental charged for water column leases, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plyler, Richardson, Sands, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, and Warren-41.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

H.B. 547 (Committee Substitute), a bill to clarify that the North Carolina Seafood Industrial Park Authority may charge fees for its services or for the use of its facilities, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—44.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

H.B. 556 (Senate Committee Substitute), a bill to make technical and other changes to the Uniform Boiler and Pressure Vessel Act, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe-41.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

H.B. 567 (Senate Committee Substitute), a bill to provide for the issuance of replacement data plates for LP-gas tanks, to provide civil penalties for violations of the laws regarding LP-gas, to provide for suspension or revocation of an LP-gas dealer's registration for violations of these laws, and to provide for contractor certification of LP-gas systems code compliance, upon second reading.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—42.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

H.B. 923 (Committee Substitute No. 2), a bill to permit the organization and operation of limited liability companies, upon second reading.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—43.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

H.B. 924 (Committee Substitute), a bill to provide for the certification of local government property mappers, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—43.

Voting in the negative: Senator Cochrane—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

S.B. 543 (Committee Substitute No. 2), a bill to authorize the certification of providers of employee assistance programs.

On motion of Senator Ward, Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 2, as amended, passes its second (40-3) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1088 (Committee Substitute), a bill to provide that the tax on diesel fuel shall be paid partly at the pump and partly by either reporting or annual registration tax.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 57 (Committee Substitute), a bill to require partnerships to furnish each partner a copy of the State "K-1" tax form.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered enrolled.

H.B. 173 (Committee Substitute), a bill to provide that the State shall pay interest on income tax refunds not refunded to the taxpayer within forty-five days after the return was filed or due to be filed, whichever is later.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 222 (Senate Committee Substitute), a bill to repeal the law that allows the State Board of Education to set higher maximum class size for physical education and music classes.

On motion of Senator Perdue, the Senate Committee Substitute bill is recommitted to the **Education/Higher Education Committee.**

H.B. 358 (Senate Committee Substitute), a bill to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives and to modify the conditions for bail and pretrial release for persons accused of sex offenses and crimes of violence against child victims.

Senator Cooper offers Amendment No. 1 which is adopted (41-0).

The Senate Committee Substitute bill, as amended, passes its second (40-0) and third readings.

Senator Sands requests to be recorded voting "aye" on the third reading.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 467 (Senate Committee Substitute), a bill to provide that each register of deeds is entitled to a second deputy or assistant deputy without being required to provide the county commissioners with a justification, with Amendment No. 1 pending.

With unanimous consent, Senator Albertson withdraws Amendment No. 1.

On motion of Senator Kerr, further consideration of the Senate Committee Substitute bill is postponed temporarily.

H.B. 504 (Committee Substitute), a bill to clarify record protection during ongoing OSHA investigations.

The Committee Substitute bill passes its second (39-0) and third readings and is ordered enrolled.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

H.B. 630 (Committee Substitute), a bill to update the controlled substances schedules in Article 5 of Chapter 90 of the General Statutes.

The Committee Substitute bill passes its second (38-0) and third readings and is ordered enrolled.

H.B. 787 (Committee Substitute), a bill to authorize the Department of Environment, Health, and Natural Resources to deny a permit for a sanitary landfill or a solid waste incinerator to an applicant that has not submitted an approved solid waste management plan.

On motion of Senator Folger, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 877 (Senate Committee Substitute), a bill to clarify the definition of coin-operated machines, video games, and devices and to increase the punishment for certain gambling offenses.

On motion of Senator Cooper, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 13.

H.B. 457 (Senate Committee Substitute), a bill to remove barriers in insurance policies and plans to provide for reimbursement to advanced practice registered nurses providing services within the scope of their practice, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading (37-2) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 799 (Senate Committee Substitute), a bill to exempt cities and counties from certain zoning notice requirements and to repeal various local acts, upon third reading.

Senator Gulley offers Amendment No. 1 which is adopted (44-0).

Senator Gulley offers Amendment No. 2 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its third reading (43-0) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1122, a bill to direct the Health Services Commission to adopt rules restricting the offering of unwrapped food samples, as amended, upon third reading.

The bill, as amended, passes its third reading (40-5) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

The President of the Senate, Lieutenant Governor Wicker, returns to the Chamber and Senator Basnight, President *Pro Tempore*, relinquishes the gavel.

H.B. 787 (Committee Substitute), a bill to authorize the Department of Environment, Health, and Natural Resources to deny a permit for a sanitary landfill or a solid waste incinerator to an applicant that has not submitted an approved solid waste management plan, temporarily displaced earlier.

On motion of Senator Gulley, consideration of the Committee Substitute bill is postponed temporarily.

REPORTS OF COMMITTEE

A select committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel, Chairman, for the **Select Committee on S.B. 906:**

S.B. 587 (Committee Substitute), a bill to create the Workers' Compensation Study Commission, with an unfavorable report as to the Committee Substitute bill, as written by the **Manufacturing and Labor Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Daniel, the proposed Committee Substitute bill No. 2, 9741, is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Appropriations Committee.**

S.B. 906 (Committee Substitute), a bill to make various substantive amendments to the Workers' Compensation Act, with an unfavorable report as to the Committee Substitute bill, as written by the **Manufacturing and Labor Committee**, as amended, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Daniel, the proposed Committee Substitute bill No. 2, 8527, which changes the title to read, **S.B. 906** (Committee Substitute No. 2), a bill to make various substantive amendments to the Workers' Compensation Act and to make related changes, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill No. 2 is adopted.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Appropriations Committee.**

RECALL FROM COMMITTEE

S.B. 431, a bill recommended by the Juvenile Law Study Commission to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors, referred to the **Judiciary I Committee** earlier today.

Senator Ballance offers a motion the bill be recalled from the **Judiciary I Committee**, the rules be suspended and the measure placed on the Calendar for today upon concurrence in House Amendment No. 1, which motions prevail.

The Chair recalls the bill from the **Judiciary I Committee** and orders it placed at the end of today's Calendar for consideration.

CONFERENCE REPORT

S.B. 1139 (House Committee Substitute No. 2)

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1139** (Committee Substitute), a bill to increase fees in the General Court of Justice, to establish the percentage rates for the public utility regulatory fee and the insurance regulatory charge, and to provide for hearings for persons who fail to appear in criminal court, received for concurrence in the House Committee Substitute No. 2, which proposes to change the title to read, **S.B. 1139** (House Committee Substitute No. 2), a bill to impose a processing fee on twenty-day failures, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 1139, A BILL TO BE ENTITLED AN ACT TO IMPOSE A PROCESSING FEE ON TWENTY-DAY FAILURES, Fifth Edition Engrossed 6/29/93, wish to report as follows: The Senate concurs in the House Committee Substitute (Fifth Edition Engrossed) with the following amendment:

on page 2, lines 36 and 37, by rewriting these lines to read:

"Sec. 3. This act becomes effective July 15, 1993, and applies to reports issued on or after that date.";

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 8th day of July, 1993.

S/T.L. Odom
S/Frank W. Ballance, Jr.
S/John Gerald Blackmon
S/A. P. Sands III
S/Dennis Winner

Conferees for the Senate

S/Joe Hackney
S/William T. Culpepper III
S/Namon Leo Daughtry
S/Robert C. Hunter
George Washington Miller, Jr.
S/Charles Richard Preston
Thomas E. Wright

Conferees for the House of Representatives

On motion of Senator Sands, the Conference Report is adopted (46-0), changing the title, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives:

S.B. 1139
(House Committee Substitute No. 2)

House of Representatives
July 8, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the House Committee Substitute to **SB 1139**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A PROCESSING FEE ON TWENTY-DAY FAILURES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Senate having adopted the Conference Report earlier, the Chair orders the House Committee Substitute bill No. 2 enrolled.

Senator Winner of Mecklenburg, granted a leave of absence earlier today, appears and the Chair acknowledges her presence.

RECALL FROM COMMITTEE

H.B. 1355 (Committee Substitute), a bill to establish the percentage rates for the public utility regulatory fee and the insurance regulatory charge, to increase amusement device inspection fees, to increase elevator fees, and to remove the sunset on the Motorcycle Safety Education Program, referred to the **Rules and Operation of the Senate Committee** on June 3.

Senator Sands offers a motion the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, upon its passage, which motion prevails.

The Chair recalls the Committee Substitute bill from the **Rules and Operation of the Senate Committee** and places it before the Senate for immediate consideration, upon second reading.

With unanimous consent, on motion of Senator Winner of Buncombe, the rules are suspended to the end the measure is not referred to the **Finance Committee**.

Senator Sands offers Amendment No. 1 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

CALENDAR (Continued)

H.B. 467 (Senate Committee Substitute), a bill to provide that each register of deeds is entitled to a second deputy or assistant deputy without being required to provide the county commissioners with a justification, temporarily displaced earlier.

Senator Kerr offers Amendment No. 2 which is adopted (43-1).

The Senate Committee Substitute bill, as amended, passes its second reading (27-18).

Senator Hyde objects to the third reading of the Senate Committee Substitute bill, as amended. The Chair orders the measure placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

H.B. 898, a bill to allow the Town of Cary to levy a motor vehicle tax of up to ten dollars, temporarily displaced earlier, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hyde, Johnson, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sherron, Simpson, Soles, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—38.

Voting in the negative: Senators Cochrane, Forrester, Hoyle, Kaplan, Smith, and Speed—6.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

RECALL FROM COMMITTEE

Senator Daniel offers a motion the following Senate bills be recalled from the **Appropriations Committee** and re-referred to the **Capital Expenditures and Improvements Committee**, which motions prevail:

S.B. 254, a bill to appropriate funds to the Tobacco Farm Life Museum, referred to the **Appropriations Committee** on February 19.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee**.

S.B. 420, a bill to appropriate funds to the Board of Governors of the University of North Carolina for the Seafood Laboratory Program at North Carolina State University, referred to the **Appropriations Committee** on February 25.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 421, a bill to appropriate funds for a Grassroots Science Program by the Museum of Natural Sciences to improve State programs in science education, referred to the **Appropriations Committee** on February 25.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 438, a bill to appropriate funds for shoreline protection at Fort Fisher, referred to the **Appropriations Committee** on March 1.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 472, a bill to appropriate funds for the Spencer Shops Historic Site, referred to the **Appropriations Committee** on May 3.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 480, a bill to appropriate funds for a new Assistant County Ranger in Cumberland County, referred to the **Appropriations Committee** on March 11.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 484, a bill to appropriate funds for the North Carolina 4-H Camp Program, referred to the **Appropriations Committee** on March 16.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 503, a bill to provide for economic development in rural areas and depressed areas of North Carolina, referred to the **Appropriations Committee** on March 18.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 518, a bill to appropriate funds to the Department of Agriculture for staffing and operating support for the biological pest control laboratory, referred to the **Appropriations Committee** on March 22.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 520, a bill to appropriate funds to the Department of Agriculture to increase efforts to expand domestic markets for agricultural products, referred to the **Appropriations Committee** on March 22.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 534, a bill to appropriate supplemental funding for the Aid to Public Libraries Fund, referred to the **Appropriations Committee** on March 24.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 668, a bill to appropriate funds to the Nash County Cultural Center to complete renovations to its facilities, referred to the **Appropriations Committee** on April 1.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 671, a bill to appropriate funds for the completion of a new Arts Center/Civic Center in Lenoir County, referred to the **Appropriations Committee** on April 1.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 717, a bill to appropriate funds for operating expenses of the sheltered workshop in Wayne County, referred to the **Appropriations Committee** on April 7.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 762, a bill to appropriate funds for a new multipurpose exhibit building at the State Fair, referred to the **Appropriations Committee** on April 8.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 805, a bill to appropriate funds for a fine arts classroom building at the Richmond Community College, referred to the **Appropriations Committee** on April 12.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 828, a bill to appropriate funds for construction of the new North Carolina State Museum of Natural Sciences, referred to the **Appropriations Committee** on April 13.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 844, a bill to appropriate funds for improvements at the Old Chapel Hill Cemetery, referred to the **Appropriations Committee** on April 14.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 858, a bill to appropriate funds for a legislative planning grant for the reopening of Chinqua-Penn, referred to the **Appropriations Committee** on April 14.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 938, a bill to provide funding to disseminate hosiery technology through a hosiery technology center under the supervision of the Department of Community Colleges, referred to the **Appropriations Committee** on April 21.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 943, a bill to appropriate funds to complete the construction of the East Arcadia Senior Services Center, referred to the **Appropriations Committee** on April 22.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1030, a bill to appropriate funds for the creation of a textile museum in the Town of Erwin in Harnett County, referred to the **Appropriations Committee** on May 4.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1099, a bill to appropriate funds for a tractor-plow hauling unit and related expenses, referred to the **Appropriations Committee** on May 11.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1107, a bill to appropriate funds to establish a Regional Mediation Center in Pitt County to provide mediation services to Eastern North Carolina, referred to the **Appropriations Committee** on May 11.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1134, a bill to appropriate funds for the North Carolina Shakespeare Festival, referred to the **Appropriations Committee** on May 12.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1138, a bill to appropriate funds to the University of North Carolina at Chapel Hill for the Bicentennial Observance, referred to the **Appropriations Committee** on May 12.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1193, a bill to appropriate funds for the Cape Fear Botanical Garden, referred to the **Appropriations Committee** on May 25.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1204, a bill to appropriate funds to purchase property for the Albemarle-Stanly County Historic Preservation Commission, referred to the **Appropriations Committee** on June 1.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1209, a bill to appropriate funds for the restoration of the Yates Mill Historical Site, referred to the **Appropriations Committee** on June 1.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1210, a bill to appropriate funds for the development of the Lake Benson Park, referred to the **Appropriations Committee** on June 1.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1211, a bill to appropriate funds for land acquisition for the Little River Reservoir, referred to the **Appropriations Committee** on June 1.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1214, a bill to appropriate funds for restoration of the Oak View Plantation, referred to the **Appropriations Committee** on June 1.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1216, a bill to appropriate funds to replace the trestle over the Newport River on the Beaufort and Morehead Railroad, referred to the **Appropriations Committee** on June 2.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1246, a bill to appropriate funds for the acquisition of land in the vicinity of Mountain Island Lake in Gaston, Lincoln, and Mecklenburg Counties and to preserve the land for future development as a regional State park or nature preserve, referred to the **Appropriations Committee** on June 21.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

CALENDAR (Continued)

H.B. 787 (Committee Substitute), a bill to authorize the Department of Environment, Health, and Natural Resources to deny a permit for a sanitary landfill or a solid waste incinerator to an applicant that has not submitted an approved solid waste management plan, temporarily displaced earlier.

Senator Gulley offers Amendment No. 1 which is adopted (42-0).

The Committee Substitute bill, as amended, passes its second reading (36-5).

Senator Gulley objects to the third reading of the Committee Substitute bill, as amended. The Chair orders the measure placed on the Calendar for tomorrow, Friday, July 9, for further consideration, upon third reading.

REFERRAL TO COMMITTEE

H.B. 514, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification, ordered held in the Office of the Senate Principal Clerk on May 18 upon a point of order as to its identical measure placed on the table by an unfavorable report.

Senator Perdue offers a motion the bill be called from the Office of the Principal Clerk, read a first time, and referred to the **Education/Higher Education Committee**, its identical measure having been taken from the table and recommitted to the **Education/Higher Education Committee** on June 30. The motion prevails.

The bill is presented to the Senate, read a first time and referred to the **Education/Higher Education Committee.**

CALENDAR (Continued)

S.B. 70 (Committee Substitute), a bill to require the inspection of ostriches and other ratites under the Meat Inspection Act, for concurrence in House Amendment No. 1

The Senate concurs in House Amendment No. 1 (44-0) and the measure is ordered enrolled.

RECALL FROM COMMITTEE

Senator Daniel offers a motion the following Senate bills be recalled from the **Appropriations Committee** and re-referred to the **Capital Expenditures and Improvements Committee**, which motions prevail:

S.B. 850, a bill to appropriate funds to the Stanly County Airport Authority for airport expansion, referred to the **Appropriations Committee** on April 14.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1122, a bill to appropriate funds for economic development projects and activities within the State's minority community, referred to the **Appropriations Committee** on May 11.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1130, a bill to appropriate funds for Pinetree Enterprises' Vocational Rehabilitation Services in West End, North Carolina, referred to the **Appropriations Committee** on May 12.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1189, a bill to appropriate funds for arthritis patient services of Mecklenburg and Union Counties, referred to the **Appropriations Committee** on May 20.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1191, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources for an equipment type forestry headquarters in Davidson County, referred to the **Appropriations Committee** on May 20.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1203, a bill to appropriate funds for planning and developing a model alternative school for disruptive students in the Anson County Schools, referred to the **Appropriations Committee** on May 31.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1199, a bill to appropriate funds for cultural and recreational youth programs for Pender County, referred to the **Appropriations Committee** on May 27.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

With unfinished business remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 4:16 P.M. to meet tomorrow, Friday, July 9, at 10:00 A.M.

NINETY-SIXTH DAY

SENATE CHAMBER,
Friday, July 9, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our prayer this morning was authored by two Senators who sit in proximity to me.
"The State Budget is being considered today, Lord. Let her fly on the wings of angels. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Thursday, July 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Seymour for medical reasons; Senator Parnell for a previous appointment, and to Senator Harris, Senator Walker, and Senator Shaw.

CALENDAR

H.B. 1355 (Committee Substitute), a bill to establish the percentage rates for the public utility regulatory fee and the insurance regulatory charge, to increase amusement device inspection fees, to increase elevator fees, and to remove the sunset on the Motorcycle Safety Education Program, as amended, upon third reading.

With unanimous consent, on motion of Senator Sands, the Committee Substitute bill, as amended, is taken up out of its regular order of business.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Edwards, Forrester, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 70 (Committee Substitute), an act to require the inspection of ostriches and other ratites under the Meat Inspection Act. (Ch. 311)

S.B. 1019, an act to facilitate voluntary additions to the extraterritorial jurisdiction and to permit additional voluntary annexations to the Town of Apex. (Ch. 312)

S.B. 1139 (House Committee Substitute No. 2), an act to impose a processing fee on twenty-day failures. (Ch. 313)

H.B. 57 (Committee Substitute), an act to require partnerships to furnish each partner a copy of the State "K-1" tax form. (Ch. 314)

H.B. 173 (Committee Substitute), an act to provide that the State shall pay interest on income tax refunds not refunded to the taxpayer within forty-five days after the return was filed or due to be filed, whichever is later. (Ch. 315)

H.B. 379 (Senate Committee Substitute), an act to allow Halifax County to create fire protection districts in which fire protection is funded by fees rather than taxes and to restrict expenditures of funds donated to the Fire Department of the Town of Bethel. (Ch. 316)

H.B. 504 (Committee Substitute), an act to clarify record protection during ongoing OSHA investigations. (Ch. 317)

H.B. 588 (Committee Substitute), an act to amend the Charter of the City of Wilmington relating to site plan review and authorizing adoption of a unified land use ordinance. (Ch. 318)

H.B. 630 (Committee Substitute), an act to update the controlled substances schedules in Article 5 of Chapter 90 of the General Statutes. (Ch. 319)

WITHDRAWAL FROM CALENDAR

H.B. 1015 (Senate Committee Substitute), a bill relating to prayers for judgment in infraction cases where a defensive driving course, or a similar approved course, has been completed by the person cited, placed on the Calendar for Tuesday, July 13.

Senator Cooper offers a motion the Senate Committee Substitute bill be recalled from the Calendar for Tuesday, July 13, and recommitted to the **Judiciary II Committee**, which motions prevail.

The Chair recalls the Senate Committee Substitute bill from the Calendar for Tuesday, July 13, and recommits the Senate Committee Substitute bill to the **Judiciary II Committee.**

CALENDAR

H.B. 1092 (Senate Committee Substitute), a bill to require juvenile court counselors to notify school officials in certain cases when a juvenile is adjudicated delinquent and is ordered to attend school as a condition of probation.

With unanimous consent, on motion of Senator Ballance, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Ballance, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 13.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 630, a bill to permit recipients of teaching fellows scholarship loans to repay their commitment to the State by teaching for three consecutive years in school systems located in low-wealth counties, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 630** (House Committee Substitute), a bill to permit recipients of teaching fellows scholarship loans to repay their commitment to the State by teaching for three consecutive years in school systems identified as low-performing or on warning status, which is placed on the Calendar for Monday, July 12.

S.B. 939 (Committee Substitute), a bill to clarify the right of motor vehicle dealers in North Carolina to combine franchises at a single location, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 939** (House Committee Substitute), a bill to clarify certain provisions within Article 12 of Chapter 20 of the General Statutes of North Carolina relating to the right of motor vehicle dealers to combine franchises at a single location and persons who arrange transactions involving the sale of new motor vehicles, which is placed on the Calendar for Monday, July 12.

H.B. 890 (Committee Substitute), a bill to allow the Town of Middlesex to annex a certain described territory to the corporate limits of the Town.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

CALENDAR

A bill on the Calendar carried forward as unfinished business from yesterday, Thursday, July 8, is taken up and disposed of, as follows:

S.B. 431, a bill recommended by the Juvenile Law Study Commission to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors, for concurrence in House Amendment No. 1.

The Senate fails to concur in House Amendment No. 1 (0-40). Senator Allran offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 743, a bill to authorize the merger of the Towns of Hazelwood and Waynesville, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—38.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 898, a bill to allow the Town of Cary to levy a motor vehicle tax of up to ten dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Edwards, Folger, Gulley, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: Senators Allran, Forrester, Kaplan, and Smith—4.

The bill is ordered enrolled.

RECALL FROM COMMITTEE

S.B. 970 (House Committee Substitute), a bill to provide that it is a misdemeanor to assemble for the purpose of teaching any techniques to be used for the purpose of committing a crime against a person because of that person's race, color, religion, nationality, or country of origin, referred to the **Judiciary I Committee** on July 8.

Senator Ballance offers a motion the House Committee Substitute bill be recalled from the **Judiciary I Committee** and placed on the Calendar for Monday, July 12, upon concurrence, which motions prevail.

The Chair recalls the House Committee Substitute bill from the **Judiciary I Committee** and orders the House Committee Substitute bill placed on the Calendar for Monday, July 12.

CALENDAR (Continued)

S.B. 733 (Committee Substitute), a bill to establish a North Carolina Park Authority, to establish a Park Fund of North Carolina for park and recreation purposes, and to fund the Park Fund of North Carolina primarily from the deed stamp tax, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Hartsell, Hoyle, Hunt, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Warren, Winner of Bucombe, and Winner of Mecklenburg—37. With unanimous consent, Senator Cochrane is recorded as voting "aye"—38.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1146 (Committee Substitute), a bill to increase the State privilege license tax for itinerant merchants and specialty market operators and to modify the privilege license tax requirements for flea market vendors and peddlers, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 31 (Committee Substitute), a bill to modify the annual rental charged for water column leases, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 547 (Committee Substitute), a bill to clarify that the North Carolina Seafood Industrial Park Authority may charge fees for its services or for the use of its facilities, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 556 (Senate Committee Substitute), a bill to make technical and other changes to the Uniform Boiler and Pressure Vessel Act, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 567 (Senate Committee Substitute), a bill to provide for the issuance of replacement data plates for LP-gas tanks, to provide civil penalties for violations of the laws regarding LP-gas, to provide for suspension or revocation of an LP-gas dealer's registration for violations of these laws, and to provide for contractor certification of LP-gas systems code compliance, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 923 (Committee Substitute No. 2), a bill to permit the organization and operation of limited liability companies, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Guilford, Odom, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The Committee Substitute bill No 2, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 924 (Committee Substitute), a bill to provide for the certification of local government property mappers, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 26 (Senate Committee Substitute), a bill to exempt campgrounds for transients and marinas which resell electricity from the definition of a public utility.

The Senate Committee Substitute bill passes its second (39-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 957 (Senate Committee Substitute), a bill to regulate smoking in public places and to establish standards for local governments electing to regulate smoking.

Senator Gulley offers Amendment No. 1 which is adopted (23-19).

Senator Ballance offers Amendment No. 2 which fails of adoption (20-23).

Senator Ballance calls the previous question, seconded by Senator Conder. The call is sustained.

The Senate Committee Substitute bill, as amended, passes its second reading (26-17).

Senator Ballance objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, July 12, for further consideration, upon third reading.

The Senate recesses at 11:14 A.M. for the purpose of committee meetings to reconvene at 11:30 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 539 House of Representatives
(Senate Committee Substitute) July 9, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 539**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO AMEND G.S. 54-139 RELATING TO FOREIGN COOPERATIVE CORPORATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE OTHER AMENDMENTS TO THE BUSINESS CORPORATION ACT, and requests conferees. The Speaker has appointed Representative Kennedy, Representative Flaherty, Representative R. Hunter, Representative Braswell, Representative Michaux, and Representative McCombs on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 431, a bill recommended by the Juvenile Law Study Commission to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors, with the motion of Senator Allran, prevailing earlier today, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Allran (Chairman), Ballance, and Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 539 (Senate Committee Substitute), a bill to amend the North Carolina Business Corporation Act and to amend G.S. 54-139 relating to foreign cooperative corporations as recommended by the General Statutes Commission and to make other amendments to the Business Corporation Act, with the House of Representatives failing to concur earlier today.

Senator Cooper offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Cooper (Chairman), Hartsell, and Soles as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

S.B. 27 (House Committee Substitute)

Senator Daniel, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 27** (House Committee Substitute), a bill to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 27, A BILL TO BE ENTITLED AN ACT TO MAKE CONTINUATION AND EXPANSION BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, House Committee Substitute Favorable with Amendments 5/27/93, Fifth Edition, wish to report as follows:

The Senate concurs in the House Committee Substitute Favorable with Amendments 5/27/93, Fifth Edition, with the following amendment: Delete the entire House Committee Substitute Favorable with Amendments 5/27/93, Fifth Edition, and substitute the attached Proposed Conference Committee Substitute PCCS 5708A.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 9th day of July, 1993.

S/George B. Daniel, Chairman
S/Aaron W. Plyler, Chairman
S/Betsy L. Cochrane
S/J. Richard Conder
S/Ralph A. Hunt
S/Herbert L. Hyde
S/Ted Kaplan
S/Howard N. Lee
S/R.L. Martin
S/William N. Martin
S/T.L. Odom
S/Beverly M. Perdue
S/J. Clark Plexico
S/Jim Richardson
S/A.P. Sands
Robert G. Shaw
S/J.K. Sherron, Jr.
S/Daniel R. Simpson
S/R.C. Soles, Jr.
S/Russell G. Walker
S/Marvin Ward
S/Dennis J. Winner

Conferees for the Senate

S/Martin Nesbitt, CoChair
David Diamont, CoChair
S/Jim Black
S/Fred Bowman
S/N.J. Crawford
S/Dan DeVane
S/Dub Dickson
S/Ruth Easterling
S/Herman Gist
S/Lyons Gray
S/B. Holt
George Holmes
S/Howard Hunter
S/Erin Kuczmarski
S/J. Shawn Lemmond
S/Mary E. McAllister
S/John McLaughlin
S/Edd Nye
S/Gene Rogers
S/William Wainwright
S/Anne Barnes

Conferees for the House of Representatives

The text of the attached Proposed Conference Committee Substitute PCCS 5708A is as follows:

A BILL TO BE ENTITLED AN ACT TO MAKE CONTINUATION AND EXPANSION BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

INTRODUCTION

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

TITLE OF ACT

Sec. 2. This act shall be known as the Current Operations Appropriations Act of 1993.

PART 1. GENERAL FUND APPROPRIATIONS

CURRENT OPERATIONS/GENERAL FUND

Sec. 3. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated are made for the biennium ending June 30, 1995, according to the schedule that follows. Amounts set out in brackets are reductions from General Fund appropriations for the 1993-94 and 1994-95 fiscal years.

Current Operations - General Fund	1993-94	1994-95
General Assembly	$ 21,235,599	$ 24,732,877
Judicial Department	247,922,854	250,716,110
Office of the Governor		
01. Office of the Governor	5,591,133	5,860,409
02. Office of State Budget and Management	3,311,982	3,434,483
03. Office of State Planning	1,580,119	1,604,233
Office of the Lieutenant Governor	598,002	599,843
Department of Secretary of State	4,878,150	4,837,901
Department of State Auditor	8,401,577	7,845,701
Department of State Treasurer		
01. State Treasurer	5,867,689	6,344,754
02. Special Contributions	5,437,248	5,437,248
Public Education		
01. Department of Public Instruction	55,921,458	54,539,621
02. State Aid to Local School Administrative Units	3,501,446,758	3,523,885,399
03. State Board of Education	98,408	98,408
Total Public Education	3,557,466,624	3,578,523,428
Department of Justice	54,052,134	54,357,084
Department of Administration	51,301,446	52,530,060
Department of Agriculture	43,012,661	42,953,239
Department of Labor	13,775,815	13,830,286
Department of Insurance	13,640,140	12,998,139
Department of Transportation		
01. Aeronautics	8,516,571	9,016,571
02. Aid to Railroads	96,305	100,000
Total Department of Transportation	8,612,876	9,116,571

Department of Environment, Health, and Natural Resources	207,323,665	215,469,490
Office of Administrative Hearings	1,929,239	1,933,500
Rules Review Commission	258,516	258,593
Department of Human Resources		
01. DHR - Secretary	13,563,208	13,636,858
02. Division of Aging	12,257,170	12,319,395
03. Schools for the Deaf and Hard of Hearing	21,895,398	22,145,677
04. Social Services	183,475,062	192,970,884
05. Medical Assistance	860,289,202	1,009,564,797
06. Social Services - State Aid to Non-State Agencies	7,011,725	6,711,725
07. Division of Services for the Blind	13,915,564	14,431,625
08. Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	440,684,269	448,468,682
09. Division of Facility Services	74,508,291	99,256,351
10. Division of Vocational Rehabilitation Services	23,525,990	24,241,967
11. Division of Youth Services	53,333,891	53,826,841
Total Department of Human Resources	1,704,459,770	1,897,574,802
Department of Correction	558,747,680	590,578,595
Department of Commerce		
01. Commerce	39,083,978	31,913,823
02. Biotechnology Reserve	7,014,396	7,014,396
03. MCNC	15,680,000	15,680,000
04. REDC	1,470,000	1,470,000
Department of Revenue	57,254,295	53,914,171
Department of Cultural Resources	42,355,631	42,699,770
Department of Crime Control and Public Safety	29,520,666	27,447,220
Office of the State Controller	6,405,431	6,411,017
University of North Carolina - Board of Governors		
01. General Administration	17,200,841	17,166,323
02. University Institutional Programs	45,110,245	34,641,173
03. Related Educational Programs	47,116,796	47,732,771
04. University of North Carolina at Chapel Hill		
a. Academic Affairs	137,621,265	139,521,105
b. Health Affairs	109,719,612	111,962,193
c. Area Health Education Centers	32,351,252	32,347,434
05. North Carolina State University at Raleigh		
a. Academic Affairs	179,626,831	180,459,614
b. Agricultural Research Service	36,838,445	36,903,257
c. Cooperative Extension Service	28,882,861	28,613,730
06. University of North Carolina at Greensboro	55,765,417	55,961,841
07. University of North Carolina at Charlotte	59,807,408	60,072,862
08. University of North Carolina at Asheville	17,274,278	17,376,386
09. University of North Carolina at Wilmington	34,024,551	34,264,199

10. East Carolina University		
a. Academic Affairs	75,557,468	76,109,240
b. Division of Health Affairs	37,715,639	37,768,125
11. North Carolina Agricultural and Technical State University	41,202,109	41,430,408
12. Western Carolina University	36,951,472	37,011,981
13. Appalachian State University	53,291,855	53,368,375
14. Pembroke State University	16,639,745	16,742,244
15. Winston-Salem State University	16,623,929	16,751,903
16. Elizabeth City State University	15,683,323	15,703,970
17. Fayetteville State University	19,563,111	19,942,709
18. North Carolina Central University	28,319,792	28,533,237
19. North Carolina School of the Arts	8,078,021	8,097,592
20. North Carolina School of Science and Mathematics	7,569,189	7,619,946
21. UNC Hospitals at Chapel Hill	40,690,416	43,476,135
Total University of North Carolina - Board of Governors	1,199,225,871	1,199,578,753
Department of Community Colleges	412,797,941	404,414,482
State Board of Elections	545,539	545,885
Contingency and Emergency	1,125,000	1,125,000
Reserve for Salary Increases		
a. 2% Salary Increase	112,052,142	116,549,560
b. Wage Floor for Lowest Paid Employees	135,500	135,500
Reserve for Compensation Bonus	34,244,460	—
Reserve for Public School Employees' Sick Leave Bank	1,000,000	1,000,000
Reserve for Restoring Paydate	214,200,000	—
Reserve for Salary Adjustments	500,000	500,000
Reserve for Lowest Paid Employees	1,400,724	1,400,724
Reserve for OSHA - Bloodborne Pathogens	1,000,000	1,000,000
Reserve for Retiree 30% Reduction	(7,247,298)	(7,247,298)
Reserve for Retirement Rate Change	1,316,400	1,316,400
Debt Service	92,263,558	89,113,783
Local Government Shared Revenue	236,824,154	236,824,154
Health Care Initiatives	5,500,000	2,000,000
GRAND TOTAL CURRENT OPERATIONS — GENERAL FUND	$9,025,073,307	$9,016,344,686

PART 2. CURRENT OPERATIONS/HIGHWAY FUND

Sec. 4. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the biennium ending June 30, 1995, according to the following schedule:

Current Operations - Highway Fund	1993-94	1994-95
Department of Transportation		
01. Administration	$ 41,039,126	$ 38,232,451
02. Division of Highways		
a. Administration and Operations	33,415,706	33,440,792
b. State Construction		

(01) Primary Construction	—	—
(02) Secondary Construction	66,486,917	66,884,639
(03) Urban Construction	20,000,000	20,000,000
(04) Access and Public Service Roads	2,000,000	2,000,000
(05) Spot Safety Improvements	9,100,000	9,100,000
c. State Funds to Match Federal Highway Aid		
(01) Construction	37,020,332	37,020,332
(02) Planning Survey and Highway Planning Research	2,959,649	2,959,649
d. State Maintenance		
(01) Primary	98,104,791	100,168,650
(02) Secondary	171,916,160	175,543,548
(03) Urban	25,796,101	26,358,971
(04) Contract Resurfacing	87,500,000	87,500,000
e. Ferry Operations	15,541,455	15,541,455
03. Division of Motor Vehicles	79,025,411	78,654,819
04. Governor's Highway Safety Program	290,923	291,575
05. State Aid to Municipalities	66,486,917	66,884,639
06. State Aid for Public Transportation	10,596,461	10,646,921
07. Salary Adjustments for Highway Fund Employees	200,000	200,000
08. Reserve to Correct Occupational Safety and Health Conditions	425,000	425,000
09. Debt Service	37,359,875	27,664,550
10. Reserve for Compensation Increases	7,109,156	7,109,156
11. Reserve for Transportation Study	222,750	346,500
12. Reserve for Air Cargo Authority	750,000	750,000
Reserve for Compensation Bonus	3,481,723	—
Reserve for Retirement Formula Change	113,000	113,000
Emergencies and Inflationary Adjustment	1,085,490	1,585,490
Appropriations for Other State Agencies		
01. Crime Control and Public Safety	92,671,325	93,601,574
02. Other Agencies		
a. Department of Agriculture	3,057,180	3,030,245
b. Department of Revenue	2,063,522	2,065,412
c. Department of Environment, Health, and Natural Resources:		
LUST Trust Fund	4,809,298	4,904,343
Chemical Test Program	371,944	373,407
d. Department of Correction	4,614,056	4,614,056
e. Department of Public Instruction	23,188,826	23,188,826
f. Department of State Treasurer	9,900,000	10,500,000
GRAND TOTAL CURRENT OPERATIONS — HIGHWAY FUND	$ 958,703,093	$ 951,700,000

PART 3. HIGHWAY TRUST FUND

Sec. 5. Appropriations from the Highway Trust Fund are made for the fiscal biennium ending June 30, 1995, according to the following schedule:

Highway Trust Fund	1993-94	1994-95
01. Intrastate System	$ 213,689,246	$ 226,572,368
02. Secondary Roads Construction	49,470,987	51,222,727
03. Urban Loops	86,407,031	91,616,429
04. State Aid - Municipalities	22,420,986	23,772,726
05. Program Administration	15,711,750	16,215,750
06. Transfer to General Fund	170,000,000	170,000,000
GRAND TOTAL/HIGHWAY TRUST FUND	$557,700,000	$ 579,400,000

PART 4. BLOCK GRANT APPROPRIATIONS

Requested by: Senators Richardson, Hyde, Walker
Representatives Easterling, Nye, Redwine, Hill, Dickson

DHR BLOCK GRANT PROVISIONS

Sec. 6. (a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 1994, according to the following schedule:

COMMUNITY SERVICES BLOCK GRANT	
01. Community Action Agencies	$ 9,105,422
02. Limited Purpose Agencies	505,857
03. Department of Human Resources to administer and monitor the activities of the Community Services Block Grant	505,857
TOTAL COMMUNITY SERVICES BLOCK GRANT	$ 10,117,136
SOCIAL SERVICES BLOCK GRANT	
01. County Departments of Social Services	$ 42,253,005
02. Allocation for In-Home Services provided by County Departments of Social Services	458,722
03. Division of Mental Health, Developmental Disabilities, and Substance Abuse	5,519,178
04. Division of Services for the Blind	3,205,711
05. Division of Youth Services	1,052,674
06. Division of Facility Services	336,575
07. Division of Aging	334,663
08. Day Care Services	12,158,899
09. Volunteer Services	55,458
10. State Administration and State Level Contracts	3,473,524
11. Voluntary Sterilization Funds	98,710
12. Transfer to Maternal and Child Health Block Grant	1,585,833
13. Adult Day Care Services	306,323
14. County Departments of Social Services for Child Abuse/Prevention and Permanency Planning	394,841
15. Allocation to Division of Maternal and Child Health for Grants-in-Aid to Prevention Programs	439,261
16. Transfer to Preventive Health Block Grant for Emergency Medical Services and Basic Public Health Services	695,834
17. Allocation to Preventive Health Block Grant for AIDS Education	81,001

18. Allocation to Department of Administration for North Carolina Fund for Children	45,270
19. Allocation to Home and Community Care Block Grant for Persons Age 60 and Older	1,649,077
20. Allocation to the Division of Economic Opportunity for Head Start, Elderly and Handicapped Services	197,421
TOTAL SOCIAL SERVICES BLOCK GRANT	$ 74,341,980
LOW INCOME ENERGY BLOCK GRANT	
01. Energy Assistance Programs	$ 16,672,034
02. Crisis Intervention	5,411,563
03. Administration	2,413,779
04. Weatherization Program	2,100,000
05. Indian Affairs	33,022
TOTAL LOW INCOME ENERGY BLOCK GRANT	$ 26,630,398
MENTAL HEALTH SERVICES BLOCK GRANT	
01. Provision of Community-Based Services in accordance with the Mental Health Study Commission's Adult Severe and Persistently Mentally Ill Plan	$ 3,794,179
02. Provision of Community-Based Services in accordance with the Mental Health Study Commission's Child Mental Health Plan	1,802,819
03. Administration	514,037
TOTAL MENTAL HEALTH SERVICES BLOCK GRANT	$ 6,111,035
BLOCK GRANT FOR THE PREVENTION AND TREATMENT OF SUBSTANCE ABUSE	
01. Provision of Community-Based Alcohol and Drug-Abuse Services, Tuberculosis Services, and Services provided by the Alcohol, Drug-AbuseTreatment Centers	$ 10,335,939
02. Continuation and Expansion of Services for Pregnant Women and Women with Dependent Children	4,795,389
03. Continuation and Expansion of Services to IV Drug Abusers and others at risk for HIV diseases	5,567,328
04. Provision of services in accordance with the Mental Health Study Commission's Child and Adolescent Alcohol and other Drug-Abuse Plan	4,396,416
05. Administration	1,669,460
TOTAL BLOCK GRANT FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE	$ 26,764,532
CHILD CARE AND DEVELOPMENT BLOCK GRANT	
01. Child Day Care Services	$ 14,953,945
02. Administrative Expenses and Quality and Availability Initiatives	1,544,405
03. Before and After School Child Care Programs and Early Childhood Development Programs	5,010,698
04. Quality Improvement Activities	1,480,737
TOTAL CHILD CARE AND DEVELOPMENT BLOCK GRANT	$ 22,989,785

(b) Decreases in Federal Fund Availability

If federal funds are reduced below the amounts specified above after the effective date of this act, then every program, in each of the federal block grants listed above, shall be reduced by the same percentage as the reduction in federal funds.

(c) Increases in Federal Fund Availability

Any block grant funds appropriated by the United States Congress in addition to the funds specified in this act shall be expended by the Department of Human Resources, with the approval of the Office of State Budget and Management, provided the resultant increases are in accordance with federal block grant requirements and are within the scope of the block grant plan approved by the General Assembly. All these budgeted increases shall be reported to the Joint Legislative Commission on Governmental Operations and to the Director of the Fiscal Research Division.

This subsection shall not apply to Job Training Partnership Act funds.

(d) If funds appropriated through the Child Care and Development Block Grant for any program cannot be obligated or spent in that program within the obligation or liquidation periods allowed by the federal grants, the Department may move funds to other programs, in accordance with the federal requirements of the grant, in order to use the federal funds fully.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

NER BLOCK GRANT PROVISIONS

Sec. 7. (a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 1994, according to the following schedule:

TOTAL JOB TRAINING PARTNERSHIP ACT	$ 53,841,243
COMMUNITY DEVELOPMENT BLOCK GRANT	
01. State Administration	$ 1,026,940
02. Urgent Needs and Contingency	2,242,830
03. Housing Development	2,242,829
04. Economic Development	8,971,318
05. Community Revitalization	31,399,613
06. State Technical Assistance	463,470
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT	$ 46,347,000
MATERNAL AND CHILD HEALTH SERVICES	
01. Healthy Mother/Healthy Children Block Grants to Local Health Departments	$ 11,399,969
02. High Risk Maternity Clinic Services, Perinatal Education, and Consultation to Local Health Departments and Other Health Care Providers	1,383,538
03. Services to Children with Disabilities	5,065,331
04. Reimbursements for Local Health Departments for Contracted Nutritional Services	120,530
TOTAL MATERNAL AND CHILD HEALTH SERVICES	$ 17,969,368
PREVENTIVE HEALTH BLOCK GRANT	
01. Emergency Medical Services	$ 452,375
02. Basic Public Health Services	428,395
03. Hypertension Programs	671,630
04. Statewide Health Promotion Programs	2,651,119
05. Fluoridation of Water Supplies	228,404
06. Rape Prevention and Rape Crisis Programs	183,632
07. AIDS/HIV Education, Counseling, and Testing	81,001

08. Office of Minority Health and Minority Health Council	190,000
TOTAL PREVENTIVE HEALTH BLOCK GRANT	$ 4,886,566

(b) Decreases in Federal Fund Availability

If federal funds are reduced below the amounts specified above after the effective date of this act, then every program, in each of the federal block grants listed above, shall be reduced by the same percentage as the reduction in federal funds.

(c) Increases in Federal Fund Availability

Any block grant funds appropriated by the United States Congress in addition to the funds specified in this act shall be expended as follows:

(1) For the Community Development Block Grant — each program category under the Community Development Block Grant shall be increased by the same percentage as the increase in federal funds.

(2) For the Maternal and Child Health Services Block Grant — thirty percent (30%) of these additional funds shall be allocated to services for children with special health care needs and seventy percent (70%) shall be allocated to local health departments to assist in the reduction of infant mortality.

(3) For the Preventive Health Block Grants — these additional funds may be budgeted by the appropriate department, with the approval of the Office of State Budget and Management, provided the resultant increases are in accordance with federal block grant requirements and are within the scope of the block grant plan approved by the General Assembly. All these budgeted increases shall be reported to the Joint Legislative Commission on Governmental Operations and to the Director of the Fiscal Research Division.

(d) Education Setaside of JTPA Funds

The Department of Commerce shall certify to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office when Job Training Partnership Act funds have been distributed to each agency, the total amount distributed to each agency, and the total amount of eight percent (8%) Education Setaside funds received.

(e) Limitations on Community Development Block Grant Funds

Of the funds appropriated in this section for the Community Development Block Grant, not more than one million twenty-six thousand nine hundred forty dollars ($1,026,940) may be used for State administration; up to two million two hundred forty-two thousand eight hundred thirty dollars ($2,242,830) may be used for Urgent Needs and Contingency; up to two million two hundred forty-two thousand eight hundred twenty-nine dollars ($2,242,829) may be used for Housing Development; up to eight million nine hundred seventy-one thousand three hundred eighteen dollars ($8,971,318) may be used for Economic Development; not less than thirty-one million three hundred ninety-nine thousand six hundred thirteen dollars ($31,399,613) shall be used for Community Revitalization; and up to four hundred sixty-three thousand four hundred seventy dollars ($463,470) may be used for State Technical Assistance. If federal block grant funds are reduced or increased by the United States Congress after the effective date of this act, then these reductions or increases shall be allocated in accordance with subsection (b) or (c) of this section, as applicable.

PART 5. GENERAL PROVISIONS

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

PERMIT DEVIATION FROM EXPENDITURE OF FUNDS RESTRICTION

Sec. 9. For the 1993-94 fiscal year only, G.S. 143-16.3 does not apply to the extent that the Director of the Budget finds that compliance is impossible and that

deviation is necessary because of complications in the budget process that were not contemplated when the budget for the 1993-95 fiscal biennium was enacted.

The Director of the Budget shall report on a quarterly basis for the first six months of the 1993-94 fiscal year and monthly thereafter, to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office on any deviations from G.S. 143-16.3, the reasons that compliance was impossible, and the complications in the budget process that were not contemplated when the budget for the 1993-95 fiscal biennium was enacted that made compliance impossible.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

SPECIAL FUNDS, FEDERAL FUNDS, AND DEPARTMENTAL RECEIPTS/AUTHORIZATION FOR EXPENDITURES

Sec. 10. There is appropriated out of the cash balances, federal receipts, and departmental receipts available to each department, sufficient amounts to carry on authorized activities included under each department's operations. All these cash balances, federal receipts, and departmental receipts shall be expended and reported in accordance with provisions of the Executive Budget Act, except as otherwise provided by statute, and shall be expended at the level of service authorized by the General Assembly. If the receipts, other than gifts and grants that are unanticipated and are for a specific purpose only, collected in a fiscal year by an institution, department, or agency exceed the receipts certified for it in General Fund Codes or Highway Fund Codes, then the Director of the Budget shall decrease the amount he allots to that institution, department, or agency from appropriations from that Fund by the amount of the excess, unless the Director of the Budget finds that the appropriations from the Fund are necessary to maintain the function that generated the receipts at the level anticipated in the certified Budget Codes for that Fund. Funds that become available from overrealized receipts in General Fund Codes and Highway Fund Codes, other than gifts and grants that are unanticipated and are for a specific purpose only, shall not be used for new permanent employee positions or to raise the salary of existing employees except:

(1) As provided in G.S. 116-30.1, 116-30.2, 116-30.3, 116-30.4, or 143-27; or

(2) If the Director of the Budget finds that the new permanent employee positions are necessary to maintain the function that generated the receipts at the level anticipated in the certified budget codes for that Fund. The Director of the Budget shall notify the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, the chairmen of the appropriations committees of the Senate and the House of Representatives, and the Fiscal Research Division of the Legislative Services Office that he intends to make such a finding at least 10 days before he makes the finding. The notification shall set out the reason the positions are necessary to maintain the function.

The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office within 30 days after the end of each quarter the General Fund Codes or Highway Fund Codes that did not result in a corresponding reduced allotment from appropriations from that Fund.

The Director of the Budget shall develop necessary budget controls, regulations, and systems to ensure that these funds and other State funds subject to the Executive Budget Act, are not spent in a manner which would cause a deficit in expenditures.

Pursuant to G.S. 143-34.2, State departments, agencies, institutions, boards, or commissions may make application for, receive, or disburse any form of non-State aid. All non-State monies received shall be deposited with the State Treasurer unless otherwise provided by State law. These funds shall be expended in accordance with the terms and conditions of the fund award that are not contrary to the laws of North Carolina.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
INSURANCE AND FIDELITY BONDS

Sec. 11. All insurance and all official fidelity and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of placement shall be paid by the affected department, institution, or agency with the approval of the Insurance Commissioner.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
CONTINGENCY AND EMERGENCY FUND ALLOCATION

Sec. 12. Of the funds appropriated in this act to the Contingency and Emergency Fund, the sum of nine hundred thousand dollars ($900,000) for the 1993-94 fiscal year and the sum of nine hundred thousand dollars ($900,000) for the 1994-95 fiscal year shall be designated for emergency allocations, which are for the purposes outlined in G.S. 143-23(a1)(3), (4), and (5). Two hundred twenty-five thousand dollars ($225,000) for the 1993-94 fiscal year and two hundred twenty-five thousand dollars ($225,000) for the 1994-95 fiscal year shall be designated for other allocations from the Contingency and Emergency Fund.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
BUDGETING OF PILOT PROGRAMS

Sec. 13. (a) Any program designated by the General Assembly as experimental, model, or pilot shall be shown as a separate budget item and shall be considered as an expansion item until a succeeding General Assembly reapproves it.

Any new program funded in whole or in part through a special appropriations bill shall be designated as an experimental, model, or pilot program.

(b) The Governor shall submit to the General Assembly with his proposed budget a report of which items in the proposed budget are subject to the provisions of this section.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
AUTHORIZED TRANSFERS

Sec. 14. The Director of the Budget may transfer to General Fund budget codes from the General Fund salary adjustment appropriation, and may transfer to Highway Fund budget codes from the Highway Fund salary adjustment appropriation, amounts required to support approved salary adjustments made necessary by difficulties in recruiting and holding qualified employees in State government. The funds may be transferred only when the use of salary reserve funds in individual operating budgets is not feasible.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
EXPENDITURES OF FUNDS IN RESERVES LIMITED

Sec. 15. All funds appropriated by this act into reserves may be expended only for the purposes for which the reserves were established.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
STATE MONEY RECIPIENTS/CONFLICT OF INTEREST POLICY

Sec. 16. Each private, nonprofit entity eligible to receive State funds, either by General Assembly appropriation, or by grant, loan, or other allocation from a State agency, before funds may be disbursed to the entity, shall file with the disbursing agency a notarized copy of that entity's policy addressing conflicts of interest that may arise involving the entity's management employees and the members of its board of directors or other governing body. The policy shall address situations where any of these individuals may directly or indirectly benefit, except as the entity's employees or members of the board or other governing body, from the entity's disbursing of State funds, and shall include actions to be taken by the entity or the individual, or both, to avoid conflicts of interest and the appearance of impropriety.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler
BUDGET REFORM STATEMENTS

Sec. 17. The General Fund and availability used in developing the 1993-95 budget is as shown below:

(1) Composition of the 1993-94 beginning availability:

a. Revenues collection in 1992-93 in excess of authorized estimates	$202,000,000
b. Unexpended appropriations during 1992-93 (reversions)	137,000,000
c. Disproportionate share payments received in 1992-93	159,000,000
Subtotal	$498,000,000
d. Transfer to Savings Reserve	124,500,000
e. Transfer to Reserve for Repair and Renovations	57,000,000
Ending Fund Balance	$316,500,000

	1993-94	1994-95
(2) Beginning Unrestricted Fund Balance	$ 316,500,000	-
Revenues Existing Tax Structure	$8,649,700,000	$9,212,100,000
Changes:		
1. Accelerated Growth with Implementation of GPAC recommendation	5,400,000	5,400,000
2. Retain in General Fund interest previously paid to Highway Trust Fund (G.S. 105-187.9(b))	7,000,000	7,000,000
3. Increase Court Fees	5,900,000	5,900,000
5. Transfer from Department of Insurance Fund	(474,580)	(1,132,000)
6. Treasurer's Banking Fees/Local Government Operation	634,300	1,106,000
7. Disproportionate Share Receipts	93,200,000	-
8. Highway Fund Transfer Reduction Related to Sales Tax Exemption	(200,000)	(200,000)
9. Transfer from Savings Reserve	121,000,000	-
Total Changes	232,459,720	18,074,000
Revised Revenues	8,882,159,720	9,230,174,000
Total Availability	9,198,659,720	9,230,174,000
Revenue Growth Rates:		
Economic Basis	6.2%	6.5%
Less Impact of Special Factors	.9%	-2.6%
Actual Basis	7.1%	3.9%

(3) Estimate of Disproportionate Share Receipts to be deposited as a nontax revenue and reserved by the State Controller:
1993-94 $114,200,000.

Requested by: Senators Daniel, Plyler, Conder, Representatives Nesbitt, Diamont
REPAIRS/RENOVATIONS RESERVE CREATED

Sec. 17.1. (a) G.S. 143-15.2 reads as rewritten:

"**§ 143-15.2. Use of General Fund credit balance.**

The State Controller shall reserve up to one-fourth of any credit balance, as determined on a cash basis, remaining in the General Fund at the end of each fiscal year to the Savings Reserve Account as provided in G.S. 143-15.3, unless that would result in the Savings Reserve Account having funds in excess of five percent (5%) of the amount appropriated the preceding year for the General Fund operating budget, including local government tax-sharing funds; in that case, only funds sufficient to reach the five percent (5%) level shall be reserved. The State Controller shall also reserve the lesser of (i) one-fourth of any credit balance, as determined on a cash basis, remaining in the General Fund and (ii) one and one-half percent (1.5%) of the replacement value of all State buildings supported from the General Fund, at the end of each fiscal year to the Repairs and Renovations Reserve Account as provided in G.S. 143-15.3A. The General Assembly may appropriate that part of the anticipated General Fund credit balance not expected to be reserved to the Savings Reserve Account or the Repairs and Renovations Reserve Account only for capital improvements or other one-time expenditures."

(b) Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-15.3A. Repairs and Renovations Reserve Account.**

(a) There is established a Repairs and Renovations Reserve Account as a restricted reserve in the General Fund. The State Controller shall reserve to the Repairs and Renovations Reserve Account one-fourth of any unreserved credit balance remaining in the General Fund at the end of each fiscal year. As used in this section, the term 'unreserved credit balance' means that part of the credit balance, as determined on a cash basis, not already reserved to the Savings Reserve Account or the Repairs and Renovations Reserve Account.

(b) The funds in the Repairs and Renovations Reserve Account shall be used only for the repair and renovation of State buildings and related infrastructure that are supported from the General Fund. The Director of the Budget shall not use funds in the Repairs and Renovations Reserve Account unless the use has been approved by an act of the General Assembly."

(c) G.S. 143-15.3(a) reads as rewritten:

"(a) There is established a Savings Reserve Account as a restricted reserve in the General Fund. The State Controller shall reserve to the Savings Reserve Account one-fourth of any unreserved credit balance remaining in the General Fund at the end of each fiscal year until the account contains funds equal to five percent (5%) of the amount appropriated the preceding year for the General Fund operating budget, including local government tax-sharing funds. If the balance in the Savings Reserve Account falls below this level during a fiscal year, the State Controller shall reserve to the Savings Reserve Account for the following fiscal years up to one-fourth of any unreserved credit balance remaining in the General Fund at the end of each fiscal year until the account again equals five percent (5%) of the amount appropriated the preceding year for the General Fund operating budget, including local government tax-sharing funds. As used in this section, the term 'unreserved credit balance' means that part of the credit balance, as determined on a cash basis, not already reserved to the Savings Reserve ~~Account.~~ Account or the Repairs and Renovations Reserve Account."

(d) G.S. 143-11 reads as rewritten:

"**§ 143-11. Survey of departments.**

On or before the fifteenth day of December, biennially in the even-numbered years, the Director shall make a complete, careful survey of the operation and management of all the departments, bureaus, divisions, officers, boards, commissions, institutions, and agencies and undertakings of the State and all persons or corporations who use or expend State funds, in the interest of economy and efficiency, and of obtaining a working knowledge upon which to base recommendations to the General Assembly as to appropriations for maintenance and special funds and capital expenditures for the succeeding biennium. If the Director and the Commission shall agree in their recommendations for the budget

for the next biennial period, he shall prepare their report in the form of a proposed budget, together with such comment and recommendations as they may deem proper to make. If the Director and Commission shall not agree in substantial particulars, the Director shall prepare the proposed budget based on his own conclusions and judgment, and the Commission or any of its members retain the right to submit separately to the General Assembly such statement of disagreement and the particulars thereof as representing their views. The budget report shall contain a complete and itemized plan of all proposed expenditures for each State Department, bureau, board, division, institution, commission, State agency or undertaking, person or corporation who receives or may receive for use and expenditure any State funds, in accordance with the classification adopted by the State Controller, and of the estimated revenues and borrowings for each year in the ensuing biennial period beginning with the first day of July thereafter. Opposite each item of the proposed expenditures, the budget shall show in separate parallel columns the amount expended for the last preceding appropriation year, for the current appropriation year, and the increase or decrease. The budget shall clearly differentiate between General Fund expenditures for operating and maintenance, special fund expenditures for any purpose, and proposed capital outlays.

The Director shall accompany the budget with:

(1) A budget message supporting his recommendations and outlining a financial policy and program for the ensuing biennium. The message will include an explanation of increase or decrease over past expenditures, a discussion of proposed changes in existing revenue laws and proposed bond issues, their purpose, the amount, rate of interest, term, the requirements to be attached to their issuance and the effect such issues will have upon the redemption and annual interest charges of the State debt.

(2) State Controller reports including:

a. An itemized and complete financial statement for the State at the close of the last preceding fiscal year ending June 30.

b. A statement of special funds.

(2a) A statement showing the itemized estimates of the condition of the State treasury as of the beginning and end of each of the next two appropriation years.

(3) A report on the fees charged by each State department, bureau, division, board, commission, institution, and agency during the previous fiscal year, the statutory or regulatory authority for each fee, the amount of the fee, when the amount of the fee was last changed, the number of times the fee was collected during the prior fiscal year, and the total receipts from the fee during the prior fiscal year.

(4) A statement showing the State Board of Education's request, in accordance with G.S. 115C-96, for sufficient funds to provide textbooks to public school students.

(5) A proposal for expenditure of the funds in the Repairs and Renovations Reserve Account, which is established in G.S. 143-15.3A. The Director shall consider the data from the Facilities Condition and Assessment Program in the Office of State Construction when establishing priorities for the proposed expenditure of these funds.

It shall be a compliance with this section by each incoming Governor, at the first session of the General Assembly in his term, to submit the budget report with the message of the outgoing Governor, if he shall deem it proper to prepare such message, together with any comments or recommendations thereon that he may see fit to make, either at the time of the submission of the said report to the General Assembly, or at such other time, or times, as he may elect and fix.

The function of the Advisory Budget Commission under this section applies only if the Director of the Budget consults with the Commission in preparation of the budget."

(e) This section becomes effective beginning with the General Fund credit balance at the end of the 1992-93 fiscal year.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

HIGHWAY FUND AVAILABILITY

Sec. 18. The Highway Fund appropriations availability used in developing the 1993-95 Highway Fund budget is shown below:

	($Million) 1993-94	($Million) 1994-95
Beginning Credit Balance	$ 9.03	-
Estimated Revenues:	944.6	$ 961.3
Transfer from Equipment Fund	10.0	-
Transfer to Highway Trust Fund	-	(9.6)
Total Highway Fund Availability	$963.63	$951.7

Requested by: Senator Daniel, Representative Nesbitt

HEALTH CARE INITIATIVES

Sec. 20. Funds appropriated in this act to the Reserve for Health Care Initiatives shall be used as provided by the General Assembly in this act or acts establishing such programs.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

AUTHORIZATION OF PRIVATE LICENSE TAGS ON STATE-OWNED MOTOR VEHICLES

Sec. 21. (a) Pursuant to the provisions of G.S. 14-250, for the 1993-95 fiscal biennium, the General Assembly authorizes the use of private license tags on State-owned motor vehicles only for the State Highway Patrol and for the following:

Department	Exemption Category	Number
Motor Vehicles	License and Theft	97
Justice	SBI Agents	277
Correction	Probation/Parole Surveillance Officers (intensive probation)	25
Crime Control and Public Safety	ALE Officers	92

(b) The 92 ALE vehicles authorized by this section to use private license tags shall be distributed as follows:

(1) 54 among Agent I officers;
(2) 20 among Agent II officers;
(3) 1 to the Deputy Director;
(4) 12 to the District Offices/Extra Vehicles; and
(5) 5 to the Director, to be distributed at the Director's discretion.

(c) Except as provided in this section, all State-owned motor vehicles shall bear permanent registration plates issued under G.S. 20-84.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

RESTORATION OF THE JUNE 30 PAYDATE

Sec. 21.1. Funds appropriated in this act to the Reserve for Paydate Restoration in the amount of two hundred fourteen million two hundred thousand dollars ($214,200,000) shall be used to restore the June 30 Payday for State Employees, University Employees, and Community Colleges Employees so that they will be paid from the General Fund on June 30, 1994, instead of July 1, 1994, for work done during June of 1994.

Funds allotted pursuant to this section to constituent institutions of The University of North Carolina that have been designated as special responsibility constituent institutions under G.S. 116-30.1 are exempt from the provisions of G.S. 116-30.2 and G.S. 116-30.3.

In no event shall any allotments made pursuant to this section exceed the actual General Fund requirements, which are to be reported to the 1993 General Assembly, Regular Session 1994, and to the Fiscal Research Division by June 30, 1994.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

ELIMINATE LIABILITY FOR TEACHER PAYDATE DEFERRAL

Sec. 21.2. G.S. 143-15.3(b) reads as rewritten:

"(b) The Director may not use funds in the Savings Reserve Account unless the use has been approved by an act of the General Assembly. It is the intent of the General Assembly that ~~in future sessions, as funds are available, it will reduce and then eliminate the State's liability for payroll deferrals for State employees and community college employees and for the deferral of the twelfth month of teacher payroll. These actions will bring the State into closer conformity with the GAAP.~~ effective as of the 1994-95 fiscal year the State's liability for the deferral of the twelfth month of teacher payroll shall be eliminated. Funds may be used from the Savings Reserve Account and, to the extent necessary, may be combined with other available funds to eliminate this liability and thus bring the State into conformity with the GAAP."

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

DISPOSITION OF DISPROPORTIONATE SHARE RECEIPTS

Sec. 21.3. During the 1993-94 fiscal year, as it receives funds associated with Disproportionate Share Payments from the State psychiatric hospitals, the Division of Medical Assistance shall deposit funds appropriated for the Medicaid program, in a sum equal to the federal share of the Disproportionate Share Payments, as nontax revenue. Any of these funds that are not appropriated by the 1993 General Assembly shall be reserved by the State Controller for future appropriation.

PART 6. GENERAL GOVERNMENT

Requested by: Senators Plexico, Martin of Guilford, Codington.
Representatives Mercer, Crawford, Wainwright, Ellis, Gray, Hensley, Jeffus, Kennedy, Nichols, Wilkins, Nesbitt, Diamont

BUDGET PRACTICES STUDY COMMISSION

Sec. 22. (a) There is created the Budget Practices Study Commission, an independent commission to study the effectiveness of the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes. The Commission shall consist of 14 members. The Speaker of the House of Representatives shall appoint seven members, six who shall be members of the House of Representatives and one who shall be familiar with and have experience in government fiscal management. The President *Pro Tempore* of the Senate shall appoint seven members, six who shall be members of the Senate and one who shall be familiar with and have experience in government fiscal management. Initial appointments shall be made within 30 days following the 1993 General Assembly's adjournment for a period of more than 10 days.

The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Commission from their appointees. The cochairs shall call the first meeting and preside at alternate meetings.

(b) The Budget Practices Study Commission shall examine the current content, interpretation, and application of the Executive Budget Act, and shall address in particular the following topics:

(1) Similarities and differences between the Executive Budget Act and analogous statutes in other states, including the advantages of various approaches to budget preparation, presentation, appropriation, and execution.

(2) The effect of current statutory provisions, appropriations techniques, and administrative practices upon:

a. The ability of the General Assembly to anticipate, evaluate, and meet the financial needs of State government.

b. The availability of data needed by the General Assembly for informed fiscal decision-making; particularly the availability of output, impact, or performance data.

c. The General Assembly's ability to exercise its authority under Section 7 of Article V of the North Carolina Constitution; namely, its authority to control withdrawals from the State treasury and to determine the purposes for which State funds may be expended.

d. The Governor's authority under Section 5 of Article III of the North Carolina Constitution; namely, the authority to prepare and recommend a budget and the obligation to administer the budget as enacted by the General Assembly.

e. The balance between fiscal control and management flexibility in the administration of agency budgets.

f. The ability of State agencies to plan their fiscal conduct and to perform their statutorily assigned functions efficiently in accordance with modern business practices.

(3) Provisions of the budget system regarding management of various fund types, including special revenue funds, federal funds, proprietary funds, university funds, and fiduciary funds; and various types of departmental receipts.

(4) The appropriate role of legislative oversight mechanisms, including the Joint Legislative Commission on Governmental Operations.

(5) Such matters as may, in the judgment of the Commission, affect the capacity of the General Assembly or the Governor to devise, adopt, and implement a sound program of fiscal management on behalf of the people of North Carolina.

(c) The Budget Practices Study Commission shall also have the following additional powers and duties with specific reference to the performance budget review process:

(1) To review and evaluate the development and implementation of the performance budgeting system authorized by the General Assembly.

(2) To examine the presentation of information in the performance budgeting system to assure the quality and validity of the information.

(3) To work in cooperation with the Governor and other State agencies as additional program areas are converted into the performance budgeting system.

(4) To propose strategies for the General Assembly to manage and make decisions based on the performance budgeting system.

(d) Subject to the approval of the Legislative Services Commission, the professional and clerical staff of the Legislative Services Office shall be available to the Budget Practices Study Commission. Upon request of the Commission, all State departments and agencies shall furnish to the Commission any information in their possession or available to them. The Commission may acquire by contract or purchase such other expertise or information as may be necessary to complete its report.

(e) Members of the Commission who are also members of the General Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-3.1. Members of the Commission who are officials or employees of the State shall receive travel allowances at the rate set forth in G.S. 138-6. All other members of the Commission shall be paid per diem and allowances at the rates set forth in G.S. 138-5.

(f) The Budget Practices Study Commission shall report its findings and recommendations to the 1993 General Assembly, 1994 Regular Session.

(g) Of the funds appropriated from the General Fund to the General Assembly, the sum of forty thousand dollars ($40,000) for the 1993-94 fiscal year shall be allocated for this study.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

RESERVE FOR IMPLEMENTATION OF FEDERAL OSHA REGULATIONS REGARDING BLOODBORNE PATHOGENS/USE OF FUNDS; LONG-RANGE PLAN

Sec. 23. (a) Funds appropriated in this act to the Office of State Budget and Management for the implementation of the federal OSHA regulations regarding bloodborne pathogens shall be used only to support the cost of testing, inoculations, personal protective equipment, and required cleanup equipment and supplies for employees who are subject to these regulations and only if adequate funds are not available for these purposes. They shall not be used as planning money or for salaries for any new positions or for any other purpose than specifically authorized by this section.

(b) The Office of State Budget and Management, in consultation with the Department of Environment, Health, and Natural Resources, the Department of Labor, the Office of State Personnel, and the Department of Administration, shall prepare a long-range plan for State government implementation of the federal OSHA regulations regarding bloodborne pathogens. The plan shall include identification of all implementation costs over a five-year period, both recurring and nonrecurring, by agency and by type of expenditure. The plan shall be presented to the General Assembly by April 1, 1994.

Requested by: Representatives Crawford, Wainwright, Senator Plexico

STATE MILEAGE ALLOWANCE

Sec. 24. (a) Effective August 1, 1993, G.S. 138-6(a)(1) reads as rewritten:

"(1) For transportation by privately owned automobile, ~~twenty-five cents (25¢)~~ the business standard mileage rate set by the Internal Revenue Service per mile of travel and the actual cost of tolls paid. Any other law which sets a mileage rate by referring to the rate set herein, instead establishes a rate of twenty-five cents (25¢) per mile. No reimbursement shall be made for the use of a personal car in commuting from an employee's home to his duty station in connection with regularly scheduled work hours. Any designation of an employee's home as his duty station by a department head shall require prior approval by the Office of State Budget and Management on an annual basis."

(b) Effective upon the convening of the 1995 Regular Session of the General Assembly, G.S. 120-3.1(a)(1) reads as rewritten:

"(1) A weekly travel allowance for each week or fraction thereof that the General Assembly is in regular or extra session. The amount of the weekly travel allowance shall be calculated for each member by multiplying the actual round-trip mileage from that member's home to the City of Raleigh by the rate per mile ~~allowed to State employees for official travel.~~ which is the business standard mileage rate set by the Internal Revenue Service in Rev. Proc. 92-104, December 28, 1992."

(c) Effective upon the convening of the 1995 Regular Session of the General Assembly, G.S. 120-3.1(a)(2) reads as rewritten:

"(2) A travel allowance at the rate ~~allowed by statute for State employees~~ which is the business standard mileage rate set by the Internal Revenue Service in Rev. Proc. 92-104, December 28, 1992, whenever the member travels, whether in or out of session, as a representative of the General Assembly or of its committees or commissions, with the approval of the Legislative Services Commission."

Requested by: Representatives Crawford, Wainwright, Senator Plexico

MEDIATION COSTS

Sec. 25. (a) Notwithstanding the provisions of G.S. 143-23, any State department or agency may use funds available from lapsed salaries to pay costs apportioned to the department or agency as a result of mediation ordered by the Industrial Commission

or of a mediated settlement conference in the Office of Administrative Hearings ordered by the chief administrative law judge.

(b) If House Bill 657, 1993 Regular Session is enacted, the first sentence of Section 3 of that act is amended by deleting "only if the General Assembly appropriates funds to implement the purpose of this act,". If House Bill 658, 1993 Regular Session is enacted, the first sentence of Section 4 of that act is amended by deleting "only if the General Assembly appropriates funds to implement the purpose of this act,".

Requested by: Representatives Nesbitt, Barnes; Senators Daniel, Plyler

LOCAL FINANCIAL SECURITY

Sec. 26. (a) Effective July 1, 1995, G.S. 105-213 reads as rewritten:

"**§ 105-213. ~~Appropriation to counties and municipalities; use of appropriation.~~ Distribution of taxes collected.**

(a) Amount to be Distributed. — On or before June 25 of each year, the Secretary shall distribute to counties and municipalities ~~There is annually appropriated from the General Fund to counties and municipalities~~ one hundred three percent (103%) of the amount of revenue collected under this Article from the preceding July 1 through the preceding April 30, ~~during the 1989-90 fiscal year, less an amount equal to the costs during the preceding fiscal year of:~~ less all of the following:

(1) An amount equal to the costs during the preceding fiscal year of:

a. Refunds made during the fiscal year of taxes levied under this Article.

~~(2)~~ b. The Department of Revenue to collect and administer the taxes levied under this Article.

~~(3)~~ c. The Department of Revenue in performing the duties imposed by Article 15 of this Chapter.

~~(4)~~ d. The Property Tax Commission.

~~(5)~~ e. The Institute of Government in operating a training program in property tax appraisal and assessment.

~~(6)~~ f. The personnel and operations provided by the Department of State Treasurer for the Local Government Commission.

(2) An amount equal to the excess of the amount of revenue collected under this Article during the 1993-94 fiscal year over the amount of revenue collected under this Article during the 1989-90 fiscal year, as certified by the Secretary.

~~The appropriation shall be distributed by August 30 of each year. The appropriation shall be included in the Current Operations Appropriations Act.~~

(b) Allocation of Distribution. — The ~~appropriation~~ amount of revenue to be distributed under subsection (a) shall be allocated among the counties in proportion to the net amount of taxes collected under this Article in each county during the preceding fiscal year. The net amount of taxes collected in a county is the amount collected less the amount of refunds made of taxes previously collected. The Secretary ~~of Revenue~~ shall keep a separate record by counties of the taxes collected under this Article. The Secretary shall allocate the amount ~~appropriated~~ of revenue to be distributed under ~~this section~~ subsection (a) to the counties ~~according to the county in which the taxes were collected.~~ in accordance with the tax records. The amounts so allocated to each county shall in turn be allocated between the county and the municipalities in the county in proportion to the total amount of ad valorem taxes levied by each during the fiscal year preceding the distribution. In dividing these amounts between each county and its municipalities, the Secretary shall treat taxes levied by a merged school administrative unit described in G.S. 115C-513 in a part of the unit located in a county as taxes levied by the county in which that part is located. After making these allocations, the Secretary ~~of Revenue~~ shall certify to the State Controller and to the State Treasurer the amount to be distributed to each county and municipality in the State. The State Controller shall then issue a warrant on the State Treasurer to each county and municipality in the amount certified. ~~The funds shall be drawn from the Local Government Tax Sharing Reserve.~~

For the purpose of computing the distribution of the tax under this subsection to any county and the municipalities located ~~therein~~ in the county for any quarter with respect to which the property valuation of a public service company is the subject of an appeal ~~pursuant to the provisions of the Machinery Act, or to applicable provisions of federal law,~~ and the Department of Revenue is restrained by ~~operation of~~ law ~~or by a court of competent jurisdiction~~ from certifying ~~such~~ the valuation to the county and the municipalities ~~therein,~~ in the county, the Department shall use the last property valuation of ~~such~~ the public service company ~~which~~ that has been ~~so certified in order to determine the ad valorem tax levies applicable to such public service company in the county and the municipalities therein.~~ certified.

The chair of each board of county commissioners and the mayor of each municipality shall report to the Secretary ~~of Revenue~~ information requested by the Secretary to enable the Secretary to allocate the amount ~~appropriated by this section.~~ distributed by this subsection. If a county or municipality fails to make a requested report within the time allowed, the Secretary may disregard the county or municipality in allocating the amount ~~appropriated by this section.~~ distributed by this subsection.

(c) Use of Revenue. — The amount distributed to each county and municipality shall be used by the county or municipality in proportion to property tax levies made by it for the various funds and activities of the county or municipality, unless the county or municipality has pledged the amount to be distributed to it under this section in payment of a loan agreement with the North Carolina Solid Waste Management Capital Projects Financing Agency. A county or municipality that has pledged amounts distributed under this section in payment of a loan agreement with the Agency may apply the amount the loan agreement requires.

~~(b)~~ (d) Definition. — For purposes of this section, the term 'municipality' includes any urban service district defined by the governing board of a consolidated city-county, and the amounts due thereby shall be distributed to the government of the consolidated city-county."

(b) Effective July 1, 1995, G.S. 105-275.1(b) reads as rewritten:

"(b) Subsequent Distributions. — As soon as practicable after January 1, 1990, the Secretary shall pay to each county and city the amount it received under subsection (a) in 1989 plus an amount equal to the county or city average rate multiplied by the value of the items described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the county or city, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. As soon as practicable after January 1, 1990, the Secretary shall also pay to each county and city an amount equal to the average rate for each special district for which the county or city collected taxes in 1987, but whose tax rates were not included in the county or city's rates, multiplied by the value of the items described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the district, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. As soon as practicable after January 1, 1991, except as provided in subsection (f), the Secretary shall pay to each county and city the amount it received under this section the preceding year plus an amount equal to the county or city average rate multiplied by the value of the items described in subdivision (v) of subsection (a) contained in the list submitted by the county or city, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department

of Commerce. As soon as practical after January 1, 1992, except as provided in subsection (f), the Secretary shall distribute to each county and city the amount it received under this section the preceding year. On or before April 30, 1993, except as provided in subsection (f), the Secretary shall distribute to each county and city ninety-nine and eighty-one one-hundredths percent (99.81%) of the amount it received under this section the preceding year. Thereafter, until August 1995, except as provided in subsection (f), on or before April 30 of each year, the Secretary shall distribute to each county and city the amount it received under this section the preceding year. On or before August 30, 1995, the Secretary shall determine for each county and city the amount it received in April 1995 under this section. Beginning in August 1995 and each year thereafter, except as provided in subsection (f), the Secretary shall distribute to each county and city sixty percent (60%) of this amount on or before August 30 and the remaining forty percent (40%) on or before the following April 30.

Of the funds received by each county and city pursuant to this subsection in 1990, the portion that was received because the county or city was collecting taxes for a special district (either because the district's tax rate was included in the city or county's rate or because the Secretary paid the county or city the product of the district's average rate and the value of the inventories and other items in the district) shall be distributed among the districts in the county or city as soon as practicable after the city or county receives the funds. The county or city shall distribute to each special district in the county or city the amount it distributed to the district in 1989 plus an amount equal to the average rate for the district multiplied by the value of the items, other than inventory, described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the district, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

Each year thereafter, until August 1995, as soon as practicable after receiving funds under this subsection, every county and city shall distribute among the special districts for which the county or city collects tax an amount equal to the amount it distributed among such districts the previous year. Each year thereafter, beginning in August 1995, as soon as practical after receiving funds under this subsection in August, every county and city shall distribute among the special districts for which the county or city collects tax an amount equal to sixty percent (60%) of the amount it distributed among such districts in April 1995, and as soon as practicable after receiving funds under this subsection in April, every county and city shall distribute among the special districts for which the county or city collects tax an amount equal to forty percent (40%) of the amount it distributed among such districts in April 1995. ~~The~~

The Local Government Commission may adopt rules for the resolution of disputes and correction of errors in the distribution among special districts provided in this subsection. In addition, the Local Government Commission may adopt rules for the reallocation of funds when a special district is dissolved, merged, or consolidated, or when a special district ceases to levy tax, either temporarily or permanently."

(c) Effective July 1, 1995, G.S. 105-277A(b) reads as rewritten:

"(b) First Per Capita Distribution. — As soon as practicable after January 1 of 1989, the Secretary shall distribute to each taxing unit the unit's per capita share of the sum of fifteen million seven hundred forty-five thousand dollars ($15,745,000). Thereafter, as soon as practicable after January 1 of 1990 and 1991, the Secretary shall distribute to each taxing unit the unit's per capita share of an amount equal to the sum distributed to all taxing units the previous year under this subsection plus or minus the product of the sum distributed the previous year and the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

~~Thereafter, on~~ On or before April 30 of ~~each year~~ 1992, 1993, 1994, and 1995, the Secretary shall distribute to each taxing unit the unit's per capita share of the sum that this subsection provided was to be distributed to all taxing units in 1991. Beginning August 1995 and each year thereafter, the Secretary shall determine for each taxing unit the unit's per capita share of the sum that this subsection provided was to be distributed to all taxing units in 1991. Each year, the Secretary shall distribute to each taxing unit sixty percent (60%) of this share on or before August 30 and the remaining forty percent (40%) of this share on or before the following April 30.

To make the per capita distributions required by this subsection, the Secretary shall first allocate the sum to be distributed among the counties on a per capita basis. The Secretary shall then compute a per capita distributable amount for each county by dividing the amount allocated to a county by the total population of the county, plus the population of any incorporated towns and cities located in the county. Each taxing unit in a county, including the county itself, shall receive the product of the population of the taxing unit and the per capita distributable amount for that county.

A city or county that receives funds under this subsection and that collects taxes for another taxing unit shall distribute part of the taxes received by it to the taxing unit for which it collects tax. The distribution shall be made on the basis of the proportionate amount of ad valorem taxes levied, for the most recent fiscal year beginning July 1, by the city or county and by all the taxing units for which the city or county collects tax. This distribution shall be made as soon as practicable after a city or county receives funds from the State under this section."

(d) Effective July 1, 1995, G.S. 105-277A(c) reads as rewritten:

"(c) Second Per Capita Distribution. — On or before March 20, 1989, the Secretary shall allocate to each county the county's per capita share of the sum of thirty-nine million dollars ($39,000,000).

Each year ~~thereafter,~~ thereafter through April 1995, on or before April 30, the Secretary of Revenue shall allocate to each county the amount it received the previous year under this subsection. On or before August 30, 1995, the Secretary shall determine for each county the amount it received in April 1995 under this subsection. Beginning in August 1995 and each year thereafter, the Secretary shall distribute sixty percent (60%) of this amount to each county on or before August 30 and the remaining forty percent (40%) to each county on or before the following April 30.

Amounts allocated to a county under this subsection shall in turn be divided and distributed between the county and the cities located in the county in proportion to the total amount of ad valorem taxes levied by each during the fiscal year preceding the distribution. For the purposes of this section, the amount of the ad valorem taxes levied by a county or city shall include any ad valorem taxes collected by the county or city in behalf of a special district. For the purpose of computing the distribution for any year with respect to which the property valuation of a public service company is the subject of an appeal and the Department of Revenue is restrained by law from certifying the valuation to the appropriate counties and cities, the Department shall use the latest property valuation of that public service company that has been certified.

The governing body of each county and city shall report to the Secretary of Revenue such information as he may request in order to make the distribution under this subsection. If a county or city fails to make a requested report within the time prescribed, the Secretary may disregard that county or city and the other taxing units in the county or city in making the distribution."

(e) Effective July 1, 1995, G.S. 105-277A(c1) reads as rewritten:

"(c1) Claims-based Distribution. — On or before March 20, 1989, the Secretary shall distribute to each county and city an amount equal to the amount by which the county or city's inventory loss, as defined in subsection (d) of this section, exceeds the amount of the reimbursement received by the county or city under subsection (c) of this ~~subsection.~~ section.

Except as provided in subsection (g) of this section, each year ~~thereafter,~~ thereafter through April 1995, on or before April 30, the Secretary shall distribute to each county and city the amount it received the previous year under this subsection. On or before August 30, 1995, the Secretary shall determine for each county and city the amount it received in April 1995 under this subsection. Beginning in August 1995 and each year thereafter, the Secretary shall distribute sixty percent (60%) of this amount to each county and city on or before August 30 and the remaining forty percent (40%) of this amount to each county and city on or before the following April 30."

(f) Effective July 1, 1995, G.S. 105-277A(c2) reads as rewritten:

"(c2) Supplemental Distribution. — On or before March 20, 1989, the Secretary shall determine, with respect to each county and city, whether the sum of (i) the amount the county or city received under subsection (c), plus (ii) the amount the county or city received under subsection (c1), plus (iii) three and four-tenths percent (3.4%) of the total distribution received by the county or city under G.S. 105-472, 105-486, 105-501, and Chapter 1096 of the 1967 Session Laws between January 1, 1988, and December 31, 1988, is less than ninety percent (90%) of the amount of taxes the county or city actually levied on inventories owned by retailers and wholesalers for the 1987-88 tax year. If that sum is less than ninety percent (90%) of the amount of taxes the county or city actually levied on those inventories for the 1987-88 tax year, the Secretary shall distribute to that county or city a supplemental amount equal to the amount by which ninety percent (90%) of the taxes it actually levied on inventories owned by retailers and wholesalers for the 1987-88 tax year exceeds the total of subdivisions (i), (ii), and (iii).

Except as provided in subsection (g) of this section, each year ~~thereafter,~~ thereafter through April 1995, on or before April 30, the Secretary shall distribute to each county and city the amount it received the previous year under this subsection. On or before August 30, 1995, the Secretary shall determine for each county and city the amount it received in April 1995 under this subsection. Beginning in August 1995 and each year thereafter, the Secretary shall distribute sixty percent (60%) of this amount to each county and city on or before August 30 and the remaining forty percent (40%) of this amount to each county and city on or before the following April 30."

(g) Effective July 1, 1995, G.S. 105-113.82 reads as rewritten:

"**§ 105-113.82. ~~Appropriation of amount equal to~~ Distribution of part of beer and wine taxes.**

(a) Amount, Method. — ~~An amount equal to the following percentages of the net amount of excise taxes collected, during the period that began October 1, 1989, and ended September 30, 1990,~~ The Secretary shall distribute annually the following percentages of the net amount of excise taxes collected on the sale of malt beverages and ~~wine,~~ wine during the preceding 12-month period ending March 31, less the amount of the net proceeds credited to the Department of Agriculture under G.S 105-113.81A, ~~is annually appropriated from the General Fund~~ to the counties and cities in which the retail sale of these beverages is authorized:

(1) Of the tax on malt beverages levied under G.S. 105-113.80(a), twenty-three and three-fourths percent (23 3/4%);

(2) Of the tax on unfortified wine levied under G.S. 105-113.80(b), sixty-two percent (62%); and

(3) Of the tax on fortified wine levied under G.S. 105-113.80(b), twenty-two percent (22%).

If malt beverages, unfortified wine, or fortified wine may be licensed to be sold at retail in both a county and a city located in the county, both the county and city shall receive a portion of the amount ~~appropriated,~~ distributed, that portion to be determined on the basis of population. If one of these beverages may be licensed to be sold at retail in a city located in a county in which the sale of the beverage is otherwise prohibited, only the city shall receive a portion of the amount ~~appropriated,~~ distributed, that portion to be determined on the basis of population. The ~~amount of the appropriation to be~~ amounts distributed under subdivisions (1), (2), and (3) shall be computed separately.

(b) Reduction in ~~Appropriation.~~ Amount Distributed. — Where the sale of malt beverages, unfortified wine, or fortified wine is prohibited in a defined area of a city or county in which the sale of the beverage is authorized, the amount that would otherwise be ~~appropriated~~ distributed to the city or county on the basis of population under subsection (a) shall be reduced in the same ratio that the area of the defined area bears to the total area of the city or county, unless the defined area is a city. If the defined area in a county is a city, the reduction in the amount that would otherwise be ~~appropriated~~ distributed to the county under subsection (a) shall be based on population instead of area.

(c) Exception. — Notwithstanding subsection (a), in a county in which ABC stores have been established by petition, the ~~amount appropriated~~ revenue shall be distributed as though the entire county had approved the retail sale of a beverage whose retail sale is authorized in part of the county.

(d) Time. — The ~~appropriation~~ revenue shall be distributed to cities and counties within 60 days after ~~September 30~~ March 31 of each year.

(e) Population Estimates. — To determine the population of a city or county for purposes of the distribution required by this section, the Secretary shall use the most recent annual estimate of population certified by the State Budget Officer.

(f) City Defined. — As used in this section, the term 'city' means a city as defined in G.S. 153A-1(1) or an urban service district defined by the governing body of a consolidated city-county.

(g) Use of Funds. — Funds ~~appropriated~~ distributed to a county or city under this section may be used for any public purpose.

~~(h) Act. — The appropriation made by this section shall be included in the Current Operations Appropriations Act.~~"

(h) Effective July 1, 1995, and applicable beginning with taxes collected during the calendar quarter ending June 30, 1995, G.S. 105-116(d) reads as rewritten:

"(d) ~~Appropriation. There is annually appropriated from the General Fund~~ Distribution. — For the purpose of this subsection, the term 'distribution amount' means three and nine hundredths percent (3.09%) of the taxable gross receipts derived during a period by an electric power company and a natural gas company from sales within a municipality of the commodities and services described in subsection (a) of this section. The Secretary shall distribute to each municipality the distribution amount for that municipality for the preceding calendar quarter less an amount equal to one-fourth of the excess of the distribution amount for that municipality for the period April 1, 1994, to March 31, 1995, over the distribution amount for that municipality for the period April 1, 1990, to March 31, 1991, as certified by the Secretary. ~~an amount that equals three and nine hundredths percent (3.09%) of the taxable gross receipts derived, from April 1, 1990, to March 31, 1991, by an electric power company and a natural gas company from sales within the municipality of the commodities and services described in subsection (a).~~ The Secretary ~~of Revenue~~ shall ~~transfer the amount appropriated to a municipality in quarterly installments on or before September 15, December 15, March 15, and June 15 in proportion to the taxable gross receipts derived within the municipality during the preceding calendar quarter.~~ distribute the revenue within 75 days after the end of each quarter. If a company's report does not state the company's taxable gross receipts derived within a municipality, the Secretary ~~of Revenue~~ shall determine a practical method of allocating part of the company's taxable gross receipts to the municipality. ~~Before transferring the amount appropriated by this subsection, the Secretary of Revenue shall certify the amount to be transferred to the State Controller. The appropriation made by this subsection shall be included in the Current Operations Appropriations Act.~~

As used in this subsection, the term 'municipality' includes an urban service district defined by the governing board of a consolidated city-county. The amount due an urban service district shall be distributed to the governing board of the consolidated city-county."

(i) Effective July 1, 1995, and applicable beginning with taxes collected during the calendar quarter ending June 30, 1995, G.S. 105-120(c) reads as rewritten:

"(c) ~~Appropriation. — There is annually appropriated from the General Fund~~ Distribution. — For the purpose of this subsection, the term 'distribution amount' means three and nine hundredths percent (3.09%) of the taxable gross receipts derived during a period from local telecommunications service provided within a municipality. The Secretary shall distribute to each municipality the distribution amount for that municipality for the preceding calendar quarter less an amount equal to one-fourth of the excess of the distribution amount for that municipality for the period April 1, 1994, to March 31, 1995, over the distribution amount for that municipality for the period April 1, 1990, to March 31, 1991, as certified by the Secretary. ~~an amount that equals three and nine hundredths percent (3.09%) of the taxable gross receipts derived, from April 1, 1990, to March 31, 1991, from local telecommunications service provided within the municipality.~~ The Secretary ~~of Revenue~~ shall ~~transfer the amount appropriated to a municipality in quarterly installments on or before September 15, December 15, March 15, and June 15 in proportion to the taxable gross receipts derived within the municipality during the preceding calendar quarter.~~ distribute the revenue within 75 days after the end of each quarter. If a company's report does not state the company's taxable gross receipts derived within a municipality, the Secretary ~~of Revenue~~ shall determine a practical method of allocating part of the company's taxable gross receipts to the municipality. ~~Before transferring the amount appropriated by this subsection, the Secretary of Revenue shall certify the amount to be transferred to the State Controller. The appropriation made by this subsection shall be included in the Current Operations Appropriations Act.~~

As used in this subsection, the term 'municipality' includes an urban service district defined by the governing board of a consolidated city-county. The amount due an urban service district shall be distributed to the governing board of the consolidated city-county."

(j) G.S 105-277A(d)(5) reads as rewritten:

"(5) 'Taxing unit' means a unit that levied a property tax or for which another unit collected a property tax for the fiscal year ~~beginning July 1 of the year~~ preceding the ~~date~~ fiscal year a distribution is made under this section."

(k) G.S. 105-213.1(d) reads as rewritten:

"(d) Source. — Funds distributed under this section shall be drawn from collections received under Division ~~I~~ II of Article 4 of this Chapter."

(l) Subsections (h) and (i) become effective July 1, 1995, and apply beginning with taxes collected during the calendar quarter ending June 30, 1995. Subsection (k) of this section is effective upon ratification. The remaining subsections of this section become effective July 1, 1995.

PART 7. DEPARTMENT OF ADMINISTRATION

Requested by: Senator Plexico, Representatives Crawford, Wainwright

STATE CAPITOL RESTORATION

Sec. 27. For all construction projects concerning restoration of the North Carolina State Capitol, the Department of Administration may prequalify bidders.

Requested by: Senator Plexico, Representatives Crawford, Wainwright

OFFICE OF MARINE AFFAIRS' TRANSFER TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Sec. 28. (a) G.S. 143B-279.3(a) is amended by adding a new subdivision to read:

"(14) Office of Marine Affairs, Department of Administration."

(b) G.S. 143B-279.3(b) is amended by adding a new subdivision to read:

"(23) North Carolina Aquariums Commission, Department of Administration."

(c) G.S. 143B-279.2 is amended by adding a new subdivision to read:

"(1a) To administer the State Outer Continental Shelf (OCS) Task Force and coordinate State participation activities in the federal outer continental shelf resource recovery programs as provided under the OCS Lands Act

Amendments of 1978 (43 USC §§ 1801 et seq.) and the OCS Lands Act Amendments of 1986 (43 USC §§ 1331 et seq.)."

(d) Part 8A of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-390.2 through G.S. 143B-390.4, is recodified as Part 5B of Article 7 of Chapter 143B of the General Statutes, G.S. 143B-289.20 through G.S. 143B-289.22.

(e) G.S. 143B-390.2, as recodified as G.S. 143B-289.20 by subsection (d) of this section, reads as rewritten:

"**§ 143B-289.20. Office of Marine Affairs — organization; powers and duties.**

(a) The Office shall be organized as prescribed by the Secretary of ~~Administration~~ the Department of Environment, Health, and Natural Resources and exercise the following powers and duties:

(1) Repealed by Session Laws 1991, c. 320, s. 3.

(1a) To establish and maintain the North Carolina Aquariums;

(1b) To administer the operations of the North Carolina Aquariums, such administrative duties to include, but not be limited to the following:

a. Adopt goals and objectives for the Aquariums and review and revise these goals and objectives periodically;

b. Review and approve requests for use of the Aquarium facilities and advise the Secretary of ~~Administration~~ the Department of Environment, Health, and Natural Resources on the most appropriate use consistent with the goals and objectives of the Aquariums;

c. Continually review and evaluate the types of projects and programs being carried out in the Aquarium facilities and determine if the operation of the facilities is in compliance with the established goals and objectives;

d. Recommend to the Secretary of ~~Administration~~ the Department of Environment, Health, and Natural Resources any policies and procedures needed to assure effective staff performance and proper liaison among Aquarium facilities in carrying out the overall purposes of the Aquarium programs;

e. Review Aquarium budget submissions to the Secretary of ~~Administration;~~ the Department of Environment, Health, and Natural Resources;

f. Recruit and recommend to the Secretary of ~~Administration~~ the Department of Environment, Health, and Natural Resources candidates for the positions of directors of the North Carolina Aquariums; and

g. Create local advisory committees in accordance with the provisions of G.S. ~~143B-390.4.~~ 143B-289.22.

~~(2) Provide staff to the North Carolina Council on Ocean Affairs in furtherance of the Council's statutory powers and duties;~~

~~(3) Advise the Secretary of Administration regarding the analysis, planning and implementation of current and future State and federal goals, policies and programs relating to the ocean and marine resources of North Carolina, such duties to include, but not be limited to, giving advice regarding:~~

~~a. Providing recommendations to other educational, informational and policy-making bodies regarding marine and ocean resource issues;~~

~~b. Administering the State Outer Continental Shelf (OCS) Task Force and coordinate State participation activities in the federal outer continental shelf resource recovery programs as provided under the OCS Lands Act Amendments of 1978 (43 USC §§ 1801 et seq.) and the OCS Lands Act Amendments of 1986 (43 USC §§ 1331 et seq.); and~~

~~c. Coordinating necessary legal or technical research to carry out the duties set forth in this subdivision.~~

(4) to (6) Repealed by Session Laws 1991, c. 320, s. 3.

(7) Assume any other powers and duties assigned to it by the Secretary.

(b) The Secretary may adopt any rules and procedures necessary to implement this section."

(f) G.S. 143B-390.4, as recodified as G.S. 143B-289.22 by subsection (d) of this section reads as rewritten:

"§ 143B-289.22. Local advisory committees; duties; membership.

Local advisory committees created pursuant to ~~G.S. 143B-390.2(a)(1b)~~ G.S. 143B-289.20(a)(1b) shall assist each North Carolina Aquarium in its efforts to establish projects and programs and to assure adequate citizen-consumer input into those efforts. Members of these committees shall be appointed by the Secretary of ~~Administration~~ the Department of Environment, Health, and Natural Resources for three-year terms from nominations made by the Director of the Office of Marine Affairs. Each committee shall select one of its members to serve as chairperson. Members of the committees shall serve without compensation for services or expenses."

(g) Part 8B of Article 9 of Chapter 143B of the General Statutes is repealed.

(h) Part 8C of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-390.15 through G.S. 143B-390.16, is recodified as Part 28 of Article 7 of Chapter 143B of the General Statutes, G.S. 143B-344.16 through G.S. 143B-344.17.

(i) G.S. 143B-390.16, as recodified as G.S. 143B-344.17 by subsection (h) of this section, reads as rewritten:

"§ 143B-344.17. North Carolina Aquariums Commission — organization, powers, and duties.

(a) The Commission shall consist of 12 members appointed as follows:

(1) Four members appointed by the Governor, including one member designated by the Governor to serve as chair of the Commission and one member appointed upon recommendation of the North Carolina Aquarium Society, Inc., who resides in one of the counties where the North Carolina Aquariums are located: Carteret, Dare, and New Hanover,

(2) Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, including one member appointed upon the recommendation of the North Carolina Aquarium Society, Inc., who resides in another of the counties where the North Carolina Aquariums are located: Carteret, Dare, and New Hanover,

(3) Four members appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate in accordance with G.S. 120-121, including one member appointed upon the recommendation of the North Carolina Aquarium Society, Inc., who resides in another of the counties where the North Carolina Aquariums are located: Carteret, Dare, and New Hanover.

(b) Commission members shall serve for terms of four years, beginning July 1, 1992, and may be removed at any time by the appointing authority. If a vacancy on the Commission occurs, the appointing authority shall appoint a replacement to serve for the unexpired term.

(c) The Commission shall meet upon the call of the chair.

(d) The Secretary of ~~Administration~~ the Department of Environment, Health, and Natural Resources shall provide staff support for Commission activities and travel reimbursement for Commission members.

(e) The Commission may recommend a schedule of uniform fees for the North Carolina Aquariums to the Secretary of the Department of ~~Administration~~ Environment, Health, and Natural Resources who may adopt the schedule. The schedule may be revised from time to time by the same procedure.

(f) The North Carolina Special Aquariums Fund, hereafter 'Fund', is hereby created, and shall be a special and nonreverting fund. The Fund shall be used only for repair, maintenance, and educational exhibit construction at existing aquariums. The Fund may also be used to match private funds that are raised for these purposes.

(g) All entrance fee receipts shall be credited to the Fund. The Secretary of ~~Administration~~ the Department of Environment, Health, and Natural Resources may expend monies from the Fund only upon the authorization of the General Assembly."

Requested by: Senator Plexico, Representatives Crawford, Wainwright

DEPARTMENT OF ADMINISTRATION EMPLOYEE TRAINING

Sec. 29. Of the funds appropriated for Travel Expenses in the Division of Information Services, Department of Administration, during fiscal year 1993-94 and fiscal year 1994-95, at least three thousand dollars ($3,000) per year shall be used to support employee training.

Requested by: Senator Plexico, Representatives Crawford, Wainwright

ALLOCATION OF RAPE CRISIS CENTER FUNDS

Sec. 30. All funds for the Rape Crisis Centers appropriated to the Department of Administration, the North Carolina Council for Women, for the 1993-94 fiscal year and the 1994-95 fiscal year in this act shall be available to Rape Crisis Centers providing direct services to victims of sexual assault and rape prevention services. Funds shall be awarded according to criteria established by the Department of Administration. Grants shall be awarded by September 1 each fiscal year and the funds shall be disbursed on a quarterly basis.

Requested by: Senator Plexico, Representatives Crawford, Wainwright

DOMESTIC VIOLENCE CENTER FUNDS

Sec. 31. The funds appropriated in this act to the Department of Administration, the North Carolina Council for Women, for the 1993-94 fiscal year and for the 1994-95 fiscal year for domestic violence centers shall be allocated equally among domestic violence centers in operation on July 1, 1990, that offer services including a hotline, transportation services, community education programs, daytime services, and call forwarding during the night and that fulfill other criteria established by the Department of Administration. Grants shall be awarded based on criteria established by the Department of Administration and disbursed on a quarterly basis. The North Carolina Coalition against Domestic Violence, Incorporated, is eligible for a grant of ten thousand dollars ($10,000) under this section.

Requested by: Senator Plexico, Representatives Crawford, Wainwright

PARKING REVENUES

Sec. 32. The Secretary of Administration may use funds from parking revenues that are in excess of parking system expense requirements to fund the ten dollar ($10.00) per month subsidies for vanpools and transit passes.

Requested by: Representatives Wainwright, Crawford, Gray,
Senators Plexico, Martin of Guilford

MARTIN LUTHER KING, JR. COMMISSION FUNDS

Sec. 32.1. At least two-thirds of the funds appropriated to the Department of Administration for the Martin Luther King, Jr. Commission shall be used for program development and support.

PART 8. DEPARTMENT OF CULTURAL RESOURCES

Requested by: Senator Plexico, Representatives Crawford, Wainwright, Gray

REPEAL RESTRICTION ON GRASSROOTS ARTS PROGRAM FUNDS

Sec. 33. Section 5 of Chapter 1008 of the 1977 Session Laws reads as rewritten:

"Sec. 5. Funds for counties without organizations which meet the necessary standards set by the Department of Cultural Resources shall be retained by the department and used

for arts programming within these counties. Where feasible, the department shall maintain the same per capita rate for distribution of funds to these counties and shall require the same matching ratio. ~~No State funds appropriated for the programs set forth in this act shall be used to pay for personnel positions.~~"

Requested by: Senator Plexico, Representatives Crawford, Wainwright
CULTURAL RESOURCES SECURITY OFFICERS

Sec. 34. On July 1, 1994, the Department of Cultural Resources shall redefine the job responsibilities of its security positions so that the services of a certified law enforcement officer are no longer required, and shall accordingly discontinue payments to the Law Enforcement Officers' Retirement System.

Requested by: Senator Plexico, Representatives Crawford, Wainwright
DEPARTMENT OF CULTURAL RESOURCES VEHICLES

Sec. 35. On or before December 30, 1993, the Department of Cultural Resources shall transfer ownership of all vans, pickups, utility vehicles, and similar passenger-carrying vehicles to the Division of Motor Fleet Management, Department of Administration.

Requested by: Representatives Crawford, Wainwright, Gray, Senator Plexico
NORTH CAROLINA SYMPHONY FUNDS

Sec. 37. The Department of Cultural Resources shall use funds appropriated in this act to the Department for the North Carolina Symphony to expand symphony programs into economically depressed rural counties and low-wealth school administrative districts.

The Department shall reduce by one-half any fee customarily paid by a sponsor for a performance by the North Carolina Symphony if: (i) the sponsor is located in an economically depressed county or a low-wealth school administrative district and (ii) the symphony has not performed in that county or local school administrative district during the calendar year in which the request is made.

Requested by: Representatives Wilkins, Crawford, Wainwright, Senator Plexico
STATE AID TO PUBLIC LIBRARIES FUNDS

Sec. 38. A grant to a local library system from the Aid to Public Libraries Fund shall not be terminated but shall be reduced proportionately by the Department of Cultural Resources if the local funding for a public library was reduced by the local governing body as part of an overall general budgetary reduction reflecting local economic conditions and local government fiscal constraints.

PART 9. OFFICE OF THE GOVERNOR

Requested by: Senator Plexico, Representatives Crawford, Wainwright, Gray
COUNCIL OF GOVERNMENT FUNDS

Sec. 39. (a) Of the funds appropriated in this act to the Office of State Planning, eight hundred sixty-four thousand two hundred seventy dollars ($864,270) for the 1993-94 fiscal year and eight hundred sixty-four thousand two hundred seventy dollars ($864,270) for the 1994-95 fiscal year shall only be used as provided by this section. Each regional council of government or lead regional organization is allocated up to forty-eight thousand fifteen dollars ($48,015) for each fiscal year, with the actual amount calculated as provided in subsection (b) of this section.

(b) The funds shall be allocated as follows: A share of the maximum forty-eight thousand fifteen dollars ($48,015) each fiscal year shall be allocated to each county and smaller city based on the most recent annual estimate of the Office of State Budget and Management of the population of that county (less the population of any larger city within that county) or smaller city, divided by the sum of the total population of the region (less the population of larger cities within that region) and the total population of the region living in smaller cities. Those funds shall be paid to the regional council of

government for the region in which that city or county is located upon receipt by the Office of State Planning of a resolution of the governing board of the county or city requesting release of the funds. If any city or county does not so request payment of funds by June 30 of a State fiscal year, that share of the allocation for that fiscal year shall revert to the General Fund.

(c) A regional council of government may use funds appropriated by this section only to assist local governments in grant applications, economic development, community development, support of local industrial development activities, and other activities as deemed appropriate by the member governments.

(d) Funds appropriated by this section may not be used for payment of dues or assessments by the member governments, and may not supplant funds appropriated by the member governments.

(e) As used in this section "Larger City" means an incorporated city with a population of 50,000 or over. "Smaller City" means any other incorporated city.

Requested by: Representatives Wainwright, Crawford, Gray,
Senators Plyler, Plexico, Martin of Guilford

WORLD LANGUAGE CENTER FUNDS

Sec. 39.1. (a) It is the intent of the General Assembly that the North Carolina Center for World Languages and Cultures, which is to be located at Pfeiffer College in Misenheimer, Stanly County, become a self-supporting enterprise. No State funds shall be used for capital construction unless approved by the General Assembly. The funds appropriated by this act to the Office of the Governor for the North Carolina Center for World Languages and Cultures for the 1993-94 fiscal year and for the 1994-95 fiscal year are contingent upon the receipt of matching funds as follows:

(1) $250,000 for the 1993-94 fiscal year shall be matched by a gift of real estate to the State of no less than 25 acres of land.

(2) $250,000 for the 1994-95 fiscal year shall be matched on a dollar-for-dollar basis by non-State funds.

(3) Upon full satisfaction of the match requirements of subdivision (2) of this section, an additional $250,000 for the 1994-95 fiscal year shall be allocated for the World Language Center.

(b) The land conveyed to the State by Pfeiffer College to satisfy the matching requirement in subsection (a) of this section shall revert to Pfeiffer College if the land ceases to be used as the site of the North Carolina Center for World Languages and Cultures and the deed conveying that property to the State shall include a reversion clause to that effect.

Requested by: Representatives Wainwright, Crawford, Diamont, Senator Plexico

CITIES IN SCHOOLS FUNDS

Sec. 39.2. Of the funds appropriated in this act to the Office of the Governor for Cities in Schools, the sum of one hundred fifty thousand dollars ($150,000) shall be matched by non-State funds on the basis of one non-State dollar for every State dollar.

Requested by: Representatives Wainwright, Crawford, Gray,
Senators Plexico, Martin of Guilford

NORTH CAROLINA EDUCATION STANDARDS AND ACCOUNTABILITY COMMISSION

Sec. 39.3. (a) G. S. 115C-105.4(a), as enacted by Chapter 117 of the 1993 Session Laws, reads as rewritten:

"(a) The Commission shall:

(1) Develop standards that outline what a high school graduate should know and a series of benchmarks throughout the K-12 grades structured to identify how well a student is progressing towards the graduation standards. Standards shall include how well a student is able to apply knowledge gained in such core subject areas as mathematics, science, communication, history, geography, and the arts.

(2) Define a system of benchmarks at appropriate grade levels requiring students to demonstrate an ability to understand and apply what is expected of them in these standards.

(3) Work with the Department of Public Instruction to ensure that end-of-course assessments for core subjects are consistent with these standards and with benchmarks set by the Commission leading to these standards.

(4) Review and recommend a system of benchmark measurements that appropriately assess the requirements as outlined in subdivisions (2) and (3) of this subsection. The Commission may consider multiple methods of developmental assessment.

(5) Recommend ways to ensure that each student is challenged to the fullest extent of the student's ability by describing what actions shall be taken when a student's level of achievement on a standard is less than the student's potential. The Commission shall estimate the number of students for whom these actions should be taken each year and the cost of doing so.

(6) Recommend methods to measure each high school graduate's performance on the standards, including a system that incorporates a variety of measurement instruments used to assess a student's progress throughout the student's school career. These measures may be used to assess a graduate's preparedness for work, continued schooling, and successful living. The Commission shall estimate the number of students who are unlikely to meet the performance standards for high school graduation each year, describe what actions should be taken to enable these students to meet the standards, and estimate the cost of those actions.

(7) Consider how the system of standards can serve the needs of exceptional children.

(8) Consider and recommend any necessary refinements to the substance or implementation of the Standard Course of Study and the Testing Program.

(9) Recommend the best methods of comparing North Carolina students' performance to that of students in other states and across the nation.

(10) Recommend how standards and performance measures can accommodate the growing and changing body of knowledge.

(11) Recommend any necessary statutory amendments to implement its recommendations."

(b) G. S. 115C-105.5(3), as enacted by Chapter 117 of the 1993 Session Laws, reads as rewritten:

"(3) The Commission shall annually advise the General Assembly, the Governor, and the State Board of Education on the standards and assessments. In its report, the Commission shall estimate (i) the number of students each year who are unlikely to achieve at their potential and the cost of the actions that should be taken to enable these students to achieve at their potential, and (ii) the number of students who are unlikely to meet the performance standards for high school graduation each year and the cost of the actions that should be taken to enable these students to meet the standards."

(c) Section 2 of Chapter 117 of the 1993 Session Laws reads as rewritten:

"Sec. 2. This act becomes effective ~~upon appropriation by the General Assembly of funds for the implementation of this act~~. July 1, 1993. The Commission created by this act terminates December 31, 2000."

(d) The North Carolina Education Standards and Accountability Commission shall report quarterly to the Joint Legislative Education Oversight Committee regarding the progress being made on the development of standards, benchmarks, and related assessments and the progress in incorporating those standards into existing classrooms.

PART 10. DEPARTMENT OF INSURANCE

Requested by: Representatives Crawford, Wainwright, Nesbitt, Senator Plexico

UNBUDGETED INSURANCE RECEIPTS REVERT TO GENERAL FUND

Sec. 40. Appropriations to the Department of Insurance in this act shall be repaid to the General Fund from the Department of Insurance Fund in equal quarterly installments, except that the final installment of the fiscal year shall be reduced by the difference between the amount appropriated and actual expenditures in that fiscal year. Notwithstanding provisions in Section 10 of this act, departmental receipts realized by the Department of Insurance in excess of amounts approved for expenditure by the General Assembly, as adjusted by the Office of State Budget and Management to reflect the distribution of statewide reserves, shall revert to the General Fund at the end of each fiscal year.

Requested by: Representatives Crawford, Wainwright, Senator Plexico

FIRE/RESCUE COMMISSION STAFF

Sec. 41. G.S. 58-78-5(a) reads as rewritten:

"(a) The Commission shall have the following powers and duties:

(1) To formally adopt a State Fire Education and Training Plan, a State Master Plan for Fire Prevention and Control, a Rescue Training Plan, and a State Master Plan for Rescue Services;

(2) To assist and participate with State and local fire prevention and control agencies in the improvement of fire prevention and control in North Carolina and to work with State and local rescue agencies to improve rescue services in the State;

(3) To increase the professional skills of fire protection and fire-fighting personnel and rescue personnel;

(4) To encourage public support for fire prevention and control and rescue services;

(5) To accept gifts, bequests, devises, grants, matching funds, and other considerations from private or governmental sources for use in promoting its work;

(6) To make grants for use in pursuing its objectives, under such conditions as are deemed to be necessary and such other powers as may be necessary to carry out the State's duties with respect to all grants to the State by the United States Fire Administration and the National Fire Academy; and all support programs brought into the State by these two entities shall be coordinated and controlled by the Commission;

(7) To make studies and recommendations for the improvement of fire prevention and control and rescue services in the State and to make studies and recommendations for the coordination and implementation of effective fire prevention and control and rescue services and for effective fire prevention and control and rescue services education;

(8) To set objectives and priorities for the improvement of fire prevention and control and rescue services throughout the State;

(9) To advise State and local interests of opportunities for securing federal assistance for fire prevention and control and rescue services and for improving fire prevention and control and rescue services administration and planning within the State of North Carolina;

(10) To assist State agencies and institutions of local government and combinations thereof in the preparation and processing of applications for financial aid and to support fire prevention and control, rescue services, and planning and administration;

(11) To encourage and assist coordination at the federal, State and local government levels in the preparation and implementation of fire prevention and control and rescue services administrative improvements and crime reduction plans;

(12) To apply for, receive, disburse and audit the use of funds received from any public and private agencies and instrumentalities for fire prevention and control and rescue services, their administration and plans therefor;
(13) To enter into monitoring and evaluating the results of contracts and agreements necessary or incidental to the discharge of its assigned responsibilities;
(14) To provide technical assistance to State and local fire prevention and control and rescue agencies in developing programs for improvement;
(14a) To serve as a central office for the collection and dissemination of information relative to fire service and rescue service activities and programs in State government. All State government agencies conducting fire service and rescue service related programs and activities shall report the status of these programs and activities to the Commission on a quarterly basis and they shall also report to the Commission any new programs or changes to existing programs as they are implemented;
(14b) To establish voluntary minimum professional qualifications for all levels of fire service and rescue service personnel;
(14c) To prepare an annual report to the Governor on its fire prevention and control activities and plans, rescue activities and plans, and to recommend legislation concerning fire prevention and control and rescue services; ~~and~~
(14d) To reimburse the members of the Commission's certification board, in accordance with G.S. 138-5, for travel and subsistence expenses incurred by them in their duties as certification board officers; and
(15) To take such other actions as may be deemed necessary or appropriate to carry out its assigned duties and responsibilities."

Requested by: Representatives Crawford, Wainwright, Senator Plexico

STATE CONTROLLER REVIEW OF INSURANCE CHART OF ACCOUNTS

Sec. 42. The Office of the State Controller as authorized by G.S. 143B-426.39 and this section shall review the chart of accounts used by the Department of Insurance and shall report to the 1993 General Assembly and to the Department of Insurance by March 1, 1994, the findings and recommendations of the State Controller's Office regarding changes needed to align the accounting practices in the Department of Insurance with standards of the Government Accounting Standards Board and generally accepted principles of governmental accounting used within the State's accounting system.

PART 11. OFFICE OF THE LIEUTENANT GOVERNOR

Requested by: Senator Plexico, Representatives Crawford, Wainwright

CERTAIN LIEUTENANT GOVERNOR APPROPRIATIONS NOT TO BE TRANSFERRED

Sec. 43. Funds appropriated to the Office of Lieutenant Governor for Other Services and for Service and Maintenance Contracts shall not be transferred to other objects of expenditure.

PART 12. DEPARTMENT OF REVENUE

Requested by: Senator Plexico, Representatives Crawford, Wainwright

REVENUE FIELD OFFICE CLOSURES AND CONSOLIDATIONS

Sec. 44. The Department of Revenue shall thoroughly analyze the effect of field office closures and consolidations executed pursuant to recommendations by the Government Performance Audit Committee, and shall report its findings to the General Assembly on or before March 31, 1994. At a minimum, the report shall present evidence relevant to the following issues:

(1) The impact of consolidation on tax compliance rates;
(2) Changes in collections resulting from the loss of personal contact between taxpayers and Department of Revenue personnel engaged in taxpayer assistance; and
(3) Increases in operating efficiency made possible by shifting to a smaller number of larger offices.

The General Assembly intends that this study by the Department of Revenue shall be considered, together with other relevant data, to determine whether a continued strategy of field office consolidation is in the public interest.

PART 13. OFFICE OF STATE AUDITOR

Requested by: Senator Plexico, Representatives Crawford, Wainwright

INFORMATION FROM PRIVATE ORGANIZATIONS RECEIVING STATE FUNDS; INFORMATION FROM STATE DEPARTMENTS AND AGENCIES PROVIDING STATE FUNDS

Sec. 45. G.S. 143-6.1 reads as rewritten:

"**§ 143-6.1. Information from private organizations receiving State funds; information from State departments and agencies providing State funds.**

Every corporation, organization, and institution which receives, uses or expends any State funds shall use or expend such funds only for the purposes for which such State funds were appropriated by the General Assembly or collected by the State. State funds include federal funds that flow through the State.

Each corporation, organization, and institution which receives, uses or expends State funds in the amount of twenty-five thousand dollars ($25,000) or more annually, except when the funds are for the purchase of goods or services, shall file annually with the State Auditor and with the Joint Legislative Commission on Governmental Operations financial statements ~~in such form and on such schedule as shall be prescribed by the State Auditor, and~~ for that year in which twenty-five thousand dollars ($25,000) or more in State funds were received, used, or expended. These financial statements shall be audited in accordance with the auditing standards prescribed by the State Auditor, and the audit report shall be received by the State Auditor within six months after the end of the private organization's year in which twenty-five thousand dollars ($25,000) or more were received, used, or expended. Each corporation, organization, and institution shall furnish to the State Auditor for audit all books, records and other information as shall be necessary for the State Auditor to account fully for the use and expenditure of State funds. Each such corporation, organization, and institution shall furnish such additional financial or budgetary information as shall be requested by the State Auditor or by the Joint Legislative Commission on Governmental Operations. The State shall not disburse State funds appropriated by the General Assembly or collected by the State for use by any ~~private person,~~ corporation, organization, or institution ~~unless~~ until that ~~person,~~ corporation, organization, or institution has provided all the reports and financial information required by this section. All financial statements furnished to the State Auditor or to the Joint Legislative Commission on Governmental Operations pursuant to this section, and any audits or other reports prepared by the State Auditor, shall be public records.

Each State department and agency shall identify to the State Auditor each corporation, organization, and institution to which State funds received by the department or agency have been provided, except for the purchase of goods and services, and submit documents to the State Auditor for approval in a prescribed format describing standards of compliance and suggested audit procedures sufficient to give adequate direction to independent auditors performing audits.

The receipt, use or expenditure of State funds by a corporation, organization, and institution shall not, in and of itself, make or constitute such corporation, organization, or institution a State agency."

PART 14. SALARIES AND BENEFITS

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

APPROPRIATIONS

Sec. 47. (a) Of the funds appropriated from the General Fund to the Reserve for Salary Increases, the sum of sixty-four million twenty-seven thousand two hundred fif"ty-seven dollars ($64,027,257) for the 1993-94 fiscal year and sixty-eight million five hundred twenty-four thousand six hundred seventy-five dollars ($68,524,675) for the 1994-95 fiscal year shall be used to provide raises for State employees and school personnel other than teachers.

(b) Of the funds appropriated from the Highway Fund to the Reserve for Salary Increases, the sum of six million nine hundred sixty-three thousand four hundred forty-six dollars ($6,963,446) for the 1993-94 fiscal year and the sum of six million nine hundred sixty-three thousand four hundred forty-six dollars ($6,963,446) for the 1994-95 fiscal year shall be used to provide raises for State employees.

(c) Of the funds appropriated from the General Fund to the Reserve for Salary Increases, the sum of forty-two million four hundred forty-three thousand two hundred seventeen dollars ($42,443,217) for the 1993-94 fiscal year and the sum of forty-two million four hundred forty-three thousand two hundred seventeen dollars ($42,443,217) for the 1994-95 fiscal year shall be used to implement the teacher salary schedule provided in this act. This is the equivalent of two percent (2%) of teacher payroll.

(d) Of the funds appropriated from the Highway Fund to the Reserve for Salary Increases, the sum of one hundred forty-five thousand seven hundred ten dollars ($145,710) for the 1993-94 fiscal year and the sum of one hundred forty-five thousand seven hundred ten dollars ($145,710) for the 1994-95 fiscal year shall be used to implement the teacher salary schedule provided in this act. This is the equivalent of two percent (2%) of teacher payroll.

(e) Of the funds appropriated from the General Fund to the Reserve for Salary Increases, the sum of five million five hundred eighty-one thousand six hundred sixty-eight dollars ($5,581,668) for the 1993-94 fiscal year and the sum of five million five hundred eighty-one thousand six hundred sixty-eight dollars ($5,581,668) for the 1994-95 fiscal year shall be used to implement salary increases for employees in locally operated State-funded programs as provided in this act.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

GOVERNOR'S SALARY INCREASE

Sec. 48. G.S. 147-11(a) reads as rewritten:

"(a) The salary of the Governor shall be ~~ninety-one thousand nine hundred thirty-eight dollars ($91,938)~~ ninety-three thousand seven hundred seventy-seven dollars ($93,777) annually, payable monthly."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

COUNCIL OF STATE/SALARY INCREASE

Sec. 49. The annual salaries for members of the Council of State, payable monthly, for the 1993-94 and 1994-95 fiscal years are:

Council of State	Annual Salary
Lieutenant Governor	$77,289
Attorney General	77,289
Secretary of State	77,289
State Treasurer	77,289
State Auditor	77,289
Superintendent of Public Instruction	77,289
Agriculture Commissioner	77,289
Insurance Commissioner	77,289
Labor Commissioner	77,289.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

NONELECTED DEPARTMENT HEAD/SALARY INCREASES

Sec. 50. In accordance with G.S. 143B-9, the maximum annual salaries, payable monthly, for the nonelected heads of the principal State departments for the 1993-94 and 1994-95 fiscal years are:

Nonelected Department Heads	Annual Salary
Secretary of Administration	$77,289
Secretary of Correction	77,289
Secretary of Crime Control and Public Safety	77,289
Secretary of Cultural Resources	77,289
Secretary of Commerce	77,289
Secretary of Environment, Health, and Natural Resources	77,289
Secretary of Human Resources	77,289
Secretary of Revenue	77,289
Secretary of Transportation	77,289

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

CERTAIN EXECUTIVE BRANCH OFFICIALS/SALARY INCREASES

Sec. 51. (a) The annual salaries, payable monthly, for the 1993-94 and 1994-95 fiscal years for the following executive branch officials are:

Executive Branch Officials	Annual Salary
Chairman, Alcoholic Beverage Control Commission	$ 74,389
State Controller	120,301
Commissioner of Motor Vehicles	74,389
Commissioner of Banks	74,389
Chairman, Employment Security Commission	74,389
State Personnel Director	77,289
Chairman, Parole Commission	67,926
Members of the Parole Commission	62,712
Chairman, Industrial Commission	66,837
Members of the Industrial Commission	65,209
Executive Director, Agency for Public Telecommunications	62,712
General Manager, Ports Railway Commission	56,628
Director, Museum of Art	76,225
Executive Director, Wildlife Resources Commission	64,205
Executive Director, North Carolina Housing Finance Agency	92,063
Executive Director, North Carolina Agricultural Finance Authority	72,406
Director, Office of Administrative Hearings	65,674.

(b) Any person carrying on the functions of a position listed in subsection (a) of this section shall be paid only the salary set out in that subsection, and the mere classification of the position to be some other position does not allow the salary of that position to be set in some other manner.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

LEGISLATORS/SALARY AND EXPENSES INCREASE

Sec. 52. Effective upon convening of the 1995 Regular Session of the General Assembly, G.S. 120-3 reads as rewritten:

"**§ 120-3. Pay of members and officers of the General Assembly.**

(a) The Speaker of the House shall be paid an annual salary of ~~thirty-five thousand six hundred twenty-two dollars ($35,622),~~ thirty-six thousand three hundred thirty-four

dollars ($36,334), payable monthly, and an expense allowance of one thousand three hundred ~~twenty~~ forty-six dollars ($1,320) ($1,346) per month. The President *Pro Tempore* of the Senate shall be paid an annual salary of ~~thirty-five thousand six hundred twenty-two dollars ($35,622),~~ thirty-six thousand three hundred thirty-four dollars ($36,334), payable monthly, and an expense allowance of one thousand three hundred ~~twenty~~ forty-six dollars ~~($1,320)~~ ($1,346) per month. The Speaker *Pro Tempore* of the House shall be paid an annual salary of twenty thousand ~~two hundred ninety-eight dollars~~ seven hundred four dollars ~~($20,298),~~ ($20,704) payable monthly, and an expense allowance of seven hundred ~~eighty~~ ninety-six dollars ~~($780.00)~~ ($796.00) per month. The Deputy President *Pro Tempore* of the Senate shall be paid an annual salary of twenty thousand ~~two hundred ninety-eight dollars~~ seven hundred four ~~($20,298),~~ ($20,704) payable monthly, and an expense allowance of seven hundred ~~eighty~~ ninety-six dollars ~~($780.00)~~ ($796.00) per month. The majority and minority leaders in the House and the majority and minority leaders in the Senate shall be paid an annual salary of ~~fifteen thousand nine hundred eighteen dollars ($15,918),~~ sixteen thousand two hundred thirty-six dollars ($16,236) payable monthly, and an expense allowance of six hundred ~~twenty-two~~ thirty-four dollars ~~($622.00)~~ ($634.00) per month.

(b) Every other member of the General Assembly shall receive increases in annual salary only to the extent of and in the amounts equal to the average increases received by employees of the State, effective upon convening of the next Regular Session of the General Assembly after enactment of these increased amounts. Accordingly, upon convening of the ~~1993~~ 1995 Regular Session of the General Assembly, every other member of the General Assembly shall be paid an annual salary of thirteen thousand ~~twenty-six~~ two hundred eighty-seven dollars ~~($13,026),~~ ($13,287) payable monthly, and an expense allowance of five hundred ~~twenty-two~~ thirty-two dollars ~~($522.00)~~ ($532.00) per month.

(c) The salary and expense allowances provided in this section are in addition to any per diem compensation and any subsistence and travel allowance authorized by any other law with respect to any regular or extra session of the General Assembly, and service on any State board, agency, commission, standing committee and study commission."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

GENERAL ASSEMBLY PRINCIPAL CLERKS/SALARY INCREASES

Sec. 53. G.S. 120-37(c) reads as rewritten:

"(c) The principal clerks shall be full-time officers. Each principal clerk shall be entitled to other benefits available to permanent legislative employees and shall be paid an annual salary of ~~forty-six thousand six hundred eighty-six dollars ($46,686),~~ forty-seven thousand six hundred twenty dollars ($47,620) payable monthly. The Legislative Services Commission shall review the salary of the principal clerks prior to submission of the proposed operating budget of the General Assembly to the Governor and Advisory Budget Commission and shall make appropriate recommendations for changes in those salaries. Any changes enacted by the General Assembly shall be by amendment to this paragraph."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

SERGEANT-AT-ARMS AND READING CLERKS/SALARY INCREASES

Sec. 54. G.S. 120-37(b) reads as rewritten:

"(b) The sergeant-at-arms and the reading clerk in each house shall be paid a salary of ~~two hundred nineteen dollars ($219.00)~~ two hundred twenty-three dollars ($223.00) per week, plus subsistence at the same daily rate provided for members of the General Assembly, plus mileage at the rate provided for members of the General Assembly for one round trip only from their homes to Raleigh and return. The sergeants-at-arms shall serve during sessions of the General Assembly and at such time prior to the convening of, and subsequent to adjournment or recess of, sessions as may be authorized by the Legislative Services Commission. The reading clerks shall serve during sessions only."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
LEGISLATIVE EMPLOYEES/SALARY INCREASES

Sec. 55. The Legislative Administrative Officer may increase the salaries of nonelected employees of the General Assembly in effect for fiscal year 1992-93 by an amount equal to two percent (2%). Nothing in this act limits any of the provisions of G.S. 120-32.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont
JUDICIAL BRANCH OFFICIALS/SALARY INCREASE

Sec. 56. (a) The annual salaries, payable monthly, for specified judicial branch officials for fiscal year 1993-94 and fiscal year 1994-95 are:

Judicial Branch Officials	Annual Salary
Chief Justice, Supreme Court	$93,777
Associate Justice, Supreme Court	91,855
Chief Judge, Court of Appeals	88,930
Judge, Court of Appeals	86,996
Judge, Senior Regular Resident Superior Court	79,823
Judge, Superior Court	77,289
Chief Judge, District Court	68,256
Judge, District Court	65,674
District Attorney	71,965
Assistant District Attorney - an average of	46,738
Administrative Officer of the Courts	79,823
Assistant Administrative Officer of the Courts	65,160
Public Defender	71,965
Assistant Public Defender - an average of	46,738.

If an acting senior regular resident superior court judge is appointed under the provisions of G.S. 7A-41, he shall receive the salary for Judge, Senior Regular Resident, Superior Court, until his temporary appointment is vacated, and the judge he replaces shall receive the salary indicated for Judge, Superior Court.

The district attorney or public defender of a judicial district, with the approval of the Administrative Officer of the Courts, shall set the salaries of assistant district attorneys or assistant public defenders, respectively, in that district such that the average salaries of assistant district attorneys or assistant public defenders in that district do not exceed forty-six thousand seven hundred thirty-eight dollars ($46,738), and the minimum salary of any assistant district attorney or assistant public defender is at least twenty-three thousand eight hundred sixty-two dollars ($23,862) effective July 1, 1993.

(b) The salaries in effect for fiscal year 1992-93 for permanent, full-time employees of the Judicial Department, except for those whose salaries are itemized in this act, shall be increased by two percent (2%), commencing July 1, 1993.

(c) The salaries in effect for fiscal year 1992-93 for all permanent, part-time employees of the Judicial Department shall be increased on and after July 1, 1993, by pro rata amounts of the two percent (2%).

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler
CLERK OF SUPERIOR COURT SALARY DETERMINATION/INCREASE

Sec. 57. (a) G.S. 7A-101 reads as rewritten:

"**§ 7A-101. Compensation.**

(a) The clerk of superior court is a full-time employee of the State and shall receive an annual salary, payable in equal monthly installments, based on the population of the county as determined in subsection (a1) of this section, according to the following schedule:

Population	Annual Salary '1992-93'	
Less than 100,000	~~$47,442~~	$48,391
100,000 to ~~199,999~~ 149,999	~~53,550~~	54,621
~~200,000 and above~~ 150,000 to 249,999	~~61,026.~~	62,247
250,000 and above	68,256.	

When a county changes from one population group to another, the salary of the clerk shall be changed, on July 1 of the fiscal year for which the change is reported, to the salary appropriate for the new population group, except that the salary of an incumbent clerk shall not be decreased by any change in population group during his continuance in office."

(b) The increase required for the new annual salaries provided in subsection (a) of this section shall be funded from funds available to the Administrative Office of the Courts for fiscal years 1993-94 and 1994-95.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

ASSISTANT AND DEPUTY CLERKS OF COURT/SALARY INCREASE

Sec. 58. G.S. 7A-102(c) reads as rewritten:

"(c) Notwithstanding the provisions of subsection (a), the Administrative Officer of the Courts shall establish an incremental salary plan for assistant clerks and for deputy clerks based on a series of salary steps corresponding to the steps contained in the Salary Plan for State Employees adopted by the Office of State Personnel, subject to a minimum and a maximum annual salary as set forth below. On and after July 1, 1985, each assistant clerk and each deputy clerk shall be eligible for an annual step increase in his salary plan based on satisfactory job performance as determined by each clerk. Notwithstanding the foregoing, if an assistant or deputy clerk's years of service in the office of superior court clerk would warrant an annual salary greater than the salary first established under this section, that assistant or deputy clerk shall be eligible on and after July 1, 1984, for an annual step increase in his salary plan. Furthermore, on and after July 1, 1985, that assistant or deputy clerk shall be eligible for an increase of two steps in his salary plan, and shall remain eligible for a two-step increase each year as recommended by each clerk until that assistant or deputy clerk's annual salary corresponds to his number of years of service. Any person covered by this subsection who would not receive a step increase in fiscal year ~~1992-93~~ 1993-94 because that person is at the top of the salary range as it existed for fiscal year ~~1990-91~~ 1992-93 shall receive a salary increase to the maximum annual salary provided ~~for fiscal year 1992-93~~ by subsection (c1) of this section."

Sec. 59. G.S. 7A-102(c1) reads as rewritten:

"(c1) A full-time assistant clerk or a full-time deputy clerk shall be paid an annual salary subject to the following minimum and maximum rates:

Assistant Clerks	Annual Salary '~~1992-93~~'	
Minimum		$20,712
Maximum	~~35,262~~	35,967
Deputy Clerks	Annual Salary '~~1992-93~~'	
Minimum	~~$16,236~~	$16,560
Maximum	~~27,162.~~	27,705."

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

MAGISTRATES/SALARY INCREASE

Sec. 60. G.S. 7A-171.1(a)(1) reads as rewritten:

"(1) A full-time magistrate, so designated by the Administrative Officer of the Courts, shall be paid the annual salary indicated in the table below according to the number of years he has served as a magistrate. The salary

steps shall take effect on the anniversary of the date the magistrate was originally appointed:

Table of Salaries of Full-Time Magistrates

Number of Prior Years of Service	Annual Salary '~~1992-93~~'	
Less than 1	~~$17,058~~	$17,399
1 or more but less than 3	~~17,934~~	18,293
3 or more but less than 5	~~19,698~~	20,092
5 or more but less than 7	~~21,642~~	22,075
7 or more but less than 9	~~23,814~~	24,290
9 or more but less than 11	~~26,178~~	26,702
11 or more	~~28,758.~~	29,333.

A 'Full-time magistrate' is a magistrate who is assigned to work an average of not less than 40 hours a week during his term of office.

Notwithstanding any other provision of this subdivision, a full-time magistrate, who was serving as a magistrate on December 31, 1978, and who was receiving an annual salary in excess of that which would ordinarily be allowed under the provisions of this subdivision, shall not have the salary, which he was receiving reduced during any subsequent term as a full-time magistrate. That magistrate's salary shall be fixed at the salary level from the table above which is nearest and higher than the latest annual salary he was receiving on December 31, 1978, and, thereafter, shall advance in accordance with the schedule in the table above."

Requested by: Senators Daniel, Plyler, Ward, Representatives Nesbitt, Diamont

COMMUNITY COLLEGES PERSONNEL/SALARY INCREASES

Sec. 61. The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal years 1993-94 and 1994-95 funds to the Department of Community Colleges necessary to provide an average annual salary increase of two percent (2%), including funds for the employer's retirement and social security contributions, commencing July 1, 1993, for all permanent full-time community college institutional personnel supported by State funds. The State Board shall establish guidelines for providing salary increases to community college institutional personnel. Salary funds shall be used to provide an average annual salary increase of two percent (2%) to all full-time employees and part-time employees on a pro rata basis.

Requested by: Senators Daniel, Plyler, Ward, Representatives Nesbitt, Diamont

HIGHER EDUCATION PERSONNEL/SALARY INCREASES

Sec. 62. The Director of the Budget shall transfer to the Board of Governors of The University of North Carolina sufficient funds from the Reserve for Salary Increases created in this act for fiscal year 1993-94 and fiscal year 1994-95 to provide an annual average salary increase of two percent (2%), including funds for the employer's retirement and social security contributions, commencing July 1, 1993, for all employees of The University of North Carolina, as well as employees of the North Carolina School of Science and Mathematics, supported by State funds and whose salaries are exempt from the State Personnel Act. These funds shall be allocated to individuals according to the rules adopted by the Board of Governors, or the Board of Trustees of the North Carolina School of Science and Mathematics, as appropriate, and may not be used for any purpose other than for salary increases and necessary employer contributions provided by this section.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

MOST STATE EMPLOYEES/SALARY INCREASES/1993-94

Sec. 63. (a) The salaries in effect for fiscal year 1992-93 for all permanent full-time State employees whose salaries are set in accordance with the State Personnel

Act and who are paid from the General Fund or the Highway Fund shall be increased, on and after July 1, 1993, unless otherwise provided by this act, by two percent (2%).

(b) Except as otherwise provided in this act, the fiscal year 1992-93 salaries for permanent full-time State officials and persons in exempt positions that are recommended by the Governor or the Governor and the Advisory Budget Commission and set by the General Assembly shall be increased by two percent (2%), commencing July 1, 1993.

(c) The salaries in effect for fiscal year 1992-93 for all permanent part-time State employees shall be increased on and after July 1, 1993, by pro rata amounts of the two percent (2%) salary increase provided for permanent full-time employees covered under subsection (a) of this section.

(d) The Director of the Budget may allocate out of special operating funds or from other sources of the employing agency, except tax revenues, sufficient funds to allow a salary increase, on and after July 1, 1993, in accordance with subsections (a), (b), or (c) of this section, including funds for the employer's retirement and social security contributions, for the permanent full-time and part-time employees of the agency, provided the employing agency elects to make available the necessary funds.

(e) Within regular Executive Budget Act procedures as limited by this act, all State agencies and departments may increase on an equitable basis the rate of pay of temporary and permanent hourly State employees, subject to availability of funds in the particular agency or department, by pro rata amounts of the two percent (2%) salary increase provided for permanent full-time employees covered by the provisions of subsection (a) of this section, commencing July 1, 1993.

(f) The provisions of this section do not apply to employees whose salaries are determined in accordance with G.S. 7A-102 or G.S. 20-187.3(a), except for those employees who would not receive a salary increment for the 1993-94 fiscal year under G.S. 7A-102 or G.S. 20-187.3(a) because they are at the top of their salary range.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

SALARY INCREASE FOR STATE FUNDED LOCAL PROGRAMS

Sec. 64. Of the funds appropriated from the General Fund for the Reserve for Salary Increases in this act for the 1993-94 fiscal year and the 1994-95 fiscal year, funds shall be made available for employees in locally operated State funded programs in an amount equivalent to a two percent (2%) across-the-board salary increase. Such employees do not receive the compensation bonus provided in this act.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

PUBLIC SCHOOL PERSONNEL/SALARY INCREASES

Sec. 65. (a) Superintendents, Assistant Superintendents, Associate Superintendents, Supervisors, Directors, Coordinators, Evaluators, and Program Administrators. — The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1993-94 and fiscal year 1994-95 funds necessary to provide a salary increase of two percent (2%), including funds for the employer's retirement and social security contributions, commencing July 1, 1993, for all superintendents, assistant superintendents, associate superintendents, supervisors, directors, coordinators, evaluators, and program administrators whose salaries are supported from the State's General Fund. These funds may not be used for any purpose other than for the salary increase and necessary employer contributions provided by this subsection.

(b) Noncertified Employees. — The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1993-94 and fiscal year 1994-95 funds necessary to provide a salary increase of two percent (2%), including funds for the employer's retirement and social security contributions, commencing July 1, 1993, for all noncertified public school employees, except school bus drivers, whose salaries are supported from the State's General Fund. These funds may not be used for any purpose other than for the salary increases and necessary employer contributions provided by this subsection.

(c) The fiscal year 1992-93 pay rates adopted by local boards of education for school bus drivers shall be increased by at least two percent (2%) on and after July 1, 1993, to the extent that such rates of pay are supported by the allocation of State funds from the State Board of Education. Local boards of education shall increase the rates of pay for all school bus drivers who were employed during fiscal year 1992-93 and who continue their employment for fiscal year 1993-94 and fiscal year 1994-95 by at least two percent (2%) on and after July 1, 1993. The Director of the Budget may transfer from the salary increase reserve fund created in this act for fiscal year 1993-94 and fiscal year 1994-95 funds necessary to provide the salary increases for school bus drivers whose salaries are supported from the State's General Fund in accordance with the provisions of this subsection.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

ALL STATE-SUPPORTED PERSONNEL/SALARY INCREASES

Sec. 66. (a) Salaries for positions that are funded partially from the General Fund or Highway Fund and partially from sources other than the General Fund or Highway Fund shall be increased from the General Fund or Highway Fund appropriation only to the extent of the proportionate part of the salaries paid from the General Fund or Highway Fund.

(b) The granting of the salary increases under this act does not affect the status of eligibility for salary increments for which employees may be eligible unless otherwise required by this act.

(c) The salary increases provided in this Part are to be effective July 1, 1993, do not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, or retirement, whose last workday is prior to July 1, 1993, or to employees involved in final written disciplinary procedures. The employee shall receive the increase on a current basis when the final written disciplinary procedure is resolved.

Payroll checks issued to employees after July 1, 1993, which represent payment for services provided prior to July 1, 1993, shall not be eligible for salary increases provided for in this act. This subsection shall apply to all employees, subject to or exempt from the State Personnel Act, paid from State funds, including public schools, community colleges, and The University of North Carolina.

(d) Notwithstanding the provisions of Section 19.1 of Chapter 1137 of the 1979 Session Laws, as amended by Chapter 1053 of the 1981 Session Laws, G.S. 115C-12(9)a., 115C-12(16), 126-7, or any other provision of law other than G.S. 20-187.3(a) and G.S. 7A-102(c), no employee or officer of the public school system shall receive an automatic increment, and no State employee or officer shall receive a merit increment during the 1993-94 and 1994-95 fiscal years, except as otherwise permitted by this act.

(e) The Director of the Budget shall transfer from the Reserve for Salary Increases created in this act for fiscal year 1993-94 and fiscal year 1994-95 all funds necessary for the salary increases provided by this act, including funds for the employer's retirement and social security contributions.

(f) Nothing in this act authorizes the transfer of funds from the General Fund to the Highway Fund for salary increases.

Requested by: Senators Daniel, Plyler, Representatives Barnes, Nesbitt, Diamont

RESERVE FOR LOWEST PAID EMPLOYEES

Sec. 67. Notwithstanding any other provisions of the current law, the Office of State Budget and Management may use funds in the Reserve for Lowest Paid Employees for the purpose of continuing salary increases awarded during fiscal year 1992-93 to the lowest paid State employees pursuant to Section 37 of Chapter 1066 of the 1989 Session Laws.

Requested by: Representatives Barnes, Nesbitt, Senators Daniel, Plyler

SET A WAGE FLOOR FOR THE LOWEST PAID STATE EMPLOYEES

Sec. 68. (a) The hiring rate of Salary Grade 50 under the State Personnel System is twelve thousand eight hundred seventy-seven dollars ($12,877) per year. The salary of any employee at Salary Grade 50 which is less than that amount is raised to that amount.

(b) The hiring rate of Salary Grade 51 under the State Personnel System is twelve thousand nine hundred seventy-seven dollars ($12,977) per year. The salary of any employee at Salary Grade 51 which is less than that amount is raised to that amount.

(c) The hiring rate of Salary Grade 52 under the State Personnel System is thirteen thousand seventy-nine dollars ($13,079) per year. The salary of any employee at Salary Grade 52 which is less than that amount is raised to that amount.

(d) Of the funds appropriated to the Reserve for Salary Increases for fiscal year 1993-94 the sum of one hundred thirty-five thousand five hundred dollars ($135,500) and for fiscal year 1994-95 the sum of one hundred thirty-five thousand five hundred dollars ($135,500) shall be used to implement this section.

(e) The Office of State Personnel may use salary adjustment funds to adjust salaries in Grades 50 through 52 on the basis of years of experience for persons who on June 30, 1993, were above the hiring rate but will be at the hiring rate for their grade as a result of this section.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

COMPENSATION BONUS

Sec. 69. (a) Any person:

(1) Whose salary is set by or under this Part;

(2) Who was, in the first half of the 1993-94 fiscal year, a permanent officer or permanent employee whose salary is set by or under this Part; and

(3) Who was such an officer or employee for the entire first half of the fiscal year, or, if the permanent position was for a contract which provides for a term of four months or more during the period July 1, 1993 through December 31, 1993 held the permanent position for the entire term of the contract

shall receive in December of 1993, a compensation bonus of one percent (1%) of the annual salary for that position.

(b) Any person:

(1) Who is not eligible for the compensation bonus provided by subsection (a) of this section;

(2) Whose salary is set by or under this Part;

(3) Who was, in the second half of the 1993-94 fiscal year, a permanent officer or permanent employee whose salary is set by or under this Part; and

(4) Who was such an officer or employee for the entire second half of the fiscal year, or, if the permanent position was for a contract which provides for a term of four months or more during the period January 1, 1994 through June 30, 1994 held the permanent position for the entire term of the contract

shall receive in June of 1994, a compensation bonus of one percent (1%) of the annual salary for that position.

(c) Any person:

(1) Whose salary is set by or under Section 132 of this act;

(2) Who was, in the first half of the 1993-94 fiscal year, a principal or assistant principal whose salary is set by or under Section 132 of this act;

(3) Who was such an principal or assistant principal for the entire first half of the fiscal year, or, if the position was for a contract which provides for a term of four months or more during the period July 1, 1993 through

December 31, 1993 held the position for the entire term of the contract; and

(4) Whose salary was increased by Section 132 of this act by less than two percent (2%)

shall receive in December of 1993, a compensation bonus of the difference between two percent (2%) and the percentage by which the salary was increased by Section 132 of this act but not to exceed one percent (1%) of the annual salary.

(d) Any person:

(1) Who is not eligible for the compensation bonus provided by subsection (c) of this section;

(2) Whose salary is set by or under Section 132 of this act;

(3) Who was, in the second half of the 1993-94 fiscal year, a principal or assistant principal whose salary is set by or under this Part;

(4) Who was such a principal or assistant principal for the entire second half of the fiscal year, or, if the position was for a contract which provides for a term of five months or more during the period January 1, 1994, through June 30, 1994, held the position for the entire term of the contract; and

(5) Whose salary was increased by Section 132 of this act by less than two percent (2%)

shall receive in June of 1994, a compensation bonus of the difference between two percent (2%) and the percentage by which the salary was increased by Section 132 of this act but not to exceed one percent (1%) of the annual salary.

(e) The annual salary on which the percentage bonus is based is the annual salary in effect during the pay period in which the bonus is paid.

(f) The provisions of this section do not apply to persons whose salaries are determined in accordance with G.S. 7A-102 or G.S. 20-187.3(a), except for those employees who would not receive a salary increment for the 1993-94 fiscal year under G.S. 7A-102 or G.S. 20-187.3(a) because they are at the top of their salary range, and do not apply to persons whose salaries are set by G.S. 120-3.

(g) The Director of the Budget shall transfer from the Reserve for Compensation Bonus provided by this act sufficient funds to implement this section.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

SALARY-RELATED CONTRIBUTIONS/EMPLOYERS

Sec. 70. (a) Required employer salary-related contributions for employees whose salaries are paid from department, office, institution, or agency receipts shall be paid from the same source as the source of the employees' salary. If an employee's salary is paid in part from the General Fund or Highway Fund and in part from department, office, institution, or agency receipts, required employer salary-related contributions may be paid from the General Fund or Highway Fund only to the extent of the proportionate part paid from the General Fund or Highway Fund in support of the salary of the employee, and the remainder of the employer's requirements shall be paid from the source that supplies the remainder of the employee's salary. The requirements of this section as to source of payment are also applicable to payments on behalf of the employee for hospital-medical benefits, longevity pay, unemployment compensation, accumulated leave, workers' compensation, severance pay, separation allowances, and applicable disability income and disability salary continuation benefits.

(b) Effective July 1, 1993, the State's employer contribution rates budgeted for retirement and related benefits as a percentage of covered salaries for the 1993-94 and 1994-95 fiscal years are (i) ten and ninety-six hundredths percent (10.96%) - Teachers and State Employees; (ii) fifteen and ninety-six hundredths percent (15.96%) - State Law Enforcement Officers; (iii) eight and ninety-two hundredths percent (8.92%) - University Employees' Optional Retirement Program; (iv) twenty-four and eighty-three hundredths percent (24.83%) - Consolidated Judicial Retirement System; and (v) thirty-two and thirty hundredths percent (32.30%) - Legislative Retirement System. Each of the foregoing contribution rates includes two percent (2%) for hospital and

medical benefits. The rate for State Law Enforcement Officers includes five percent (5%) for the Supplemental Retirement Income Plan. The rates for Teachers and State Employees, State Law Enforcement Officers, and for the University Employees' Optional Retirement Program includes forty-two hundredths percent (0.42%) for the Disability Income Plan.

(c) The maximum annual employer contributions, payable monthly, by the State for each covered employee or retiree for the 1993-94 fiscal year and the 1994-95 fiscal year to the Teachers' and State Employees' Comprehensive Major Medical Plan are: (i) Medicare-eligible employees and retirees - one thousand three hundred twenty-one dollars ($1,321); and (ii) Non-Medicare-eligible employees and retirees - one thousand seven hundred thirty-six dollars ($1,736).

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

ALLOW LEGISLATORS SERVING IN JANUARY 1985 TO PURCHASE CREDITABLE SERVICE IN THE LEGISLATIVE RETIREMENT SYSTEM

Sec. 71. G.S. 120-4.12 is amended by adding a new subsection to read:

"(c1) Any member of the Retirement System who was a member of the General Assembly as of January 1985 may purchase prior service credit for the month of January 1985 based upon seven percent (7%) of the compensation received for that period."

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler

ALLOW LOCAL BOARDS OF EDUCATION TO ESTABLISH SICK LEAVE BANKS FOR PUBLIC SCHOOL EMPLOYEES

Sec. 72. (a) Effective January 1, 1994, G.S. 115C-336 is amended by designating the existing language as subsection (a) and by adding a new subsection to read:

"(b) The State Board of Education shall adopt rules and regulations for the establishment of voluntary sick leave banks by local boards of education, from which an employee, upon exhaustion of accumulated sick leave and annual leave, when allowable, may withdraw sick leave days in the event of emergency or catastrophic illness. These rules may include, but not be limited to, (i) requirements of minimum service and minimum balance of sick leave before an employee may join the sick leave bank, (ii) enrollment periods for present employees and new hires, (iii) time limits for rejoining the sick leave bank, (iv) limitation on number of days which can be withdrawn by any employee, (v) waiting period before being eligible to withdraw sick leave, (vi) exclusion of illness or injury covered by Workers' Compensation Benefits, (vii) certification by physician attesting to member's illness or accident, (viii) administration of each sick leave bank by a Sick Leave Bank Committee to be made up of representatives of different classifications of employees, and (ix) other requirements to prevent any adverse selection by employees. The rules concerning the establishment of sick leave banks shall include provisions for notifying employees who donate sick leave to and employees who withdraw sick leave from the sick leave bank, of the State retirement credit consequences as to the donated sick leave."

(b) The Department of Public Instruction in fiscal years 1993-94 and 1994-95 may reimburse, from funds appropriated by this act, local school administrative units for items relating to sick leave used by employees under this section.

(c) Each local school administrative unit creating a sick leave bank under the rules and regulations adopted by the State Board of Education shall report to the Department of Public Instruction, on a schedule prescribed by that Department, the number of employees participating, itemized by job classification, the number of sick leave days withdrawn, and the cost of the leave.

Requested by: Representatives Nesbitt, Diamont, Bowman, Senators Daniel, Plyler

ALLOW PUBLIC SCHOOL EMPLOYEES AND STATE EMPLOYEES TO CONVERT EXCESS ANNUAL LEAVE DAYS TO SICK LEAVE

Sec. 73. (a) G.S. 115C-272(b)(2) reads as rewritten:

"(2) Notwithstanding any provisions of this section to the contrary no person shall be entitled to pay for any vacation day not earned by that person.

Vacation days shall not be used for extending the term of employment of individuals and shall not be cumulative from one fiscal year to another fiscal year: Provided, that superintendents may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any superintendent with more than 30 days of accumulated leave shall have the excess accumulation ~~cancelled~~ converted to sick leave so that only 30 days are carried forward to July 1 of the same year. All vacation leave taken by the superintendent will be upon the authorization of his immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours when separated from service due to resignation, dismissal, reduction in force, death, or service retirement. If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

(b) G.S. 115C-285(a)(2) reads as rewritten:

"(2) Supervisors and classified principals paid on an hourly or other basis whether paid from State or from local funds may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any supervisor or principals with more than 30 days of accumulated leave shall have the excess accumulation ~~cancelled~~ converted to sick leave so that only 30 days are carried forward to July 1 of the same year. All vacation leave taken by the employee will be upon the authorization of his immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours when separated from service due to resignation, dismissal, reduction in force, death, or service retirement. If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

(c) G.S. 115C-302(a)(3) reads as rewritten:

"(3) Notwithstanding any provisions of this section to the contrary no person shall be entitled to pay for any vacation day not earned by that person. The first 10 days of annual vacation leave earned by a teacher during any fiscal year period shall be scheduled to be used in the school calendar adopted by the respective local boards of education. Vacation days shall not be used for extending the term of employment of individuals. Teachers may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any teachers with more than 30 days of accumulated leave shall have the excess accumulation ~~cancelled~~ converted to sick leave so that only 30 days are carried forward to July 1 of the same year. All vacation leave taken by the teacher will be upon the authorization of his immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated

annual leave not to exceed a maximum of 240 hours when separated from service due to resignation, dismissal, reduction in force, death, or service retirement. If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

(d) G.S. 115C-316(a)(3) reads as rewritten:

"(3) Notwithstanding any provisions of this section to the contrary no person shall be entitled to pay for any vacation day not earned by that person. The first 10 days of annual leave earned by a 10- or 11-month employee during any fiscal year period shall be scheduled to be used in the school calendar adopted by the respective local boards of education. Vacation days shall not be used for extending the term of employment of individuals. Ten- or 11-month employees may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any of these employees with more than 30 days of accumulated leave shall have the excess accumulation ~~cancelled~~ converted to sick leave so that only 30 days are carried forward to July 1 of the same year. All vacation leave taken by these employees will be upon the authorization of their immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours when separated from service due to resignation, dismissal, reduction in force, death or service retirement. If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

(e) G.S. 115C-316(a)(4) reads as rewritten:

"(4) Twelve-month school employees other than superintendents, supervisors and classified principals paid on an hourly or other basis whether paid from State or from local funds may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any employee with more than 30 days of accumulated leave shall have the excess accumulation ~~cancelled~~ converted to sick leave so that only 30 days are carried forward to July 1 of the same year. All vacation leave taken by the employee will be upon the authorization of his immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours when separated from service due to resignation, dismissal, reduction in force, death, or service retirement. If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

(f) G.S. 126-8 reads as rewritten:

"**§ 126-8. Minimum leave granted State employees.**

The amount of vacation leave granted to each full-time State employee subject to the provisions of this Chapter shall be determined in accordance with a graduated scale established by the State Personnel Commission which shall allow the equivalent rate of not less than two weeks' vacation per calendar year, prorated monthly, cumulative to at least 30 days. Any State employee who has vacation leave in excess of the allowed accumulation shall have that leave converted to sick leave. Sick leave allowed as needed to such State employees shall be at a rate not less than 10 days for each calendar year, cumulative from year to year. Notwithstanding any other provisions of this section, no full-time State employee subject to the provisions of Chapter 126, as the same appears in the Cumulative Supplement to Volume 3B of the General Statutes, on May 23, 1973, shall be allowed less than the equivalent of three weeks' vacation per calendar year, cumulative to at least 30 days."

(g) This section becomes effective June 30, 1993.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

PROVIDE AN INCREASE TO RETIREES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM, AND TO INCREASE THE RETIREMENT FORMULA WITH ADJUSTING INCREASE TO RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

Sec. 74. (a) G.S. 120-4.22A is amended by adding a new subsection to read:

"(h) In accordance with subsection (a) of this section, from and after July 1, 1993, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before January 1, 1993, shall be increased by one and six-tenths percent (1.6%) of the allowance payable on January 1, 1993. Furthermore, from and after July 1, 1993, the retirement allowance to or on account of beneficiaries whose retirement commenced after January 1, 1993, but before June 30, 1993, shall be increased by a prorated amount of one and six-tenths percent (1.6%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between January 1, 1993, and June 30, 1993."

(b) G.S. 128-27 is amended by adding a new subsection to read:

"(ll) From and after July 1, 1993, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1992, shall be increased by one and six-tenths percent (1.6%) of the allowance payable on July 1, 1992, in accordance with G.S. 128-27(k). Furthermore, from and after July 1, 1993, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1992, but before June 30, 1993, shall be increased by a prorated amount of one and six-tenths percent (1.6%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1992, and June 30, 1993."

(c) G.S. 135-5(b13) reads as rewritten:

"(b13) Service Retirement Allowance of Members Retiring on or after July 1, ~~1992~~. 1992, but before July 1, 1993. — Upon retirement from service in accordance with subsection (a) above, on or after July 1, 1992, but before July 1, 1993, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy hundredths

percent (1.70%) of his average final compensation, multiplied by the number of years of his creditable service.

b. This allowance shall also be governed by the provisions of G.S. 135-5(b9)(1)b.

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy hundredths percent (1.70%) of his average final compensation, multiplied by the number of years of creditable service.

b. This allowance shall also be governed by the provisions of G.S. 135-5(b9)(2)b. c. and d."

(d) G.S. 135-5 is amended by adding a new subsection to read:

"(b14) Service Retirement Allowance of Members Retiring on or after July 1, 1993. — Upon retirement from service in accordance with subsection (a) above, on or after July 1, 1993, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy-one hundredths percent (1.71%) of his average final compensation, multiplied by the number of years of his creditable service.

b. If the member's service retirement date occurs after his 50th and before his 55th birthday with 15 or more years of creditable service as a law enforcement officer and prior to the completion of 30 years of creditable service, the allowance shall be computed as in G.S. 135-5(b14)(1)a., but shall be reduced by one-third of one percent (1/3 of 1%) thereof for each month by which the retirement date precedes the first day of the month coincident with or next following his 55th birthday.

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy-one hundredths percent (1.71%) of his average final compensation, multiplied by the number of years of creditable service.

b. If the member's service retirement date occurs after his 60th birthday and before his 65th birthday and prior to the completion of 25 years or more of creditable service, the retirement allowance shall be computed as in G.S. 135-5(b14)(2)a. but shall be reduced by one-quarter of one percent (1/4 of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 65th birthday.

c. If the member's service retirement date occurs before his 60th birthday and prior to the completion of 30 or more years of creditable service, the service retirement allowance shall be the actuarial equivalent of the allowance payable at the age of 60 years as computed in G.S. 135(b14)(2)b.

d. Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1963, shall receive not less than the benefit provided by G.S 135-5(b)."

(e) G.S 135-5 is amended by adding two new subsections to read:

"(vv) Increase in Allowance as to Persons on Retirement Rolls as of June 1, 1993. — From and after July 1, 1993, the retirement allowance to or on account of beneficiaries on the retirement rolls as of June 1, 1993, shall be increased by six-tenths of one percent (.6%) of the allowance payable on June 1, 1993. This allowance shall be calculated on the allowance payable and in effect on June 30, 1993, so as not to be compounded on any other increase granted by act of the 1993 General Assembly.

(ww) From and after July 1, 1993, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1992, shall be increased by one and six-tenths percent (1.6%) of the allowance payable on July 1, 1992, in accordance with G.S. 135-5(o). Furthermore, from and after July 1, 1993, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1992, but before June 30, 1993, shall be increased by a prorated amount of one and six-tenths percent (1.6%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1992, and June 30, 1993."

(f) G.S. 135-65 is amended by adding a new subsection to read:

"(n) From and after July 1, 1993, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1992, shall be increased by one and six-tenths percent (1.6%) of the allowance payable on July 1, 1992. Furthermore, from and after July 1, 1993, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1992, but before June 30, 1993, shall be increased by a prorated amount of one and six-tenths percent (1.6%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1992, and June 30, 1993."

(g) In order to fund the provisions of this Part, the Board of Trustees of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, and the Legislative Retirement System, with the advice of the consulting actuary, shall apply the unencumbered actuarial gains in the Systems by allocating the percentage of payroll contribution rates for employers between the normal and accrued liability contributions to the Retirement System.

Requested by: Senators Daniel, Plyler, Harris, Representatives Nesbitt, Diamont

PROVIDE THAT RETIRED MEMBERS IN RECEIPT OF A RETIREMENT ALLOWANCE FROM THE STATE-ADMINISTERED RETIREMENT SYSTEMS SHALL RECEIVE RETIREMENT BENEFITS EQUAL TO AN AMOUNT NOT LESS THAN THE ACCUMULATED CONTRIBUTIONS OF THE RETIREE AT RETIREMENT

Sec. 74.1. (a) G.S. 120-4.26 reads as rewritten:

"**§ 120-4.26. Benefit payment options.**

Any member may elect to receive his benefits in a retirement allowance payable throughout life, or he may elect to receive the actuarial equivalent of the retirement allowance in a reduced allowance payable throughout life under the provisions of one of the options set forth below. No election may be made after the first payment becomes due, or the first retirement check cashed, nor may an election be revoked or a nomination changed. The election of Option 2 or Option 3 or the nomination of the person thereunder shall be revoked if the person nominated dies prior to the date the first payment becomes normally due or until the first retirement check has been cashed. The

election may be revoked by the member prior to the date the first payment becomes normally due or until his first retirement check has been cashed. Provided, however, any member having elected Options 2 or 3 and nominated his or her spouse to receive a retirement allowance upon the member's death may, after divorce from his or her spouse, revoke the nomination and elect a new option, effective on the first day of the month in which the new option is elected, providing for a retirement allowance computed to be the actuarial equivalent to the retirement allowance in effect immediately prior to the effective date of the new option.

Option 1. For Members Retiring Prior to July 1, 1993. — If a member dies within 10 years from his retirement date, an amount equal to his accumulated contributions at retirement, less one-one hundred twentieth (1/120) for each month for which he has received a retirement allowance payment, shall be paid to his legal representative or to the person he nominates by written designation acknowledged and filed with the Board of Trustees;

Option 2. — Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to the person he nominates by written designation duly acknowledged and filed with the Board of Trustees at the time of his retirement. If the person selected is other than his spouse, the reduced retirement allowance payable to the member shall not be less than one half of the retirement allowance without optional modification which would otherwise be payable to him; or

Option 3. — Upon his death, one half of his reduced retirement allowance shall be continued throughout the life of and paid to the person he nominates by written designation duly acknowledged and filed with the Board of Trustees at the time of his retirement."

(b) Article 1A of Chapter 120 of the General Statutes is amended by adding a new section to read:

"**§ 120-4.26A. Benefits on death after retirement.**

In the event of the death of a retired member while in receipt of a retirement allowance under the provisions of this Article, there shall be paid to such person or persons as the retiree shall have nominated by written designation duly acknowledged and filed with the Board of Trustees, if such person or persons are living at the time of the retiree's death, otherwise to the retiree's legal representatives, a death benefit equal to the excess, if any, of the accumulated contributions of the retiree at the date of retirement over the total of the retirement allowances paid prior to the death of the retiree.

In the event that a retirement allowance becomes payable to the designated survivor of a retired member under the provisions of G.S. 120-4.26 and such retirement allowance to the survivor shall terminate upon the death of the survivor before the total of the retirement allowances paid to the retiree and the designated survivor combined equals the amount of the accumulated contributions of the retiree at the date of retirement, the excess, if any, of such accumulated contributions over the total of the retirement allowances paid to the retiree and the survivor combined shall be paid in a lump sum to such person or persons as the retiree shall have nominated by written designation duly acknowledged and filed with the Board of Trustees, if such person or persons are living at the time such payment falls due, otherwise to the retiree's legal representative."

(c) G.S. 128-27(g) reads as rewritten:

"(g) Election of Optional Allowance. — With the provision that until the first payment on account of any benefit becomes normally due, or his first retirement check has been cashed, any member may elect to receive his benefits in a retirement allowance payable throughout life, or he may elect to receive the actuarial equivalent of such retirement allowance in a reduced allowance payable throughout life under the provisions of one of the Options set forth below. The election of Option two or Option three or nomination of the person thereunder shall be revoked if such person nominated dies prior to the date the first payment becomes normally due or the first retirement check has been cashed. Such election may be revoked by the member prior to the date the first payment becomes normally due or his first retirement check has been cashed. Provided, however,

any member having elected Options two, three, ~~five,~~ or six and nominated his or her spouse to receive a retirement allowance upon the member's death may, after divorce from his or her spouse, revoke the nomination and elect a new option, effective on the first day of the month in which the new option is elected, providing for a retirement allowance computed to be the actuarial equivalent of the retirement allowance in effect immediately prior to the effective date of the new option.

Option one. (a) In the Case of a Member Who Retires prior to July 1, 1965. — If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees or, if none, to his legal representative.

(b) In the Case of a Member Who Retires on or after July 1, ~~1965,~~ 1965, but prior to July 1, 1993. — If he dies within 10 years from his retirement date, an amount equal to his accumulated contributions at retirement, less one one-hundred-twentieth thereof for each month for which he has received a retirement allowance payment, shall be paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees or, if none, to his legal representative; or

Option two. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees at the time of his retirement, provided that if the person selected is other than his spouse the reduced retirement allowance payable to the member shall not be less than one half of the retirement allowance without optional modification which would otherwise be payable to him; or

Option three. Upon his death, one half of his reduced retirement allowance shall be continued throughout the life of, and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees at the time of his retirement; or

Option four. Adjustment of Retirement Allowance for Social Security Benefits. — Until the first payment on account of any benefit becomes normally due, any member may elect to convert his benefit otherwise payable on his account after retirement into a retirement allowance of equivalent actuarial value of such amount that with his benefit under Table II of the Federal Social Security Act, he will receive, so far as possible, approximately the same amount per year before and after the earliest age at which he becomes eligible, upon application therefor, to receive a social security benefit. ~~A member who makes an election in accordance with this option shall be deemed to have made a further election of Option one above.~~

Option five. For Members Retiring prior to July 1, 1993. The member may ~~elect:~~ elect to ~~(1) To~~ receive a reduced retirement allowance under the conditions of Option two or Option three, as provided for above, with the modification that if both he and the person nominated die within 10 years from his retirement date, an amount equal to his accumulated contributions at retirement, less 1/120th thereof for each month for which a retirement allowance has been paid, shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of ~~Trustees;~~ Trustees. ~~or~~

~~(2) To receive a reduced retirement allowance during his life with provisions for some other benefit to be paid after his death in accordance with a plan submitted to and approved by the Board of Trustees.~~

Option six. A member may elect either Option two or Option three with the added provision that in the event the designated beneficiary predeceases the member, the retirement allowance payable to the member after the designated beneficiary's death shall be equal to the retirement allowance which would have been payable had the member not elected the option."

(d) G.S. 128-27 is amended by adding a new subsection to read:

"(g1) In the event of the death of a retired member while in receipt of a retirement allowance under the provisions of this Article, there shall be paid to such person or persons as the retiree shall have nominated by written designation duly acknowledged and filed with the Board of Trustees, if such person or persons are living at the time of the retiree's death, otherwise to the retiree's legal representatives, a death benefit equal to the excess, if any, of the accumulated contributions of the retiree at the date of retirement over the total of the retirement allowances paid prior to the death of the retiree.

In the event that a retirement allowance becomes payable to the designated survivor of a retired member under the provisions above and such retirement allowance to the survivor shall terminate upon the death of the survivor before the total of the retirement allowances paid to the retiree and the designated survivor combined equals the amount of the accumulated contributions of the retiree at the date of retirement, the excess, if any, of such accumulated contributions over the total of the retirement allowances paid to the retiree and the survivor combined shall be paid in a lump sum to such person or persons as the retiree shall have nominated by written designation duly acknowledged and filed with the Board of Trustees, if such person or persons are living at the time such payment falls due, otherwise to the retiree's legal representative."

(e) G.S. 135-5(g) reads as rewritten:

"(g) Election of Optional Allowance. — With the provision that until the first payment on account of any benefit becomes normally due, or his first retirement check has been cashed, any member may elect to receive his benefits in a retirement allowance payable throughout life, or he may elect to receive the actuarial equivalent of such retirement allowance in a reduced allowance payable throughout life under the provisions of one of the options set forth below. The election of Option 2 or Option 3 or nomination of the person thereunder shall be revoked if such person nominated dies prior to the date the first payment becomes normally due or until the first retirement check has been cashed. Such election may be revoked by the member prior to the date the first payment becomes normally due or until his first retirement check has been cashed. Provided, however, any member having elected Options 2, 3, 5, or 6 and nominated his or her spouse to receive a retirement allowance upon the member's death may, after divorce from his or her spouse, revoke the nomination and elect a new option, effective on the first day of the month in which the new option is elected, providing for a retirement allowance computed to be the actuarial equivalent of the retirement allowance in effect immediately prior to the effective date of the new option.

Option 1. (a) In the Case of a Member Who Retires prior to July 1, 1963. — If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees.

(b) In the Case of a Member Who Retires on or after July 1, ~~1963.~~ 1963, but prior to July 1, 1993. — If he dies within 10 years from his retirement date, an amount equal to his accumulated contributions at retirement, less 1/120 thereof for each month for which he has received a retirement allowance payment, shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees; or

Option 2. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees at the time of his retirement, provided that if the person selected is other than his spouse the reduced retirement

allowance payable to the member shall not be less than one half of the retirement allowance without optional modification which would otherwise be payable to him; or

Option 3. Upon his death, one half of his reduced retirement allowance shall be continued throughout the life of, and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Trustees at the time of his retirement; or

Option 4. Adjustment of Retirement Allowance for Social Security Benefits. — Until the first payment on account of any benefit becomes normally due, any member may elect to convert his benefit otherwise payable on his account after retirement into a retirement allowance of equivalent actuarial value of such amount that with his benefit under Title II of the Federal Social Security Act, he will receive, so far as possible, approximately the same amount per year before and after the earliest age at which he becomes eligible, upon application therefor, to receive a social security benefit. ~~A member who makes an election in accordance with this option shall be deemed to have made a further election of Option 1 above.~~

Option 5. For Members Retiring Prior to July 1, 1993. — The member may ~~elect:~~ elect to ~~(1) To~~ receive a reduced retirement allowance under the conditions of Option 2 or Option 3, as provided for above, with the modification that if both he and the person nominated die within 10 years from his retirement date, an amount equal to his accumulated contributions at retirement, less 1/120 thereof for each month for which a retirement allowance has been paid, shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of ~~Trustees;~~ Trustees. ~~or~~

~~(2) To receive a reduced retirement allowance during his life with provision for some other benefit to be paid after his death in accordance with a plan submitted to and approved by the Board of Trustees.~~

Option 6. A member may elect either Option 2 or Option 3 with the added provision that in the event the designated beneficiary predeceases the member, the retirement allowance payable to the member after the designated beneficiary's death shall be equal to the retirement allowance which would have been payable had the member not elected the option."

(f) G.S. 135-5 is amended by adding a new subsection to read:

"(g1) In the event of the death of a retired member while in receipt of a retirement allowance under the provisions of this Article, there shall be paid to such person or persons as the retiree shall have nominated by written designation duly acknowledged and filed with the Board of Trustees, if such person or persons are living at the time of the retiree's death, otherwise to the retiree's legal representatives, a death benefit equal to the excess, if any, of the accumulated contributions of the retiree at the date of retirement over the total of the retirement allowances paid prior to the death of the retiree.

In the event that a retirement allowance becomes payable to the designated survivor of a retired member under the provisions above and such retirement allowance to the survivor shall terminate upon the death of the survivor before the total of the retirement allowances paid to the retiree and the designated survivor combined equals the amount of the accumulated contributions of the retiree at the date of retirement, the excess, if any, of such accumulated contributions over the total of the retirement allowances paid to the retiree and the survivor combined shall be paid in a lump sum to such person or persons as the retiree shall have nominated by written designation duly acknowledged and filed with the Board of Trustees, if such person or persons are living at the time such payment falls due, otherwise to the retiree's legal representative."

(g) This section becomes effective July 1, 1993.

Requested by: Senators Odom, Daniel, Plyler,
Representatives Nesbitt, Diamont, Easterling, Black, McLaughlin

DEATH BENEFIT DATE CHANGE

Sec. 74.2. (a) Section 12 of Chapter 1108 of the 1987 Session Laws reads as rewritten:

"Sec. 12. Section 1 of this act is effective upon ratification. The remainder of this act ~~This act~~ shall become effective August 1, 1988."

(b) Funds to support any costs incurred as a result of the date change in subsection (a) of this section shall be made available from funds within the Teachers' and State Employees' Death Benefit Plan.

PART 15. COLLEGES AND UNIVERSITIES

Requested by: Senator Ward, Representatives Black, Rogers

UNC ACADEMIC PROVISIONS

Sec. 75. It is the intent of the General Assembly not to reduce the budgets of The University of North Carolina for the 1993-95 fiscal biennium in response to the thirty percent (30%) of costs of personnel exempt from the State Personnel Act who retired during the 1992-93 fiscal year and were working in the areas of teaching, libraries, and academic leadership.

Requested by: Senator Ward, Representatives Black, Rogers

INVENTORY

Sec. 76. The Board of Governors of The University of North Carolina shall direct the chancellors and appropriate management staff at the constituent institutions and other affiliated operations to review their management of expendable inventory and to establish the best management practices for inventory control, in keeping with the recommendations of the Government Performance Audit Committee. To the degree that savings can be achieved from better inventory management, the Board shall report these savings to the Joint Appropriations Committees of the General Assembly by April 15, 1994.

Requested by: Senator Ward, Representatives Black, Rogers

COMPUTER NETWORK MANAGEMENT

Sec. 77. The Board of Governors of The University of North Carolina shall review its planned improvements in the LINCNET network operated by The University of North Carolina, and, in conjunction with the Office of the State Controller and the Microelectronics Center of North Carolina, determine if the improvements and the ongoing operation of LINCNET can be accomplished more efficiently by combining LINCNET with other networks or by its integration into the proposed statewide broadband network. The Board shall report its findings to the General Assembly and to the Information Resources Management Commission by May 1, 1994.

Requested by: Senators Ward, Perdue,
Representatives Diamont, Black, Rogers, Barnes, Kuczmarski

WAKE FOREST AND DUKE MEDICAL SCHOOL ASSISTANCE/ FUNDING FORMULAE

Sec. 78. (a) Funds appropriated in this act to the Board of Governors of The University of North Carolina for continuation of financial assistance to the medical schools of Duke University and Wake Forest University shall be disbursed on certifications of the respective schools of medicine that show the number of North Carolina residents as first-year, second-year, third-year, and fourth-year students in the medical school as of November 1, 1993, and November 1, 1994. Disbursement to Wake Forest University shall be made in the amount of eight thousand dollars ($8,000) for each medical student who is a North Carolina resident, one thousand dollars ($1,000) of which shall be placed by the school in a fund to be used to provide financial aid to needy North Carolina students who are enrolled in the medical school. The maximum aid given to any student from this fund in a given year may not exceed the amount of the difference in tuition and academic fees charged by the school and those charged at the School of Medicine at the University of North Carolina at Chapel Hill.

Disbursement to Duke University shall be made in the amount of five thousand dollars ($5,000) for each medical student who is a North Carolina resident, five hundred dollars ($500.00) of which shall be placed by the school in a fund to be used to provide student financial aid to financially needy North Carolina students who are enrolled in the medical school. No individual student may be awarded assistance from this fund in excess of two thousand dollars ($2,000) each year. In addition to this basic disbursement for each year of the biennium, a disbursement of one thousand dollars ($1,000) shall be made for each medical student who is a North Carolina resident in the first-year, second-year, third-year, and fourth-year classes to the extent that enrollment of each of those classes exceeds 30 North Carolina students.

The Board of Governors shall establish the criteria for determining the eligibility for financial aid of needy North Carolina students who are enrolled in the medical schools and shall review the grants or awards to eligible students. The Board of Governors shall adopt rules for determining which students are residents of North Carolina for the purposes of these programs. The Board of Governors shall also make any regulations as necessary to ensure that these funds are used directly for instruction in the medical programs of the schools and not for religious or other nonpublic purposes. In recognition of North Carolina's need for primary care physicians, Bowman Gray School of Medicine and Duke University School of Medicine shall each prepare a plan with the goal of encouraging North Carolina residents to enter the primary care disciplines of general internal medicine, general pediatrics, family medicine, obstetrics/gynecology, and combined medicine/pediatrics and to strive to have at least fifty percent (50%) of North Carolina residents graduating from each school entering these disciplines. These schools of medicine shall present their plans to the Board of Governors of The University of North Carolina by April 15, 1994. The Board of Governors shall report to the Joint Legislative Education Oversight Committee by May 15, 1994, on the status of these efforts to strengthen primary health care in North Carolina.

(b) The Board of Governors of The University of North Carolina shall set goals for the Schools of Medicine at the University of North Carolina at Chapel Hill and the School of Medicine at East Carolina University for increasing the percentage of graduates who enter residencies and careers in primary care. A minimum goal should be at least fifty percent (50%) of graduates entering primary care disciplines. Each school shall submit a plan with strategies to reach these goals of increasing the number of graduates entering primary care disciplines to the Board by April 15, 1994. The Board of Governors shall report to the Joint Legislative Education Oversight Committee by May 15, 1994, on the status of these efforts to strengthen primary health care in North Carolina.

Primary care shall include the disciplines of family, medicine, general pediatric medicine, general internal medicine, internal medicine/pediatrics, and obstetrics/gynecology.

(c) The Board of Governors of The University of North Carolina shall further initiate whatever changes are necessary on admissions, advising, curriculum, and other policies for State-operated medical schools to ensure that larger proportions of medical students seek residencies in primary care disciplines. The Board shall work with the Area Health Education Centers and other entities, adopting whatever policies it considers necessary to ensure that residency programs have sufficient medical residency positions for medical school graduates in these primary care specialties.

(d) The progress of the private and public medical schools towards increasing the number and proportion of graduates entering primary care shall be monitored annually by the Board of Governors of The University of North Carolina. Monitoring data shall include (i) the entry of State-supported medical graduates into primary care residencies, and (ii) the specialty practices by a physician as of a date five years after graduation. The Board of Governors shall certify data on graduates, their residencies, and subsequent careers by October 1 of each calendar year, beginning in October of

1995, to the Fiscal Research Division of the Legislative Services Office and to the Joint Legislative Education Oversight Committee.

(e) The information provided in subsection (d) of this section shall be made available to the Appropriations Committees of the General Assembly for their use in future funding decisions on medical education.

Requested by: Senator Ward, Representatives Black, Rogers

AID TO PRIVATE COLLEGES/LEGISLATIVE TUITION GRANT LIMITATIONS

Sec. 79. (a) The amount of a tuition grant awarded to a student enrolled in a degree program at a site away from the main campus of the approved private institution, as defined in G.S. 116-22(1), shall be no more than the result of the ratio of the cost per credit hour for off-campus instruction at that site to the cost per credit hour for regular, full-time on-campus instruction, multiplied by the maximum grant award, or the maximum grant award allowable under this act, whichever is less.

(b) No Legislative Tuition Grant funds shall be expended for a program at an off-campus site of a private institution, as defined in G.S. 116-22(1), established after May 15, 1987, unless (i) the private institution offering the program has previously notified and secured agreement from other private institutions operating degree programs in the county in which the off-campus program is located or operating in the counties adjacent to that county or (ii) the degree program is neither available nor planned in the county with the off-campus site or in the counties adjacent to that county.

An "off-campus program" is any program offered for degree credit away from the institution's main permanent campus.

(c) Any member of the armed services as defined in G.S. 116-143.3(a), abiding in this State incident to active military duty, who does not qualify as a resident for tuition purposes as defined under G.S. 116-143.1, is eligible for a Legislative Tuition Grant pursuant to this section if the member is enrolled as a full-time student. The member's Legislative Tuition Grant shall not exceed the cost of tuition less any tuition assistance paid by the member's employer.

Requested by: Representatives Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

AID TO PRIVATE COLLEGES/PROCEDURE

Sec. 80. (a) Funds appropriated in this act to the Board of Governors of The University of North Carolina for aid to private colleges shall be disbursed in accordance with the provisions of G.S. 116-19, 116-21, and 116-22. These funds shall provide up to four hundred fifty dollars ($450.00) per full-time equivalent North Carolina undergraduate student enrolled at a private institution as of October 1 of each fiscal year.

These funds shall be placed in a separate, identifiable account in each eligible institution's budget or chart of accounts. All funds in this account shall be provided as scholarship funds for needy North Carolina students during the fiscal year. Each student awarded a scholarship from this account shall be notified of the source of the funds and of the amount of the award. Funds not utilized under G.S. 116-19 shall be made available for the tuition grant program as defined in subsection (b) of this section.

(b) In addition to any funds appropriated pursuant to G.S. 116-19, and in addition to all other financial assistance made available to private educational institutions located within the State, or to students attending these institutions, there is granted to each full-time North Carolina undergraduate student attending an approved institution as defined in G.S. 116-22, a sum not to exceed one thousand one hundred fifty dollars ($1,150) per academic year, which shall be distributed to the student as hereinafter provided.

The tuition grants provided for in this section shall be administered by the State Education Assistance Authority pursuant to rules adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority shall not approve any grant until it receives proper certification from an approved institution that the student applying for the grant is an eligible student. Upon

receipt of the certification, the State Education Assistance Authority shall remit, at such times as it shall prescribe, the grant to the approved institution on behalf and to the credit of the student.

In the event a student on whose behalf a grant has been paid is not enrolled and carrying a minimum academic load as of October 1 of the first academic term or on the tenth classroom day following the beginning of the second school term for which the grant was paid, the institution shall refund the full amount of the grant to the State Education Assistance Authority. Each approved institution shall be subject to examination by the State Auditor for the purpose of determining whether the institution has properly certified eligibility and enrollment of students and credited grants paid on the behalf of the students.

In the event there are not sufficient funds to provide each eligible student with a full grant:

(1) The Board of Governors of The University of North Carolina, with the approval of the Office of State Budget and Management, may transfer available funds to meet the needs of the programs provided by subsections (a) and (b) of this section; and

(2) Each eligible student shall receive a pro rata share of funds then available for the remainder of the academic year within the fiscal period covered by the current appropriation.

Any remaining funds shall revert to the General Fund.

(c) Expenditures made pursuant to this section shall be used only for secular educational purposes at nonprofit institutions of higher learning.

(d) G.S. 116-19 reads as rewritten:

"§ 116-19. Contracts with private institutions to aid North Carolina students.

In order to encourage and assist private institutions to continue to educate North Carolina students, ~~the Board of Governors of The University of North Carolina is hereby authorized to~~ the State Education Assistance Authority may enter into contracts with the institutions under the terms of which an institution receiving any funds that may be appropriated pursuant to this section would agree that, during any fiscal year in which such funds were received, the institution would provide and administer scholarship funds for needy North Carolina students in an amount at least equal to the amount paid to the institution, pursuant to this section, during the fiscal year. Under the terms of the contracts ~~the Board of Governors of The University of North Carolina~~ the State Education Assistance Authority would agree to pay to the institutions, subject to the availability of funds, a fixed sum of money for each North Carolina student enrolled at the institutions for the regular academic year, said sum to be determined by appropriations that might be made from time to time by the General Assembly pursuant to this section. Funds appropriated pursuant to this section shall be paid by the ~~Department of Administration~~ State Education Assistance Authority to an institution ~~upon recommendation of the Board of Governors of the University of North Carolina and~~ on certification of the institution showing the number of North Carolina students enrolled at the institution as of October 1 of any year for which funds may be appropriated."

(e) G.S. 116-21 reads as rewritten:

"§ 116-21. Contract forms; reports; audits; regulations.

~~The Board of Governors of the University of North Carolina is authorized to~~ The State Education Assistance Authority may prescribe the form of the contracts to be executed under G.S. 116-19 and 116-20, to require of the institutions such reports, statements and audits as the ~~Board~~ Authority may deem necessary or desirable in carrying out the purposes of G.S. 116-19 through 116-22 and to ~~make any rules or regulations~~ adopt rules that will, in the opinion of the ~~Board,~~ Authority, help to achieve the purposes of G.S. 116-19 through 116-22."

Requested by: Representatives Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

NORTH CAROLINA STATE UNIVERSITY/COMPETITIVE INDUSTRY

Sec. 81. There is appropriated from overhead receipts at North Carolina State University to the Board of Governors of The University of North Carolina for the 1993-94 fiscal year and for the 1994-95 fiscal year the sums of five hundred thousand dollars ($500,000) for the Furniture Manufacturing and Management Center and three hundred thousand dollars ($300,000) for technology enhancement in the pulp and paper manufacturing programs.

Requested by: Representatives Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue, Winner of Mecklenburg

NEW DEGREE PROGRAMS

Sec. 82. The Board of Governors of The University of North Carolina shall allocate at least one million four hundred thousand dollars ($1,400,000) for the 1993-94 fiscal year of its lump sum appropriations in this act to supplement funds available to the constituent institutions to implement the new degree programs proposed in the long-range plan that have received the Board's approval for implementation.

Requested by: Representatives Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

EAST CAROLINA UNIVERSITY MEDICAL SCHOOL/HOSPITAL TEACHING COSTS

Sec. 83. (a) In the event that the State Medicaid Plan amendment affecting Pitt County Memorial Hospital reimbursement at full cost due to its status as a primary affiliated teaching hospital of a State-operated medical school is not approved by the Health Care Financing Agency, funds in the amount of five million four hundred twenty thousand nine hundred ninety-four dollars ($5,420,994) for the 1993-94 fiscal year and five million eight hundred sixty-five thousand seven hundred thirteen dollars ($5,865,713) for the 1994-95 fiscal year, shall be transferred from the Division of Medical Assistance, Department of Human Resources, to the East Carolina University School of Medicine for hospital teaching costs. In addition, if the amendment is not approved, for the 1993-94 fiscal year, the amount of ten million six hundred two thousand six hundred ninety-seven dollars ($10,602,697) shall be appropriated from the Savings Reserve Fund to the East Carolina University School of Medicine for hospital teaching costs. If the amendment is not approved, the Governor shall notify the General Assembly of the amendment's failure and of the effecting of this section's appropriations, and the General Assembly shall address the need for additional funding for the East Carolina University School of Medicine Hospital Teaching Costs for the 1994-95 fiscal year in the 1993 General Assembly, Regular Session 1994.

(b) Should the State Medicaid Plan be changed in the future to alter the proposed amendment, it is the intent of the General Assembly to fund that portion of Pitt County Memorial Hospital residents' costs that are not related to the direct care of patients or not reimbursable from some other source.

Requested by: Senator Ward, Representatives Black, Rogers

ALLIED HEALTH PERSONNEL STUDY/AHEC

Sec. 84. The Director of the North Carolina Area Health Education Centers program, in conjunction with staff of General Administration of The University of North Carolina and the North Carolina Department of Community Colleges, shall make recommendations to the General Assembly, utilizing data that is currently available, on methods to increase the number of physical therapists, occupational therapists, speech and language pathologists, and other related allied health paraprofessional personnel graduating from the university and community college systems.

A report on these recommendations shall be presented to the Joint Legislative Education Oversight Committee by May 1, 1994.

Requested by: Representatives Barnes, Black, Rogers, Diamont, Senators Warren, Ward, Perdue

PRINCIPAL FELLOWS PROGRAM

Sec. 85. (a) Chapter 116 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 5C.

"North Carolina Principal Fellows Program.

"§ 116-74.41. North Carolina Principal Fellows Commission established; membership.

(a) There is established the North Carolina Principal Fellows Commission. The Commission shall exercise its powers and duties independently of the Board of Governors of The University of North Carolina. The Director of the Principal Fellows Program shall staff the Commission. The State Education Assistance Authority (SEAA) as created in G.S. 116-203 shall be responsible for implementing scholarship loan agreements, monitoring, cancelling through service, collecting and otherwise enforcing the agreements for the Principal Fellows Program scholarship loans established in accordance with G.S. 116-74.42.

(b) The Commission shall consist of 12 members appointed as follows:

(1) One member of the Board of Governors of The University of North Carolina appointed by the chair of that board, notwithstanding G.S. 116-7(b).

(2) One member of the State Board of Education appointed by the State Board chair.

(3) Two deans of schools of education appointed by the President of The University of North Carolina.

(4) One public school teacher appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate.

(5) One public school principal appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

(6) A local superintendent chosen by the State Superintendent of Public Instruction.

(7) One member to represent business and industry appointed by the Governor.

(8) One local school board member appointed by the chair of the State Board of Education.

(9) One parent of a public school child appointed by the State Superintendent of Public Instruction.

(10) The chairperson of the Board of the State Education Assistance Authority.

(11) The director of the Principal Fellows Program. The director shall chair the Commission.

(c) Initial appointments shall be made no later than September 15, 1993. Initial terms of those members appointed to fill the teacher, principal, parent, superintendent, and the local school board member seats shall expire July 1, 1995. Initial terms of those members appointed to fill the Board of Governors of The University of North Carolina, State Board of Education, deans of schools of education, and the member of business and industry seats shall expire July 1, 1997. Thereafter, all appointments for these seats shall be for four-year terms.

(d) Except as otherwise provided, if a vacancy occurs in the membership, the appointing authority shall appoint another person to serve for the balance of the unexpired term. In the discretion of the appointing authority, a State Board of Education member or a member of the Board of Governors of The University of North Carolina may complete a term on the Commission after the member's appointment from the appointing board has expired.

(e) Commission members shall receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5 or G.S. 138-6, as appropriate.

(f) The Commission shall meet regularly, at times and places deemed necessary by the chair.

"§ 116-74.42. Principal Fellows Program established; administration.

(a) A Principal Fellows Program shall be administered by the North Carolina Principal Fellows Commission in collaboration with the State Education Assistance Authority. The Principal Fellows Program shall provide up to a two-year scholarship loan to selected recipients and shall provide extracurricular enhancement activities for recipients. The North Carolina Principal Fellows Commission shall determine selection criteria, methods of selection, and shall select recipients to receive scholarship loans made under the Principal Fellows Program.

(b) The Board of Governors of The University of North Carolina shall appoint a director of the Principal Fellows Program. The director shall chair and staff the Principal Fellows Commission, and shall administer the extracurricular enhancement activities of the program. The Board of Governors shall provide office space and clerical support staff for the program.

(c) The Principal Fellows Program shall provide a two-year scholarship loan in the amount of twenty thousand dollars ($20,000) per year, per recipient, to persons who may be eligible to be selected as school administrators in the public schools of the State by completing a full-time program in school administration in an approved program. Approved programs are those chosen by the Commission from among school administrator programs within the State. No more than 200 principal fellow scholarship loan awards shall be made in each year. The final number of scholarship loan awards per year shall be made in accordance with the Board of Governors' findings concerning the supply and demand of administrators, the State's need for school administrator candidates and within funds appropriated for the scholarship loans. Effective September 1, 1995, and in accordance with school administrator training programs established by the Board of Governors of The University of North Carolina, recipients shall be required to complete an approved full-time academic program during the first year of the scholarship loan program and a full-time internship during the second year of the program. In order to attract fellows as interns, local school administrative units may use all or part of the funds allotted for an assistant principal salary for each intern accepted by the local school administrative unit; however, interns shall not serve as assistant principals.

(d) The Commission shall adopt stringent standards, which may include standardized test scores, undergraduate performance, job experience and performance, leadership and management abilities, and other standards deemed appropriate by the Commission, to ensure that only the best potential students receive scholarship loans under the Principal Fellows Program. The Commission shall consider the qualifications of all applicants fairly, regardless of gender or race, and shall consider the geographic diversity of the State. Scholarship loans under the Principal Fellows Program shall be awarded only to applicants who meet the standards set by the Commission, are domiciled in North Carolina, and who agree to work as school administrators in a North Carolina public school or at a school operated by the United States government in North Carolina upon completion of the two-year school administrator program supported by the loan.

(e) The Commission shall develop and administer the Principal Fellows Program in cooperation with school administrator programs at institutions approved by the Commission. The Commission shall develop criteria and a process for the approval of campus program sites. Extracurricular enhancement activities shall be coordinated with each fellow's campus program and shall focus on the leadership development of program fellows.

(f) The Commission may form regional review committees to assist it in identifying the best applicants for the program. The Commission and the review committees shall make an effort to identify and encourage women and minorities and others who may not otherwise consider a career in school administration to apply for the Principal Fellows Program.

(g) Upon the naming of recipients of the scholarship loans by the Principal Fellows Commission, the Commission shall transfer to the State Education Assistance Authority (SEAA) its decisions. The SEAA shall perform all of the administrative functions necessary to implement this Article, which functions shall include: rule making, dissemination of information, disbursement, receipt, liaison with participating educational institutions, determination of the acceptability of service repayment agreements, and all other functions necessary for the execution, payment, and enforcement of promissory notes required under this Article.

"§ 116-74.43. Terms of loans; receipt and disbursement of funds.

(a) All scholarship loans shall be evidenced by notes made payable to the State Education Assistance Authority that bear interest at the rate of ten percent (10%) per year beginning 90 days after completion of the school administrator program, or 90 days after termination of the scholarship loan, whichever is earlier. The scholarship loan may be terminated upon the recipient's withdrawal from school or by the recipient's failure to meet the standards set by the Commission.

(b) The State Education Assistance Authority shall forgive the loan if, within six years after graduation from a school administrator program, the recipient serves for four years as a school administrator at a North Carolina public school or at a school operated by the United States government in North Carolina. The SEAA shall also forgive the loan if it finds that it is impossible for the recipient to work for four years, within 10 years after completion of the two-year school administrator program supported by the scholarship loan at a North Carolina public school, or at a school operated by the United States government in North Carolina, because of the death or permanent disability of the recipient. If the recipient repays the scholarship loan by cash payments, all indebtedness shall be repaid within 10 years after completion of the two-year school administrator program supported by the scholarship loan.

(c) All funds appropriated to, or otherwise received by, the Principal Fellows Program for scholarships, all funds received as repayment of scholarship loans, and all interest earned on these funds, shall be placed in a university trust fund. This university trust fund may be used only for scholarship loans granted under the Principal Fellows Program and administrative costs associated with the recovery of funds advanced under the program."

(b) G.S. 135-40.2(a) reads as rewritten:

"(a) The following persons are eligible for coverage under the Plan, on a noncontributory basis, subject to the provisions of G.S. 135-40.3:

(1) All permanent full-time employees of an employing unit who meet the following conditions:
   a. Paid from general or special State funds, or
   b. Paid from non-State funds and in a group for which his or her employing unit has agreed to provide coverage.

   Employees of State agencies, departments, institutions, boards, and commissions not otherwise covered by the Plan who are employed in permanent job positions on a recurring basis and who work 30 or more hours per week for nine or more months per calendar year are covered by the provisions of this subdivision.

(1a) Permanent hourly employees as defined in G.S. 126-5(c4) who work at least one-half of the workdays of each pay period.

(2) Retired teachers, State employees, members of the General Assembly, and retired State law enforcement officers who retired under the Law Enforcement Officers' Retirement System prior to January 1, 1985.

(2a) Surviving spouses of:
   a. Deceased retired employees, provided the death of the former plan member occurred prior to October 1, 1986; and
   b. Deceased teachers, State employees, and members of the General Assembly who are receiving a survivor's alternate benefit under any

of the State-supported retirement programs, provided the death of the former plan member occurred prior to October 1, 1986.

(3) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 1020, s. 29(b), effective January 1, 1988.

(3a) Employees of the General Assembly, not otherwise covered by this section, as determined by the Legislative Services Commission, except for legislative interns and pages.

(4) Members of the General Assembly.

(5) Notwithstanding the provisions of subsection (e) of this section, employees on official leave of absence while completing a full-time program in school administration in an approved program as a Principal Fellow in accordance with Article 5C of Chapter 116 of the General Statutes."

(c) The Commission may grant up to 50 scholarship loans during the 1994-95 fiscal year to recipients enrolled in school administrator programs approved by the Commission.

(d) G.S. 120-123 is amended by adding a new subdivision to read:

"(59a) The North Carolina Principal Fellows Commission established by G.S. 116-74.41."

Requested by: Senator Perdue, Representatives Barnes, Diamont, Black, Rogers

SCHOOL LEADERSHIP ACADEMY

Sec. 86. (a) The Board of Governors of The University of North Carolina and the State Board of Education shall convene a Joint Committee to study how to establish a School Leadership Academy to serve the needs of all school administrators throughout the State. There shall be nine members of the Joint Committee. Members shall receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5, or G.S. 138-6, as appropriate. Appointments to the committee shall be made within 30 days of ratification of this act. Except as otherwise provided, if a vacancy occurs in the membership, the appointing authority shall appoint another person to serve for the balance of the unexpired term. At the discretion of the appointing authority, Joint Committee members may continue to serve on the Joint Committee after their appointment to the Board of Governors or the State Board of Education has expired. Appointments shall be made as follows:

(1) Three members of the Board of Governors appointed by the Chair of the Board of Governors; one of the three shall be designated cochair of the Joint Committee.

(2) Three members of the State Board of Education appointed by the Chair of the State Board of Education; one of the three shall be designated cochair of the Joint Committee.

(3) The Superintendent of Public Instruction, or a designee.

(4) One dean of a school of education appointed by the President of The University of North Carolina.

(5) The President of the North Carolina Association of Independent Colleges and Universities, or a designee.

(b) In its planning the Joint Committee shall consider:

(1) The recommendations of the report submitted to the 1993 General Assembly by the Educational Leadership Task Force.

(2) How to incorporate all or part of the Principal's Executive Program into the Educational Leadership Academy.

(3) A design for a governing board for the Educational Leadership Academy composed of persons who have demonstrated a commitment to improving educational leadership in the State including practicing school administrators and professors of schools of education.

(4) A charge to the governing board that ensures coordination between the Educational Leadership Academy and the initial preparation programs.

(5) How the State Board of Education shall ensure that all school administrators be required to complete at least five of their 15 continuing education units for continued practice in the profession in Educational Leadership Academy programs or in programs endorsed by the Educational Leadership Academy's governing board.

(6) How to ensure that coordinated and geographically dispersed professional development opportunities exist for school administrators.

(7) What facilities and staff are needed for the Academy; the Joint Committee shall recommend whether a building is needed, and, if so, whether there is an existing building that can be used to meet the needs of the Academy, or if a new building is needed.

(8) The cost of its recommendations which shall be included in its report to the Joint Legislative Education Oversight Committee.

(c) The General Administration of The University of North Carolina shall provide meeting rooms, telephone, office space, equipment, and supplies to the Joint Committee without charge.

(d) The General Administration of The University of North Carolina and the Department of Public Instruction shall provide staff to the Joint Committee.

(e) Upon the request of the cochairs of the Joint Committee, all State departments and agencies, all local governments and their subdivisions, and all institutions approved to train public school administrators shall furnish the Committee with any nonconfidential information in their possession or available to them.

(f) The Joint Committee shall report on its findings and the recommendations concerning the establishment of the School Leadership Academy to the Joint Legislative Education Oversight Committee no later than March 1, 1994. The Joint Committee shall terminate on that date.

(g) Of the funds appropriated to the Board of Governors for the 1993-94 fiscal year, up to the sum of fifteen thousand dollars ($15,000) shall be used to conduct the work of the Joint Committee. Of the funds appropriated to the Department of Public Education for aid to local school administrative units for the 1993-94 fiscal year, up to the sum of fifteen thousand dollars ($15,000) shall be used to conduct the work of the Joint Committee.

Requested by: Representative Nesbitt, Senator Daniel

ECU MEDICAL SCHOOL RECEIPTS

Sec. 87. (a) The East Carolina University School of Medicine shall request, on a regular basis consistent with the State's cash management plan, funds earned by the School from Medicare reimbursements for education costs. Upon receipt, these funds shall be allocated as follows:

(1) The portion of the Medicare reimbursement generated through the effort and expense of the School of Medicine's Medical Faculty Practice Plan shall be transferred to the appropriate Medical Faculty Practice Plan account within the School of Medicine. The Medical Faculty Practice Plan shall assume responsibility for any of these funds that subsequently must be refunded due to final audit settlements.

(2) The funds from this source budgeted by the General Assembly as part of the School of Medicine's General Fund budget code shall be credited to that code as a receipt.

(3) The remainder of the funds shall be transferred to a special fund account on deposit with the State Treasurer. This special fund account shall be used for any necessary repayment of Medicare funds due to final audit settlements for funds allocated under subdivision (2) of this subsection. When the amount of these reimbursement funds has been finalized by audit for each year, those funds remaining in the special fund shall be available for appropriation by the General Assembly. The General Assembly shall consider the capital improvement needs of the East Carolina University School of Medicine before appropriating money from this fund.

Funds in this special fund account as of July 1, 1993, shall be subject to this subsection.

(b) Receipts from the lease of the Magnetic Resonance Imaging building and equipment may be retained by the East Carolina School of Medicine in an institutional trust fund account for maintenance of the facility and for improvements in the facility. The receipts, fund balances, and allocations shall be indicated annually on reports to the Office of State Budget and Management, UNC General Administration, and the Fiscal Research Division of the General Assembly.

(c) All revenue for the treatment of patients in the Radiation Therapy Facility shall accrue to the East Carolina University School of Medicine Medical Faculty Practice Plan accounts. The Medical Faculty Practice Plan shall reimburse the General Fund budget code quarterly for operating costs of the facility paid by the General Fund. The reimbursement amount shall be limited to that portion of receipts actually collected for the facility charges portion of billings.

(d) This section shall remain in effect until changed or repealed by the General Assembly.

Requested by: Representatives Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

UNC GRADUATION RATES/UNDERGRADUATE EDUCATION

Sec. 89. (a) In order to monitor institutional progress in meeting the expectation of Item 1 of the "Plan to Improve Graduation Rates in The University of North Carolina" that full-time undergraduates will take an average of 15 semester hours per term, the Board of Governors shall require constituent institutions to set a goal of increasing to 15 the average number of credit hours per term taken by full-time undergraduates. This goal shall be met systemwide and by each constituent institution no later than December of 1997. The Board shall instruct all institutions to report on their progress in meeting their goals in their annual assessment reports. The Board shall require those institutions failing to make timely progress to submit special reports identifying additional steps to be taken. The Board shall report annually by April 1 to the Joint Legislative Education Oversight Committee on the progress of each constituent institution in meeting these goals.

(b) The Board of Governors of The University of North Carolina shall ensure that procedures are established that are necessary to impose a twenty-five percent (25%) tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program. The calculation of these credit hours taken at a constituent institution or accepted for transfer shall exclude hours earned through the College Board's Advanced Placement or CLEP examinations, through institutional advanced placement or course validation, or through summer term or extension programs. The Board shall report to the Joint Legislative Education Oversight Committee by April 1, 1994, on its recommendations for implementing this surcharge.

(c) The Board of Governors of The University of North Carolina shall allocate two hundred fifty thousand dollars ($250,000) from overhead receipts each year of the biennium for establishing faculty awards for excellent teaching, with special emphasis on those campuses that do not currently have such a recognition system.

(d) Any funds allocated by the Board of Governors from the Reserve for University Operations in this act to the Distinguished Professors Endowment Trust Fund shall be used only for the establishment of endowed chairs that recognize excellence in undergraduate teaching as the primary criterion for selection.

(e) None of the funds appropriated for increases in enrollment at the constituent institutions of The University of North Carolina shall be used to increase the overall time available for teaching faculty to perform research or service activities. The Board of Governors shall prepare a report for the Joint Legislative Education Oversight Committee on the impact of these enrollment increase funds on faculty teaching workloads at each

institution. This report shall be presented to the Joint Legislative Education Oversight Committee by May 1, 1994.

(f) The State Education Assistance Authority shall gather sufficient data from the private institutions of higher education whose students receive Legislative Tuition Grants to determine the number of cumulative academic terms for which students receive the Legislative Tuition Grants and to determine each private institution's requirements for satisfactory academic progress towards a degree.

Requested by: Representatives James, Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

UNC AGRICULTURAL PROGRAMS

Sec. 90. Of the funds appropriated to the Board of Governors of The University of North Carolina in this act for Agricultural Programs at North Carolina State University, the Board of Governors shall use at least five hundred thousand dollars ($500,000) for the 1993-94 fiscal year and the sum of five hundred thousand dollars ($500,000) for the 1994-95 fiscal year to fund additional staff and operating costs at the Tidewater Research Station, and these funds shall not be expended at any other location.

Requested by: Representatives Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

UNC LIBRARIES FUNDING

Sec. 91. Of the funds appropriated in this act to the Board of Governors of The University of North Carolina for Institutional Programs, the Board of Governors shall allocate at least eleven million eighty-four thousand dollars ($11,084,000) for the 1993-94 fiscal year and at least two million six hundred five thousand six hundred seventy-seven dollars ($2,605,677) for Lines 2 and 4 of the Schedule of Priorities, to enhance library networks and library operations.

Requested by: Representatives Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

UNC PUBLIC TELEVISION

Sec. 92. Of the funds appropriated in this act to the Board of Governors of The University of North Carolina for institutional programs, the Board of Governors shall allocate forty-three thousand four hundred seventy-two dollars ($43,472) for the 1993-94 fiscal year and the sum of forty-three thousand four hundred seventy-two dollars ($43,472) for the 1994-95 fiscal year, for the University of North Carolina Center for Public Television for the Sesame Street Pre-Educational Program.

Requested by: Representatives Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

UNC FUNDING LEVELS

Sec. 93. Of the funds appropriated in this act to the Board of Governors of The University of North Carolina for institutional programs, the Board of Governors shall allocate at least one million dollars ($1,000,000) for the 1993-94 fiscal year and at least one million dollars ($1,000,000) for the 1994-95 fiscal year to Line 11 of the Schedule of Priorities, to address the funding levels of various institutions.

Requested by: Representatives Cummings, Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

UNC HUNGER STUDY

Sec. 94. There is appropriated from overhead receipts of the University of North Carolina at Chapel Hill for the University of North Carolina at Chapel Hill, School of Public Health, the sum of fifty thousand dollars ($50,000) for the 1993-94 fiscal year to conduct a study of childhood hunger in North Carolina. The study shall:

(1) Examine the extent of hunger among children in the State and its counties;
(2) Examine the availability and use of publicly funded feeding programs; and
(3) Examine the association between hunger and child health.

The School of Public Health shall report its findings to the General Assembly on or before March 1, 1994.

Requested by: Representatives DeVane, Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

CHRISTMAS TREE PRODUCTION

Sec. 95. North Carolina State University, through the Cooperative Extension Service, shall provide from funds appropriated to North Carolina State University for the Cooperative Extension Service in this act for the 1993-95 fiscal biennium a full-time extension forestry specialist and related support services to assist growers with problems related to the culturing and production of Christmas trees. The position and support services provided by this section shall provide a level of assistance to growers at least comparable to the assistance available at the beginning of the 1992-93 fiscal year.

Requested by: Representatives Jenkins, Beall, Ramsey, Nesbitt, Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

AQUACULTURE FUNDS

Sec. 96. (a) Of the funds appropriated to the Board of Governors of The University of North Carolina in the Reserve for University Operations, the sum of one hundred thirty-six thousand dollars ($136,000) shall be allocated for the 1993-94 fiscal year and the sum of one hundred thirty-six thousand dollars ($136,000) shall be allocated for the 1994-95 fiscal year to support the Mountain Aquaculture Research Center at Western Carolina University.

(b) Of the funds appropriated to the Board of Governors of The University of North Carolina for the Cooperative Extension Service, the sum of sixty-four thousand dollars ($64,000) for each year of the 1993-95 fiscal biennium shall be used to support research and extension programs to benefit the cold-water aquaculture industry of the State by establishing a program to coordinate the production of trout with the timing, processing capacities, and flesh quality characteristics needed by trout processors in North Carolina, and to assist growers in obtaining commitments from processors for the purchase of the fish.

(c) The focus of the coordination efforts shall begin on trout farms in Graham County and surrounding areas. With assistance from the North Carolina Cooperative Extension Service, the project will survey trout producers to establish a current inventory of trout on the farms and to determine the production capacity of the farms. Based upon the ability of the processors to market the fish, the project will establish production schedules for trout producers which coincide with the scheduled purchases by processors.

(d) The North Carolina Cooperative Extension Service will establish demonstration projects at three facilities in Graham County for the purpose of demonstrating appropriate waste management and methods of reducing the costs of trout production. With trout producers' cooperation, these projects will focus upon production of additional plant and animal crops using waste materials from trout production and techniques for improving feed conversion efficiency, production forecasting, and farm record keeping.

(e) The North Carolina Cooperative Extension Service shall cooperate with the Mountain Area Aquaculture Research Center and Western Carolina University in carrying out this section.

Requested by: Representatives Baddour, Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

DIABETES PROGRAM FUNDS

Sec. 97. Of the funds appropriated to the Board of Governors of The University of North Carolina in the Reserve for University Institutional Programs in this act, the sum of two hundred twenty-five thousand dollars ($225,000) for the 1993-94 fiscal year and the sum of two hundred twenty-five thousand dollars ($225,000) for the 1994-95 fiscal year shall be used to establish and operate an interdisciplinary diabetes program at the School of Medicine at the University of North Carolina at Chapel Hill.

Requested by: Representatives Fussell, Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

NURSE ANESTHETIST TRAINING FUNDS

Sec. 98. Of the funds appropriated to the Board of Governors of The University of North Carolina in this act, the sum of fifty thousand dollars ($50,000) for the 1993-94 fiscal year and the sum of fifty thousand dollars ($50,000) for the 1994-95 fiscal year shall be used for the Area Health Education Center program to contract for training of certified, registered nurse anesthetists.

Requested by: Representatives Smith, Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

SEAFOOD LABORATORY FUNDS

Sec. 99. Of the funds appropriated to the Board of Governors of The University of North Carolina in this act for Agricultural Programs, the sum of one hundred twenty-five thousand dollars ($125,000) for the 1993-94 fiscal year and the sum of one hundred twenty-five thousand dollars ($125,000) for the 1994-95 fiscal year shall be allocated to North Carolina State University, College of Agriculture and Life Science, for the Seafood Laboratory Program located in Morehead City, to provide extension education and an applied research program for the North Carolina seafood industry.

Requested by: Representatives Alphin, Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

LEARNING LINK

Sec. 100. Of the funds appropriated to the Board of Governors of The University of North Carolina for University Operations, the sum of one hundred thousand dollars ($100,000) for the 1993-94 fiscal year and the sum of one hundred thousand dollars ($100,000) for the 1994-95 fiscal year shall be allocated to the University of North Carolina Center for Public Television to provide public schools in the State access to LEARNING LINK, a computer-based interactive communications system.

Requested by: Representatives Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

NORTH CAROLINA CENTRAL UNIVERSITY SCHOOL OF LAW

Sec. 101. In its allocations from the Reserve for University Operations for its Schedule of Priorities, the Board of Governors of The University of North Carolina shall allocate at least eight hundred thousand dollars ($800,000) for the 1993-94 fiscal year and at least eight hundred thousand dollars ($800,000) for the 1994-95 fiscal year for enhancement of the School of Law at North Carolina Central University, to address the accreditation concerns of the American Bar Association, as addressed by the budget requests of the campus. The total allocations shall include at least three hundred thousand dollars ($300,000) each fiscal year for operating enhancement of the School of Law library and sufficient funds to link North Carolina Central University fully with the Triangle Research Libraries Network and the statewide network.

Requested by: Senators Ward, Perdue, Daniel, Plyler, Representatives Black, Rogers, Barnes, Kuczmarski, Nesbitt, Diamont

UNC FACULTY SALARIES

Sec. 101.1. Of the funds appropriated to the Board of Governors of The University of North Carolina for University Institutional Programs, the sum of seven million one hundred thousand dollars ($7,100,000) for the 1993-94 fiscal year and the sum of seven million one hundred thousand dollars ($7,100,000) for the 1994-95 fiscal year shall be allocated by the Board of Governors for the enhancement of teaching faculty salaries as the Board of Governors considers appropriate.

Requested by: Senators Daniel, Plyler, Ward, Perdue, Representatives Black, Rogers, Barnes, Kuczmarski

UNC EDUCATIONAL CONSORTIA

Sec. 101.2. Of the funds appropriated to the Board of Governors of The University of North Carolina in this act, the sum of six hundred thousand dollars

($600,000) in each year of the 1993-95 fiscal biennium shall be allocated by the Board to establish four new cooperative educational consortia at Appalachian State University, East Carolina University, North Carolina Central University, and the University of North Carolina at Charlotte.

These consortia shall link elementary and secondary education, higher education, and leadership in the business sector to:

(1) Improve education practices and enhance economic development;
(2) Focus research capabilities on educational issues and economic problems;
(3) Provide momentum for restructuring of public education to meet the requirements of the modern era;
(4) Seek grants and other funds for model projects on promising educational practices;
(5) Provide training, educational, and leadership development opportunities; and
(6) Provide other initiatives leading to improvements in education and economic development.

Requested by: Senators Ward, Perdue, Daniel, Plyler,
Representatives Black, Rogers, Barnes, Kuczmarski, Nesbitt, Diamont

RURAL/PRIMARY CARE INITIATIVES

Sec. 101.3. Of the funds appropriated to the Board of Governors of The University of North Carolina, the sum of two million one hundred thousand dollars ($2,100,000) for the 1993-94 fiscal year and the sum of two million one hundred thousand dollars ($2,100,000) for the 1994-95 fiscal year shall be used, according to Area Health Education Center Program plans, to expand programs for training primary care medical students, residents, and other health professionals in community settings. These settings include private practices, health departments, and community health services. These funds may be used to develop new programs and to expand existing programs to assure well-supervised outreach training sites.

Requested by: Senators Ward, Perdue, Plexico, Plyler, Daniel,
Representatives Black, Rogers, Barnes, Kuczmarski

CYTOTECHNOLOGY SCHOLARSHIPS

Sec. 101.4. Students in programs leading to employment in the field of cytotechnology are eligible to apply for scholarship loans under the Health, Science, and Mathematics Student Loan Program administered by the State Education Assistance Authority.

Requested by: Senators Hoyle, Perdue, Ward,
Representatives Black, Rogers, Barnes, Kuczmarski

UNIVERSITY OF NORTH CAROLINA EDUCATION STUDY/FUNDS

Sec. 101.5. (a) There is established the Legislative Study Commission on the Status of Education at The University of North Carolina. The Commission shall be composed of 12 members, six Senators appointed by the President *Pro Tempore* of the Senate, and six Representatives appointed by the Speaker of the House of Representatives. All members shall be appointed within 30 days following adjournment of the 1993 Regular Session of the 1993 General Assembly.

(b) The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each designate one appointee as cochair. These cochairs shall jointly call the first meeting and shall preside at alternate meetings.

(c) The Commission shall study the following areas:

(1) Undergraduate education at The University of North Carolina, including:
a. Rewards and incentives for quality undergraduate teaching;
b. Assessment and evaluation of faculty teaching, and the role of this assessment in the rewards system, including salary increases and the granting of tenure;

c. Academic support systems for undergraduates, including underprepared students;
d. The consistent establishment of minimum standards for college-level coursework and the success rates of students in remedial or developmental programs;
e. Accessibility of higher education to qualified residents of the State; and
f. Student contact with tenured faculty and the use of teaching assistants;

(2) University funding issues, including:
a. Equity of funding among the constituent institutions, considering the differences in institutional missions and academic programs;
b. The effect of budget flexibility on the ability of each campus to carry out its mission in an effective manner;
c. The impact of allowing campuses to retain a greater proportion of indirect costs reimbursement from research grants (overhead receipts);
d. Total funding sources available for each constituent institution and each affiliated entity, including institutional trust funds, research grants, gifts, grants, and donations, expenditures for the benefit of the campus by private groups or foundations, and other sources of revenue;
e. The projected impact of changing the State funding for a full-time equivalent student from 12 semester hours to 15 semester hours for undergraduate students;
f. Changes in faculty teaching loads and student course loads over the past 10 years; and
g. Affordablility of higher education, including existing financial aid programs, alternative methods of providing student financial aid, and various plans for saving for college education; and

(3) University education quality issues, including:
a. The impact and effect of research on the teaching mission of The University of North Carolina;
b. Quality and current levels of services of all the libraries in The University of North Carolina;
c. Faculty salaries and other compensation relative to similar and peer public institutions in other states; and
d. The relative quality of all 16 campuses compared to peer institutions and to changes in quality of each of the 16 campuses over time.

(d) Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

(e) The Commission cochairs may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02, may purchase or contract for the materials and services it needs, and may contract with an individual who has an excellent national reputation in the area of evaluating the quality of public higher education to facilitate its work.

The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist in the work of the Commission. The Supervisors of Clerks of the House of Representatives and of the Senate, upon the direction of the Legislative Services Commission, shall assign clerical staff to the Commission. The expenses related to the clerical employees shall be borne by the Commission.

(f) The Commission, with the approval of the Legislative Services Commission, may meet in the Legislative Building or the Legislative Office Building.

(g) The Commission shall make an interim report to the Joint Legislative Education Oversight Committee no later than April 15, 1994, and shall make a final report to the Joint Legislative Education Oversight Committee no later than February 15, 1995, at which time the Commission shall terminate.

(h) Upon the request of the Commission, all State departments and agencies, all local governments and their subdivisions, and all institutions and departments under the jurisdiction of the Board of Governors of The University of North Carolina shall furnish the Commission with any information in their possession or available to them.

(i) Of the funds appropriated in this act to the General Assembly for the 1993-94 fiscal year, the sum of one hundred thousand dollars ($100,000) shall be available to fund the work of the Legislative Study Commission on the Status of Education at The University of North Carolina.

PART 16. COMMUNITY COLLEGES

Requested by: Senator Ward, Representatives Black, Rogers

COURSE REPETITION POLICY

Sec. 102. (a) No full-time equivalent students (FTE) shall be generated for occupational extension students after the first repetition of an occupational extension class. Except as provided in subsection (b) of this section, if students take an occupational extension class more than twice, they shall pay the full amount of the per student cost for the class and the community college shall earn no budget FTE for these students.

(b) Community colleges may permit a student to repeat a course more than once if that student demonstrates that the course repetition is required by standards governing the certificate or licensing program in which the student is enrolled. Colleges permitting this course repetition shall earn budget FTE for the student and shall report on a regular basis to the State Board on the students they have permitted this course repetition and on the certification or licensure requirements that necessitated it.

(c) The State Board of Community Colleges shall conduct a review of all occupational extension courses, including their content, length, definition, and common course title. It shall ensure that these courses are classified appropriately as occupational extension and are not actually community services courses.

Requested by: Senator Ward, Representatives Black, Rogers

AUDIT POLICIES

Sec. 103. (a) The State Board of Community Colleges shall require that the program auditors shall use a minimum twenty-five percent (25%) sample size in their audits of community colleges.

(b) The State Board of Community Colleges shall require colleges to repay funds for all programs, not just full-time equivalent (FTE) student-producing programs, that are not in compliance with rules adopted by the State Board or by State or federal law.

(c) If a community college is in violation of a State or federal law or of a State Board rule, the program auditors shall cite the college for an audit exception and not a concern. The State Board shall clarify its rules in order to improve colleges' compliance with this section.

(d) The State Board shall assess a twenty-five percent (25%) fiscal penalty in addition to the audit exception on all audits of both dollars and student membership hours excepted.

(e) Community colleges with FTE audit exceptions shall not benefit from the two-year averaging provision for the FTE audit exception.

Requested by: Senator Ward, Representatives Black, Rogers

COMMUNITY COLLEGE IN-PLANT TRAINING

Sec. 104. (a) The State Board of Community Colleges shall operate in-plant training programs in accordance with the rules adopted by the State Board on April 8, 1993, except that the State Board may increase the administrative overhead percentage from fifteen percent (15%) to twenty-five percent (25%).

(b) The State Board of Community Colleges shall not approve funding for any in-plant training programs authorized by G.S. 115D-5(d) without first making a written finding that the public's interest in the program predominates over the private interests of the company. The State Board shall adopt rules for determining when private interests predominate over the public's interest.

Requested by: Senator Ward, Representatives Black, Rogers

PRISON EDUCATION

Sec. 105. (a) Correction education programs shall report full-time equivalent (FTE) student hours on the basis of contact hours rather than student membership hours.

(b) The State Board of Community Colleges shall develop a plan for the delivery of appropriate education in correctional facilities. This plan shall address the length and type of course, taking into consideration the mobility of the prison population. The State Board shall report its plan to the General Assembly by May 1, 1994.

Requested by: Senator Ward, Representatives Black, Rogers

HUSKINS PROGRAM

Sec. 106. (a) The State Board of Community Colleges shall ensure that all courses offered to high school students under Huskins Bill programs are limited to college level courses that are not available or could not be offered by the local high schools.

(b) The State Board of Community Colleges shall use funds from its State Board Reserve to study all courses offered through each community college's Huskins Bill programs. This study shall compare the courses offered by the high schools in the area of advance placement and vocational and technical programs. It shall also indicate how each high school with Huskins Bill courses spends its State and federal vocational education funds, including which courses were offered with these funds for the 1991-92 and 1992-93 fiscal years. The State Board shall assess the extent to which Huskins Bill programs are duplicating or supplanting the course offerings of high schools. In addition, the study shall review each Huskins Bill course to ensure that it is college level work.

(c) The local education agencies (LEAs) and the State Board of Education shall cooperate by providing the information necessary to complete this study.

(d) The State Board of Community Colleges shall report the findings of this study to the General Assembly by May 1, 1994.

Requested by: Senator Ward, Representatives Black, Rogers

COMMUNITY COLLEGE SHELTERED WORKSHOPS/ADAP FUNDS TRANSFER

Sec. 107. In order to achieve administrative efficiencies, it is the intent of the General Assembly to provide funds for sheltered workshops through the Department of Human Resources' Adult Developmental Activity Program (ADAP). Of the funds appropriated to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Human Resources, in this act, the sum of one million fifty-nine thousand two dollars ($1,059,002) for each year of the 1993-95 biennium shall be used for providing funds to the sheltered workshops/ADAPs that received funds or services from local community colleges during the 1992-93 Budget FTE Year. The Department of Human Resources shall not use any of these funds for administration. No State funds shall be used by community colleges to provide training in sheltered workshops, except for compensatory education and literacy programs.

Requested by: Senator Ward, Representatives Black, Rogers

REMEDIATION MEASURES

Sec. 108. (a) The State Board of Community Colleges shall study the different tests used by colleges to place students in developmental courses. This study shall determine appropriate tests and proficiency levels to be used in selecting and placing students in developmental courses.

(b) The State Board shall report its findings to the General Assembly by May 1, 1994.

Requested by: Senator Ward, Representatives Black, Rogers

COMMUNITY COLLEGE ACCOUNTABILITY MEASURES

Sec. 109. (a) The State Board of Community Colleges shall establish standards for levels of institutional performance on those critical success factors that can be appropriately measured to indicate how individual colleges are performing in meeting the goals of the North Carolina Community College System. Each community college shall report its performance on these measures to the State Board. Colleges that fail to attain any of the the standards in any year shall report to the State Board the reasons why performance fell below standards and the steps being taken to meet the standards.

(b) The State Board of Community Colleges shall study models for measuring institutional effectiveness, such as the Desktop Audit used by Coastal Carolina Community College, and shall direct community colleges to utilize similar models in providing accountability information to the State Board for the General Assembly. Colleges shall provide information on graduate placement rates and employer, graduate, and early leavers satisfaction with college programs to the State Board. In addition, the State Board shall direct colleges to follow up on early leavers from their programs to determine, to the extent possible, the reasons for their withdrawal from college programs.

(c) The State Board of Community Colleges shall report on its implementation of subsections (a) and (b) of this section to the General Assembly by May 1, 1994.

Requested by: Senator Ward, Representatives Black, Rogers

MAINTENANCE OF PLANT

Sec. 110. Article 3 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"§ 115D-31.2. Maintenance of plant.

Notwithstanding any provisions of law to the contrary, any community college that has an out-of-county student head count served on the main campus of the college in excess of fifty percent (50%) of the total student head count as defined by the State Board of Community Colleges, shall be provided funds for the purpose of 'operations of plant'. These funds shall not exceed eighty-five percent (85%) of the funds allocated to these colleges during the 1990-91 fiscal year for this purpose."

Requested by: Senator Ward, Representatives Black, Rogers

OPERATING APPROPRIATIONS/NOT USED FOR RECREATION EXTENSION

Sec. 111. Chapter 115D-5 is amended by adding a new subsection to read:

"(g) Funds appropriated to the Department of Community Colleges as operating expenses for allocation to the institutions comprising the North Carolina Community College System shall not be used to support recreation extension courses. The financing of these courses by any institution shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students (FTE) for use in budget-funding formulas at the State level."

Requested by: Senator Ward, Representatives Black, Rogers

FULL-TIME EQUIVALENT TEACHING POSITIONS/COMMUNITY COLLEGES

Sec. 112. For the purpose of determining the community college system-wide number of full-time equivalent (FTE) student enrollment each year, the total curriculum full-time equivalent student enrollment shall be divided by the appropriate number for each year of the 1993-95 fiscal biennium pursuant to funds appropriated in this act for this purpose. The occupational extension full-time equivalent student enrollment shall be divided by 23 for the 1993-95 fiscal biennium.

Requested by: Senator Ward, Representatives Black, Rogers
BOOKS AND EQUIPMENT APPROPRIATIONS/REVERT AFTER ONE YEAR

Sec. 113. Appropriations to the Department of Community Colleges for equipment and library books are made for each year of the fiscal biennium. All unencumbered appropriations shall revert to the General Fund 12 months after the close of each fiscal year for which they were appropriated. Encumbered balances outstanding at the end of each period shall be handled in accordance with existing State budget policies. The Department shall be able to identify to the Office of State Budget and Management which appropriations will revert at the end of the 12 months after the close of each fiscal year.

Requested by: Senators Ward, Conder, Representatives Black, Rogers
"TECH PREP" IMPLEMENTATION

Sec. 114. Of the funds available to State-aid to local school administrative units for vocational education, fifty thousand dollars ($50,000) for the 1993-94 fiscal year and fifty thousand dollars ($50,000) for the 1994-95 fiscal year, shall be allocated to the North Carolina Tech Prep Leadership Development Center at Richmond Community College for assistance to local education agencies and community colleges in planning and implementing "Tech Prep" across the State. The Department of Community Colleges shall allocate fifty thousand dollars ($50,000) each fiscal year from funds available to it for the 1993-94 fiscal year and for the 1994-95 fiscal year for the North Carolina "Tech Prep" Leadership Development Center at Richmond Community College.

Requested by: Representatives Nesbitt, Black, Rogers, Senator Ward
COMMUNITY COLLEGE FACULTY SALARIES

Sec. 115. (a) The General Assembly appropriated thirty-two thousand seven hundred ninety-six dollars ($32,796) as the unit value for community college curriculum faculty during the 1992-93 fiscal year. The Southern Regional Education Board states' average salary for full-time community college faculty was thirty-two thousand fifteen dollars ($32,015) in the 1991-92 fiscal year. While the average community college curriculum faculty salary for the Community College System was thirty-three thousand thirty-five dollars ($33,035) for the 1992-93 fiscal year, there were 34 colleges in the System that paid less than the unit value. Beginning with the 1993-94 fiscal year, each community college shall pay its full-time curriculum faculty an average salary that is the amount appropriated by the General Assembly for the curriculum unit value in the System's funding formula. For the 1993-94 fiscal year, the amount appropriated for the curriculum unit value is thirty-four thousand two hundred sixty-two dollars ($34,262).

(b) The State Board of Community Colleges may grant a community college an exemption from the requirement of subsection (a) of this section if it finds sound educational reasons for such an exemption. The State Board shall report each year by May 1 to the Joint Legislative Commission on Governmental Operations on any exemptions granted under this section, including the reasons for the exemptions.

Requested by: Representatives Black, Rogers, Bowman, Senator Ward
HOSIERY TECHNOLOGY CENTER FUNDS

Sec. 116. Of the funds appropriated to the Department of Community Colleges in this act for specialized technology centers, fifty thousand dollars ($50,000) for the 1993-94 fiscal year and fifty thousand dollars ($50,000) for the 1994-95 fiscal year shall be used to establish a Hosiery Technology program at the Center for Applied Textile Technology to provide technological services to hosiery manufacturers operating in North Carolina.

Requested by: Representatives Nesbitt, Diamont, Black, Rogers, Miller of Durham, Senators Ward, Perdue

GPAC/COMMUNITY COLLEGES

Sec. 117. COMMUNITY COLLEGE COST OF EDUCATION POLICY.

(a) The General Assembly finds that the tuition policy of the North Carolina Community College System needs to be reexamined in order to reflect better the constitutional mandate to provide higher education free of expense "as far as practicable" by reevaluating the relationship of tuition to the cost of education and by determining what costs must be made up of tuition charged in order to ensure that all eligible North Carolinians are indeed guaranteed a public higher education in the North Carolina Community College System at the lowest possible cost while maintaining a public community college system that is worthy of the support of all North Carolinians.

(b) The General Assembly finds that tuition and required fees charged for community colleges should be a limited amount of resident students' per capita student funding.

(c) The State Board of Community Colleges shall develop a tuition/fee policy consistent with law that limits tuition and required fees to a specific percentage of less than one-fifth of the per capita student funding for resident students attending community colleges.

(d) The State Board of Community Colleges shall present its plan for implementing the tuition adjustments pursuant to this section to the General Assembly by April 1, 1994.

(e) G.S. 115D-5(a) reads as rewritten:

"(a) The State Board of Community Colleges may adopt and execute such policies, regulations and standards concerning the establishment, administration, and operation of institutions as the State Board may deem necessary to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.

The State Board of Community Colleges shall establish standards and scales for salaries and allotments paid from funds administered by the State Board, and all employees of the institutions shall be exempt from the provisions of the State Personnel Act. The State Board shall have authority with respect to individual institutions: to approve sites, buildings, building plans, budgets; to approve the selection of the chief administrative officer; to establish and administer standards for professional personnel, curricula, admissions, and graduation; to regulate the awarding of degrees, diplomas, and certificates; to establish and regulate student tuition and fees ~~and financial accounting procedures.~~ within policies for tuition and fees established by the General Assembly; and to establish and regulate financial accounting procedures."

(f) This section becomes effective July 1, 1993.

Sec. 118. COMMUNITY COLLEGE SYSTEM FUNDING GOAL.

(a) It is the goal of the General Assembly to increase the per student funding for the North Carolina Community College System, as soon as fiscal conditions permit, to a level more comparable to national averages for similar institutions.

(b) This section becomes effective July 1, 1993.

Sec. 119. COMMUNITY COLLEGE STUDY.

(a) In addition to its other duties, the State Board of Community Colleges shall undertake a comprehensive review of the mission of the North Carolina Community College System in order to ensure that it is well-prepared to meet changing educational and economic needs as the State moves into the Twenty-first Century. The Monitoring Committee of the Commission on the Future of the North Carolina Community College System shall serve as an independent body to monitor and review the issues. The State Board and the Monitoring Committee, as part of the review under this act, shall:

(1) Thoroughly examine the mission and structure of the community college system based upon a regional review of program needs in order to facilitate the most efficient use of system resources. This examination shall include:

a. Defining enlarged service areas for community colleges based upon the needs of the respective service areas,
b. Evaluating the need to consolidate, eliminate, or modify the status of existing community colleges and multicampus and off-campus centers,
c. Assessing the distribution of physical facilities, programs, and resources in regions for the purpose of eliminating competition among the community colleges for students in overlapping service areas,
d. Identifying any unproductive, low-quality, unnecessary, or duplicative programs, and
e. Considering the impact of distance learning technologies on future programming.

(2) Assess the manner in which the community college system can most effectively meet the current and future needs of business and industry and the adult population of North Carolina.

(3) Develop a regional program structure to facilitate effective program planning, efficient use of resources, the implementation of statewide curriculum standards, and consolidated high-quality programs. The regional structure shall be the unit used for the purposes of comprehensive planning and budgeting in the community college system. The criteria used to determine the manner in which the community college system shall be restructured into newly defined regions may include, in addition to other appropriate criteria, the following:
a. Location of the nearest college, campus, or off-campus center;
b. New or anticipated population to be served;
c. Existing and proposed transportation corridors and facilities;
d. Programs proposed compared to the location of the nearest similar program;
e. Feasibility of delivering programs using technology;
f. Use and availability of facilities of local school systems;
g. Potential impact on enrollment of nearby institutions; and
h. Geographical redistribution of college transfer programs.

(4) Establish guidelines for multicampus colleges and off-campus centers that recognize the availability of technology and transportation, that locate any new facilities to minimize the impact on existing colleges, campuses, and centers, and that apply regional program-sharing principles. There shall be no new colleges, multicampus colleges, or off-campus centers established within the North Carolina Community College System until the State Board adopts these guidelines, at which time the moratorium shall be lifted.

(5) Develop a program-based funding system, including a full-time equivalency component and specific goal performance components, in order to encourage the community colleges to meet particular State needs or goals. The State Board of Community Colleges may propose an initial set of goals.

(6) Establish standards for the periodic review of community college programs including standards for the termination of programs.

(7) Develop an articulation policy that assures students taught at any institution under the jurisdiction of the State Board of Education, the State Board of Community Colleges, or the Board of Governors of The University of North Carolina may transfer credit to other institutions within these systems in order to eliminate the necessity of repetition of instruction in the same areas so that costs to the student and to the State are minimized.

(8) Design, within the community college system, Programs for Excellence, which shall be world-class model programs in each curriculum program area, to be implemented throughout the community college system at each of the institutions authorized to offer each program. These Programs shall include model curricula, establish curriculum standards, and update curricula in response to changes in technologies and market conditions.

(9) Study any additional issue the State Board of Community Colleges or the Monitoring Committee considers appropriate.

(b) The State Board of Community Colleges shall make interim reports to the Joint Legislative Education Oversight Committee no later than April 15, 1994, and no later than January 15, 1995. Thereafter, the State Board shall make annual reports to the Joint Legislative Education Oversight Committee by January 15 of each year until the Monitoring Committee terminates, at which time the State Board shall make a final report.

(c) This section shall remain in effect until terminated by the General Assembly.

Sec. 120. **COMMUNITY COLLEGE SCHOLARSHIPS.**

(a) The Department of Community Colleges shall develop a plan to establish a Community College System Challenge Grant Scholarship Fund. The plan shall be presented to the 1994 Regular Session of the 1993 General Assembly. The plan shall address initial funding (method and amounts) as well as matching contributions from non-State contributions.

(b) It is the goal of the General Assembly that the Challenge Grant Scholarship Fund be developed for the benefit of students with demonstrated financial need in the North Carolina Community College System.

(c) The State Board of Community Colleges shall administer the Challenge Grant Scholarship Fund as a means for augmenting rapidly the principal in the Fund so that the State Board will gain greater resources from which to award aid to a larger number of needy students.

(d) This section is effective upon ratification.

Requested by: Representatives Black, Rogers, Brawley, Senator Ward

PRORATION OF FTE REIMBURSEMENTS/MINIMUM CLASS SIZE STUDY

Sec. 124. (a) The State Board of Community Colleges shall develop a plan for the proration of FTE reimbursements between two community colleges when (i) both are operating a joint program or (ii) one is operating a program on the other's campus.

(b) This proration plan shall be based on the respective costs of each of the community colleges associated with the following:

(1) Recruitment of students;

(2) Provision of classroom space;

(3) Development of course materials;

(4) Administrative and support costs; and

(5) Instructional costs.

(c) The State Board of Community Colleges shall study the issue of establishing minimum class sizes for community college classes.

(d) The State Board of Community Colleges shall report on the proration plan developed pursuant to subsections (a) and (b) of this section and on the results of its minimum class size study pursuant to subsection (c) of this section to the 1993 General Assembly, Regular Session 1994, by May 1, 1994.

Requested by: Senator Ward, Representatives Black, Rogers

ASSISTANCE TO HOSPITAL NURSING/FUND DISTRIBUTION

Sec. 124.1. Funds appropriated in this act to the Department of Community Colleges to provide financial assistance to hospital programs of nursing education leading to diplomas in nursing that are fully accredited by the North Carolina Board of Nursing and operated under the authority of a public or nonprofit hospital licensed by the North Carolina Medical Care Commission shall be distributed, upon application for

financial assistance, for each full-time student duly enrolled in the program as of December 1, 1992, and on condition that accreditation is maintained. The amount per student shall not exceed eight hundred fifty dollars ($850.00). The State Board of Community Colleges shall adopt rules to ensure that this financial assistance is used directly for faculty and instructional needs of diploma nursing programs.

Requested by: Senators Plyler, Daniel, Ward, Representatives Black, Rogers

STUDENT CENSUS DATE

Sec. 124.2. (a) The census date for reporting student membership hours for curriculum and occupational extension classes shall be at the thirty percent (30%) point of the class.

(b) Subsection (a) of this section does not apply to courses offered on a contact-hour basis.

PART 17. PUBLIC SCHOOLS

Requested by: Senator Perdue, Ward,
Representatives Black, Rogers, Barnes, Kuczmarski

FRESHMAN PERFORMANCE REPORTS MADE AVAILABLE TO PARENTS OF HIGH SCHOOL STUDENTS

Sec. 125. G.S. 115C-12(18)c. reads as rewritten:

"c. The State Board of Education shall comply with the provisions of G.S. 116-11(10a) to plan and implement an exchange of information between the public schools and the institutions of higher education in the State. The State Board of Education shall require local boards of education to provide to the parents of children at a school all information except for confidential information received about that school from institutions of higher education pursuant to G.S. 116-11(10a) and to make that information available to the general public."

Requested by: Senator Ward, Perdue, Representatives Black, Rogers, Kuczmarski

CAREER DEVELOPMENT FUNDS 1994-95 REDUCTION

Sec. 126. The State Board of Education shall require the local school administrative units receiving career development funds to modify their differentiated pay plans for the 1994-95 fiscal year so that the cost of the differentiated pay plan equals (i) five percent (5%) of teacher and administrator salaries and of the employer's contributions for social security and retirement, for the prior fiscal year, and (ii) the amount of local funds available for differentiated pay.

It is the intent of the General Assembly that this reduction in appropriations not result in employees receiving less on a monthly basis in salary and State-funded bonuses during the 1994-95 fiscal year than they received on a monthly basis during the 1993-94 fiscal year so long as the employees qualify for bonuses under the local differentiated pay plan.

Requested by: Senator Ward, Perdue,
Representatives Black, Rogers, Barnes, Kuczmarski, Nesbitt, Diamont

TEACHER SALARY SCHEDULES

Sec. 127. (a) The Director of the Budget may transfer from the Reserve for Salary Increases for the 1993-94 fiscal year funds necessary to implement the teacher salary schedule set out in subsection (b) of this section, including funds for the employer's retirement and social security contributions and funds for annual longevity payments at one percent (1%) of base salary for 10 to 14 years of State service, one and one-half percent (1.5%) of base salary for 15 to 19 years of State service, two percent (2%) of base salary for 20 to 24 years of State service, and two and one-half percent (2.5%) of base salary for 25 years of State service, commencing July 1, 1993, for all teachers whose salaries are supported from the State's General Fund. These funds shall be allocated to individuals according to rules adopted by the State Board of Education

and the Superintendent of Public Instruction. The longevity payment shall be paid in a lump sum once a year.

(b)(1) Beginning July 1, 1993, the following monthly salary schedule shall apply to certified personnel of the public schools who are classified as "A" teachers. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

Years of Experience	1993-94 Salary
00	$2,002
01	2,042
02	2,083
03	2,125
04	2,168
05	2,211
06	2,255
07	2,300
08	2,346
09	2,393
10	2,441
11	2,490
12	2,540
13	2,591
14	2,643
15	2,696
16	2,750
17	2,805
18	2,861
19	2,918
20	2,976
21	3,036
22	3,097
23	3,159
24	3,222
25	3,286
26	3,352
27	3,419
28	3,487
29+	3,557

(2) Beginning July 1, 1993, the following monthly salary schedule shall apply to certified personnel of the public schools who are classified as "G" teachers. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

Years of Experience	1993-94 Salary
00	$2,127
01	2,170
02	2,213
03	2,257
04	2,302
05	2,348
06	2,395
07	2,443
08	2,492
09	2,542
10	2,593

11	2,645
12	2,698
13	2,752
14	2,807
15	2,863
16	2,920
17	2,978
18	3,038
19	3,099
20	3,161
21	3,224
22	3,288
23	3,354
24	3,421
25	3,489
26	3,559
27	3,630
28	3,703
29+	3,777

(3) Beginning July 1, 1993, certified public school teachers with certification based on academic preparation at the six-year degree level shall receive a salary supplement of one hundred twenty-six dollars ($126.00) per month in addition to the compensation provided for certified personnel of the public schools who are classified as "G" teachers. This is in lieu of the separate salary schedule adopted by the General Assembly for these employees in Section 72 of Chapter 900 of the 1991 Session Laws.

(4) Beginning July 1, 1993, certified public school teachers with certification based on academic preparation at the doctoral degree level shall receive a salary supplement of two hundred fifty-three dollars ($253.00) per month in addition to the compensation provided for certified personnel of the public schools who are classified as "G" teachers. This is in lieu of the separate salary schedule adopted by the General Assembly for these employees in Section 72 of Chapter 900 of the 1991 Session Laws.

(c) The salary schedules set out in this section shall apply to all public school teachers within the State and no teacher in any local school administrative unit shall be entitled to a State salary or a State salary and bonus, except as provided in a local differentiated pay plan, in excess of the amount set out in this section.

(d) The first step of the salary schedule for school psychologists shall be equivalent to Step 5, corresponding to five years of experience, on the salary schedule established in this section for certified personnel of the public schools who are classified as "G" teachers. Certified psychologists shall be placed on the salary schedule at an appropriate step based on their years of experience. Certified psychologists shall receive longevity payments based on years of State service in the same manner as teachers.

Requested by: Senator Ward, Representatives Black, Rogers, Barnes, Kuczmarski

OFFICE OF TEACHER RECRUITMENT STATUTES REPEALED

Sec. 128. Part 1 of Article 24C of Chapter 115C of the General Statutes is repealed.

Requested by: Senator Ward, Representatives Black, Rogers, Kuczmarski

ALLOCATION OF FUNDS FOR MERGED CAREER LADDER PILOT PROJECTS

Sec. 129. (a) Any differentiated pay plan for a local school administrative unit in a school unit that resulted from a merger of a school unit that was a career development pilot project and a school unit that was not a career development pilot project shall receive (i) the amount of funds that was previously allocated to the particular pilot project by the State Board of Education and (ii) the amount of funds the unit is entitled to receive

to administer the School Accountability Act of 1989 pursuant to this act for the portion of the merged unit that did not participate in the pilot project.

(b) The differentiated pay plan for a local school administrative unit that resulted from a merger subsequent to June 30, 1993, of a school unit that was a career development pilot project and a school unit that was not a career development pilot project may be modified by the local school board, upon the recommendation of the State Superintendent of Public Instruction and with the approval of the State Board of Education.

Requested by: Senators Ward, Perdue,
Representatives Black, Rogers, Barnes, Kuczmarski

REORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION

Sec. 130. Notwithstanding G.S. 143-23 or any other provision of law, the Superintendent of Public Instruction shall reorganize the Department of Public Instruction to implement a seven hundred sixty-three thousand three hundred sixty-six dollar ($763,366) base budget reduction for the 1993-94 fiscal year and a one million seven hundred eighty-one thousand seven hundred sixteen dollar ($1,781,716) base budget reduction for the 1994-95 fiscal year. As a result of the reorganization, 57 positions funded from the General Fund shall be abolished during the 1993-95 fiscal biennium.

The Department shall report to the Joint Legislative Education Oversight Committee on the positions funded from the General Fund and from other sources that are eliminated during each year of the 1993-95 fiscal biennium.

Requested by: Representatives H. Hunter, Rogers, Barnes, Senators Ward, Perdue

CONTINUE MODEL TEACHER EDUCATION CONSORTIUM

Sec. 131. Section 72(a) of Chapter 752 of the 1989 Session Laws, as rewritten by Section 56(c) of Chapter 900 of the 1991 Session Laws, reads as rewritten:

"(a) There is established a model teacher education consortium for the following local school administrative units: Bertie, Gates County, Granville County, Halifax County, Hertford County, Northampton County, Vance County, Warren County, Roanoke Rapids City, and Weldon City, with the collaboration of East Carolina University, Elizabeth City State University, Barton College, North Carolina Wesleyan College, Halifax Community College, and Vance-Granville Community College."

Requested by: Representatives Nesbitt, Diamont, Black, Rogers, Barnes, Kuczmarski
Senators Ward, Perdue

SCHOOL-BASED ADMINISTRATOR SALARIES

Sec. 132. (a) Funds appropriated to the Reserve for Salary Increases shall be used to begin implementation of a new salary schedule for school-based administrators as provided in this act. These funds shall be used for State-paid employees only.

(b) The salary schedule for school-based administrators shall apply only to principals and assistant principals. The salary schedule for the 1993-94 fiscal year is as follows:

	1	1	2	3	4	5	6	7
Step	Asst. Prin.	Prin.I	Prin.II	Prin.III	Prin.IV	Prin.V	Prin.VI	Prin.VII
0	—	—	—	—	—	—	—	—
1	—	—	—	—	—	—	—	—
2	—	—	—	—	—	—	—	—
3	—	—	—	—	—	—	—	—
4	$2,371	—	—	—	—	—	—	—
5	2,418	—	—	—	—	—	—	—

6	2,466	—	—	—	—	—	—	—
7	2,515	—	—	—	—	—	—	—
8	2,565	$2,565	—	—	—	—	—	—
9	2,616	2,616	—	—	—	—	—	—
10	2,668	2,668	$2,721	—	—	—	—	—
11	2,721	2,721	2,775	—	—	—	—	—
12	2,775	2,775	2,831	$2,888	—	—	—	—
13	2,831	2,831	2,888	2,946	$3,005	—	—	—
14	2,888	2,888	2,946	3,005	3,065	$3,126	—	—
15	2,946	2,946	3,005	3,065	3,126	3,189	—	—
16	3,005	3,005	3,065	3,126	3,189	3,253	$3,318	—
17	3,065	3,065	3,126	3,189	3,253	3,318	3,384	$3,452
18	3,126	3,126	3,189	3,253	3,318	3,384	3,452	3,521
19	3,189	3,189	3,253	3,318	3,384	3,452	3,521	3,591
20	3,253	3,253	3,318	3,384	3,452	3,521	3,591	3,663
21	3,318	3,318	3,384	3,452	3,521	3,591	3,663	3,736
22	3,384	3,384	3,452	3,521	3,591	3,663	3,736	3,811
23	3,452	3,452	3,521	3,591	3,663	3,736	3,811	3,887
24	3,521	3,521	3,591	3,663	3,736	3,811	3,887	3,965
25	3,591	3,591	3,663	3,736	3,811	3,887	3,965	4,044
26	3,663	3,663	3,736	3,811	3,887	3,965	4,044	4,125
27	3,736	3,736	3,811	3,887	3,965	4,044	4,125	4,208
28	3,811	3,811	3,887	3,965	4,044	4,125	4,208	4,292
29	3,887	3,887	3,965	4,044	4,125	4,208	4,292	4,378
30	3,965	3,965	4,044	4,125	4,208	4,292	4,378	4,466
31	4,044	4,044	4,125	4,208	4,292	4,378	4,466	4,555
32	—	4,125	4,208	4,292	4,378	4,466	4,555	4,646
33	—	—	4,292	4,378	4,466	4,555	4,646	4,739
34	—	—	4,378	4,466	4,555	4,646	4,739	4,834
35	—	—	—	4,555	4,646	4,739	4,834	4,931
36	—	—	—	4,646	4,739	4,834	4,931	5,030
37	—	—	—	—	4,834	4,931	5,030	5,131
38	—	—	—	—	—	5,030	5,131	5,234
39	—	—	—	—	—	—	5,234	5,339
40	—	—	—	—	—	—	5,339	5,446
41	—	—	—	—	—	—	—	5,555.

Provided, however, this salary schedule sets the entry level salary of an assistant principal three percent (3%) higher than the salary of a teacher with a "G" certificate with four years of experience, and it contains an approximate two percent (2%) increase between each step. If the salary schedule for teachers with "G" certificates is modified for subsequent fiscal years, the State Board of Education shall modify this salary schedule accordingly.

(c) The appropriate classification for placement of principals and assistant principals on the salary schedule shall be determined in accordance with the following schedule:

Grade	Classification	Number of Teachers Supervised
1	Assistant Principal	
	Principal I	Less than 11 Teachers
2	Principal II	11-21 Teachers
3	Principal III	22-32 Teachers
4	Principal IV	33-43 Teachers
5	Principal V	44-54 Teachers
6	Principal VI	55-65 Teachers
7	Principal VII	More than 65 Teachers.

The number of teachers supervised includes teachers and assistant principals paid from State funds only; it does not include teachers or assistant principals paid from non-State funds or the principal or teacher assistants.

(d) An assistant principal shall be placed on the step on the salary schedule that reflects total years of experience as a certificated employee of the public schools.

A principal shall be placed on the step on the salary schedule that reflects total number of years of experience as a certificated employee of the public schools and an additional step for every three years of experience as a principal.

(e) Notwithstanding any other provision of this section, the certified base salary of a principal or assistant principal shall not increase less than one percent (1%) or more than three percent (3%) as a result of placement on the salary schedule in accordance with this section. If placement on a grade and step of the salary schedule in accordance with this section would result in a principal or assistant principal receiving a salary increase of from one percent (1%) to three percent (3%), the principal or assistant principal shall be placed on a grade and step of the salary schedule in accordance with this section. If placement on a grade and step of the salary schedule in accordance with this section would result in a principal or assistant principal receiving a salary increase of less than one percent (1%), the principal or assistant principal shall be placed on the lowest grade and step with a salary that is at least a one percent (1%) salary increase for the principal or assistant principal. If placement on a grade and step of the salary schedule in accordance with this section would result in a principal or assistant principal receiving a salary increase of more than three percent (3%), the principal or assistant principal shall be placed on the lowest grade and step with a salary that is at least a three percent (3%) salary increase for the principal or assistant principal.

(f) Principals and assistant principals with certification based on academic preparation at the six-year degree level shall be paid an additional one hundred twenty-six dollars ($126.00) per month. Principals and assistant principals with certification based on academic preparation at the doctoral degree level shall be paid an additional two hundred fifty-three dollars ($253.00) per month.

(g)(1) There shall be no State requirement that superintendents in each local school unit shall receive in State-paid salary at least one percent (1%) more than the highest paid principal receives in State salary in that school unit: Provided, however, the additional State-paid salary a superintendent who was employed by a local school administrative unit for the 1992-93 fiscal year received because of that requirement shall not be reduced because of this subsection for subsequent fiscal years that the superintendent is employed by that local school administrative unit so long as the superintendent is entitled to at least that amount of additional State-paid salary under the rules in effect for the 1992-93 fiscal year.

(2) Section 19.1(g) of Chapter 1137 of the 1979 Session Laws, as rewritten by Section 97 of Chapter 1086 of the 1987 Session Laws, is repealed.

(h) Longevity pay for principals and assistant principals shall be as provided for State employees.

(i)(1) If a principal is reassigned to a higher job classification because the principal is transferred to a school within a local school administrative unit with a larger number of State-allotted teachers, the principal shall be placed on the salary schedule as if the principal had served the principal's entire career as a principal at the higher job classification.

(2) If a principal is reassigned to a lower job classification because the principal is transferred to a school within a local school administrative unit with a smaller number of State-allotted teachers, the principal shall be placed on the salary schedule as if the principal had served the principal's entire career as a principal at the lower job classification.

This subdivision applies to all transfers on or after the ratification date of this act, except transfers in school systems that have been created, or will

be created, by merging two or more school systems. Transfers in these merged systems are exempt from the provisions of this subdivision for one calendar year following the date of the merger.

(j) The State Board of Education shall adopt rules for placing principals and assistant principals who have experience in other states on the salary schedule.

Principals and assistant principals who are initially employed in a public school in North Carolina shall be placed on the "G" teacher salary schedule in accordance with their total experience in education and then given a percentage increase for assignment to the specific school-based administrator classification. The percentage increase shall be computed as follows:

"G" teacher salary + 4% for assignment to Assistant Principal
4% for assignment to Principal I
6% for assignment to Principal II
8% for assignment to Principal III
10% for assignment to Principal IV
12% for assignment to Principal V
14% for assignment to Principal VI
16% for assignment to Principal VII.

(k) The Joint Legislative Education Oversight Committee may consider the current salary schedules for school administrators other than principals and assistant principals and may recommend any needed changes to those salary schedules.

Requested by: Senators Ward, Perdue,
Representatives Nesbitt, Black, Rogers, Barnes, Kuczmarski

SALARIES FOR NONCERTIFIED PUBLIC SCHOOL EMPLOYEES

Sec. 133. (a) G.S. 115C-12(16) reads as rewritten:

"(16) Power with Regard to Salary Schedules. —

a. Support personnel refers to all public school employees who are not required by statute or regulation to be certified in order to be employed. The State Board of Education is authorized and empowered to adopt all necessary rules for full implementation of all schedules to the extent that State funds are made available for support personnel.

b. Salary schedules for the following public school support personnel shall be adopted by the State Board of Education: school finance officer, office support personnel, property and cost clerks, teacher assistants, maintenance supervisors, custodial personnel, and transportation personnel. The Board shall classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission.

Prior to the 1995-96 school year, local boards of education shall place State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board of Education so that the average salary paid is the State-allotted amount for the category. In placing employees on the salary schedule, the local board shall consider the education, training, and experience of each employee. It is the intent of the General Assembly that a local school administrative unit not fail to employ an employee who was employed for the prior school year in order to implement the provisions of this sub-subdivision. The Department of Public Instruction shall provide technical assistance to local school administrative units regarding the implementation of this sub-subdivision.

The average salary paid to employees in each category from State-allotted funds for the 1993-94 school year shall be at least two

percent (2%) higher than the average salary paid to employees in that category from State-allotted funds for the 1992-93 school year.

The State Board of Education shall report to the General Assembly, prior to March 31, 1994, and March 31, 1995, on the implementation of this sub-subdivision.

c. Salary schedules for other support personnel, including but not limited to maintenance and school food service personnel, shall be adopted by the State Board of Education. The Board shall classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission. These schedules shall apply if the local board of education does not adopt a salary schedule of its own for personnel paid from other than State appropriations."

(b) G.S. 115C-238.6(a) reads as rewritten:

"(a) Prior to June 30 each year, the State Superintendent shall review local school improvement plans submitted by the local school administrative units in accordance with policies and performance indicators adopted by the State Board of Education. If the State Superintendent approves the plan for a local school administrative unit, that unit shall participate in the Program for the next fiscal year.

If a local plan contains a request for a waiver of State laws, regulations, or policies, in accordance with G.S. 115C-238.3(b1) or (b2), the State Superintendent shall determine whether and to what extent the identified laws, regulations, or policies should be waived. The State Superintendent shall present that plan and his determination to the State Board of Education. If the State Board of Education deems it necessary to do so to enable a local unit to reach its local accountability goals, the State Board, only upon the recommendation of the State Superintendent, may grant waivers of:

(1) State laws pertaining to class size, teacher certification, assignment of teacher assistants, the use of State-adopted textbooks, and the purposes for which State funds for the public schools, except for funds for school health coordinators, may be used: Provided, however, the State Board of Education shall not permit the use of funds for teachers for expanded programs under the Basic Education Program for any other purpose;

(2) All State regulations and policies, except those pertaining to State salary schedules and employee benefits for school employees, the instructional program that must be offered under the Basic Education Program, the system of employment for public school teachers and administrators set out in G.S. 115C-325, health and safety codes, compulsory school attendance, the minimum lengths of the school day and year, and the Uniform Education Reporting System.

The provisions of G.S. 115C-12(16)b. regarding the placement of State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board shall not be waived.

Except for waivers requested by the local board in accordance with G.S. 115C-238.3(b2) for central office staff, waivers shall be granted only for the specific schools for which they are requested in building-level plans and shall be used only under the specific circumstances for which they are requested."

Requested by: Senators Ward, Perdue,
Representatives Diamont, Nesbitt, Black, Rogers, Barnes, Kuczmarski

EXCEPTIONAL CHILDREN FUNDS

Sec. 134. (a) The funds appropriated for exceptional children in this act shall be allocated as follows:

(1) Each local school administrative unit shall receive for academically gifted children the sum of $641.26 per child for three and nine-tenths percent (3.9%) of the 1992-93 actual average daily membership in the local school administrative unit, regardless of the number of children identified as

academically gifted in the local school administrative unit. The total number of children for which funds shall be allocated pursuant to this subdivision is 43,114 for the 1993-94 school year.

(2) Each local school administrative unit shall receive for exceptional children other than academically gifted children the sum of $1,923.79 per child for the lesser of (i) all children who are identified as exceptional children other than academically gifted children or (ii) twelve and five-tenths percent (12.5)% of the 1992-93 actual average daily membership in the local school administrative unit. The maximum number of children for which funds shall be allocated pursuant to this subdivision is 125,316 for the 1993-94 school year.

(3) Each local school administrative unit in which more than twelve and five-tenths percent (12.5%) of the 1992-93 actual average daily membership are identified as exceptional children other than academically gifted children shall receive $418.76 per child in excess of the twelve and five-tenths percent (12.5%). These funds shall be used only for nonrecurring expenditures and other expenditures for exceptional children other than academically gifted children that do not impose future obligations on the State or local governments.

The dollar amounts allocated under subdivisions (1) and (2) of this subsection for exceptional children shall also increase in accordance with legislative salary increments for personnel who serve exceptional children.

(b) The State Board of Education shall study the methods of identifying exceptional children other than academically gifted children and formulas for allocating funds for exceptional children other than academically gifted children, including pupil formulas that approximate the actual costs of providing services. The formulas may include factors such as the severity of exceptionality, wealth of the local educational agency, and any other factor the State Board of Education considers appropriate. The State Board of Education shall ensure that the formulas do not encourage local educational agencies as defined in G.S. 115C-110 to overidentify exceptional children, to categorize children as more severely impaired than they are, or to serve children in more restrictive settings than are needed. The State Board of Education shall determine the impact on current funding levels by running simulations of any formulas that it considers, and shall recommend a five-year timeline beginning with the 1995-96 fiscal year for implementation of the formulas, which may include the elimination of caps in allocating exceptional children's funds at the end of the five years.

(c) The State Board of Education shall reexamine the State's laws, rules, and policies concerning the education of academically gifted children. As part of this review, the Board shall (i) determine whether there should be State criteria for the identification of these children, (ii) determine whether local school administrative units should be required to count academically gifted children as part of their annual head counts for exceptional children, (iii) identify, and establish performance criteria to measure the success of, appropriate programs or other uses of the funds for academically gifted children under subsection (a) of this section, and (iv) establish criteria to ensure that academically gifted children are generally reflective of the population of children enrolled in the State's public schools.

(d) The State Board of Education shall report its recommendations, including any proposals for modified laws, rules, or policies and findings under subsections (b) and (c) of this section to the Commission on Children with Special Needs and to the chairs of the appropriations committees and the appropriations subcommittees on education of the Senate and the House of Representatives by March 15, 1994.

Requested by: Senators Ward, Perdue,
Representatives Black, Rogers, Barnes, Kuczmarski

SCHOOL COUNSELOR FUNDS

Sec. 134.1. Funds in the amount of ten million dollars ($10,000,000) for the 1993-94 fiscal year and ten million dollars ($10,000,000) for the 1994-95 fiscal year are

appropriated for instructional support personnel. It is the intent of the General Assembly that these funds be used first for counselors, then for social workers and other instructional support personnel to help reduce violence in public schools.

Requested by: Senators Winner of Mecklenburg, Perdue, Ward,
Representatives Nesbitt, Diamont, Barnes, Black, Kuczmarski, Rogers

SCHOOL TECHNOLOGY COMMISSION CREATED

Sec. 135. (a) Article 8 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"Part 3A. School Technology.

"§ 115C-102.5. Commission on School Technology created; membership.

(a) There is created the Commission on School Technology. The Commission shall be located administratively in the Department of Public Education but shall exercise all its prescribed statutory powers independently of the State Board of Education and the Department of Public Instruction.

(b) The Commission shall consist of the following 16 members:

(1) The State Superintendent of Public Instruction or a designee;

(2) One representative of The University of North Carolina, appointed by the President of The University of North Carolina;

(3) One representative of the North Carolina Community College System, appointed by the President of the North Carolina Community College System;

(4) The Deputy Controller for the Information Resources Management Commission in the Office of the State Controller;

(5) Four members appointed by the Governor;

(6) Four members appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate in accordance with G.S. 120-121, one of whom shall be recommended by the President of the Senate to serve as cochair; and

(7) Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, one of whom shall be recommended by the Speaker of the House of Representatives to serve as cochair.

In appointing members pursuant to subdivisions (5), (6), and (7) of this subsection, the appointing entities shall select individuals with technical or applied knowledge or experience in learning and instructional management technologies or individuals with expertise in curriculum or instruction who have successfully used learning and instructional management technologies.

No producers, vendors, or consultants to producers or vendors of learning or instructional management technologies shall serve on the Commission.

Members shall serve for two-year terms. Vacancies in terms of members appointed by the Governor shall be filled by the appointing officer. Vacancies in terms of members appointed by the General Assembly shall be filled in accordance with G.S. 120-122. Persons appointed to fill vacancies shall qualify in the same manner as persons appointed for full terms.

(c) Notwithstanding G.S. 120-123 and subsection (b) of this section, for the 1993-94 fiscal year only, the Commission shall also include one member of the Senate appointed by the President *Pro Tempore* of the Senate and one member of the House of Representatives appointed by the Speaker of the House of Representatives. These members shall be voting members.

(d) Members of the Commission who are also members of the General Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-3.1. Members of the Commission who are officials or employees of the State shall receive travel allowances at the rate set forth in G.S. 138-6. All other members of the Commission shall be paid the per diem and allowances set forth in G.S. 138-5.

(e) The Department of Public Instruction, the Department of Community Colleges, and the Office of the State Controller shall provide requested professional and clerical staff to the Commission. The Commission may also employ professional and clerical staff and may hire outside consultants to assist it in its work. The Commission shall use an outside consultant to perform a requirements analysis for learning and instructional management technologies on a statewide basis that is based on information gathered from each local school administrative unit and that considers the needs of teachers, students, and administrators.

"§ 115C-102.6. Duties.

The Commission shall prepare a requirements analysis and propose a plan to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee for improving student performance in the public schools through the use of learning and instructional management technologies. In developing this plan, the Commission shall:

(1) Assess factors related to the current use of learning and instructional management technologies in the schools, including what is currently being used, how the current use of technology relates to the standard course of study, how the effectiveness of learning and instructional management technologies is being evaluated, how schools are paying for learning and instructional management technologies, and what training school employees have received in the use of learning and instructional management technology and networks.

(2) Identify the instructional goals that can be met through the use of learning and instructional management technologies. The goals may include teaching the standard course of study, reaching students with a broad range of abilities, and ensuring that all students have access to a complete curriculum regardless of the geographical location or the financial resources of the school.

(3) Examine the types of learning and instructional management technologies available to meet the identified instructional goals, including computers, audiovisual aids, science laboratory equipment, vocational education equipment, and distance learning networks. The Commission shall consider the compatibility and accessibility of different types of learning and instructional management technologies, including compatibility with the planned statewide broadband ISDN network, and whether they may be easily communicated from one site to another. The Commission shall also consider linkages between learning and instructional management technologies and existing State and local administrative systems.

(4) Develop a basic level of learning and instructional management technology for every school in the State. The basic level may include:

a. A computer lab with student stations or a specified number of student computer stations in each classroom for the use of instructional software such as computer-assisted instruction, integrated learning systems, instructional management systems, and applications software such as word processing, database, spreadsheet, and desktop publishing.

b. A computer workstation in every classroom for teachers to use in preparation and delivery of instruction and for administrative record keeping.

c. A television monitor and video cassette-recorder in every classroom to take advantage of open-air broadcast programs, satellite programs, and instructional video tapes available from the library/media center.

d. Computer workstations at each elementary and secondary school, housed in the library/media center, for individual students to use for basic skills instructional software.

e. A telecommunications line, modem, and software in each school's library/media center that will allow students and teachers access to external databases and resources for research purposes.

f. The availability of telephones for teachers.

g. Initial training for the principal and teachers from each school in the use of the new technology.

(5) Consider staffing required to operate the learning and instructional management technologies and options for maintaining the equipment.

(6) Consider the types of staff development necessary to maximize the benefits of learning and instructional management technologies and determine the appropriate ways to provide the necessary staff development.

(7) Develop a cost analysis of any plans and proposals that it develops.

"§ 115C-102.7. Reports.

(a) The Commission shall make a progress report prior to March 15, 1994, and a final report prior to May 15, 1994, on the plan it develops to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee. The Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee may meet jointly to consider the reports and they may appoint subcommittees to jointly consider the reports.

(b) The Commission shall provide notice of meetings, copies of minutes, and periodic briefings to the chair of the Information Resources Management Commission and the chair of the Technical Committee of the Information Resources Management Commission.

"§ 115C-102.8. Expenditure of additional funds provided by the General Assembly.

Any funds that may be provided by the General Assembly for the 1993-95 fiscal biennium for learning and instructional management technology in addition to the funds provided in the Current Operations Appropriations Act of 1993 shall be spent only in accordance with subsequent legislation enacted by the General Assembly."

(b) G.S. 120-123 is amended by adding a new subdivision to read:

"(60) The Commission on School Technology, as established by G.S. 115C-102.5, except as provided in G.S. 115C-102.5(c)."

(c) Funds in the amount of three hundred thousand dollars ($300,000) for the 1993-94 fiscal year are appropriated to the Department of Public Instruction in this act to carry out the work of the School Technology Commission.

Requested by: Senators Ward, Perdue,
Representatives Black, Rogers, Barnes, Kuczmarski

LOW PERFORMING UNITS

Sec. 136. (a) If a local school administrative unit is identified as a low performing school system or placed on warning status by the State Board of Education in accordance with G.S. 115C-64.1, the Department of Public Instruction may use up to one million two hundred thousand dollars ($1,200,000) of the funds appropriated for Aid to Local School Administrative Units for each fiscal year to provide the local school administrative unit with staff development activities and technical assistance to enable the unit to improve student performance and decrease dropout rates.

The Department of Public Instruction shall not use these funds for new employee positions.

(b) If a local school administrative unit is identified as a low performing school system by the State Board of Education in accordance with G.S. 115C-64.1, and that local school administrative unit receives small school system supplemental funding, low-wealth counties supplemental funding, or both, the local school administrative unit shall use those funds to implement the plan for improving student performance and decreasing

dropout rates that it submitted to the State Board of Education in accordance with G.S. 115C-64.2(a).

If a local school administrative unit is placed on warning status by the State Board of Education, and that local school administrative unit receives small school system supplemental funding, low-wealth counties supplemental funding, or both, the local school administrative unit shall use those funds to implement a locally developed plan for improving student performance and decreasing dropout rates.

(c) The Board of Governors of The University of North Carolina shall require the Offices of School Services at the constituent institutions to provide in-kind technical assistance worth at least six hundred thousand dollars ($600,000) for each fiscal year through the Department of Public Instruction to local school administrative units that are identified as low performing school systems or placed on warning status by the State Board of Education in accordance with G.S. 115C-64.1.

Requested by: Representatives R. Hunter, Barnes, Senators Ward, Perdue

MOBILE PRESCHOOL PILOT PROGRAM

Sec. 137. The State Board of Education shall use funds appropriated for the McSmiles pilot program to implement a pilot Mobile Classroom Instructional Laboratory for Educational Success Program in the McDowell County School Administrative Unit. These State funds shall be used for a teacher and a teacher assistant for the pilot program. All other costs of the pilot program shall be met with non-State funds.

The pilot program shall be a mobile preschool program for unserved four-year-old children in the McDowell County School Administrative Unit. The goal of the pilot program shall be to prevent school failure through early identification of developmental needs and learning styles of preschool children.

The McDowell County School Administrative Unit shall report to the State Board of Education and to the General Assembly on the pilot program prior to March 1, 1995.

Requested by: Senators Ward, Perdue,
Representatives Black, Rogers, Barnes, Kuczmarski

SUPPLEMENTAL FUNDING IN LOW-WEALTH COUNTIES/SMALL SCHOOL SYSTEM SUPPLEMENTAL FUNDING

Sec. 138. (a) **Funds for supplemental funding.** — The General Assembly finds that it is appropriate to provide supplemental funds in low-wealth counties to allow those counties to enhance the instructional program and student achievement; therefore, of the funds appropriated to Aid to Local School Administrative Units, the sum of eighteen million dollars ($18,000,000) for the 1993-94 fiscal year and the sum of eighteen million dollars ($18,000,000) for the 1994-95 fiscal year shall be used for supplemental funds for schools.

(b) **Use of funds for supplemental funding.** — Local school administrative units shall use funds received pursuant to this section only to provide instructional positions, instructional support positions, teacher assistant positions, clerical positions, instructional supplies and equipment, staff development, and textbooks.

(c) **Definitions.** — As used in this section:

(1) "Anticipated county property tax revenue availability" means the county adjusted property tax base multiplied by the effective State average tax rate.

(2) "Anticipated total county revenue availability" means the sum of the

a. Anticipated county property tax revenue availability,

b. Local sales and use taxes received by the county that are levied under Chapter 1096 of the 1967 Session Laws or under Subchapter VIII of Chapter 105 of the General Statutes,

c. Food stamp exemption reimbursement received by the county under G.S. 105-164.44C,

d. Homestead exemption reimbursement received by the county under G.S. 105-277.1A,

e. Inventory tax reimbursement received by the county under G.S. 105-275.1 and G.S. 105-277A,
f. Intangibles tax distribution and reimbursement received by the county under G.S. 105-213 and G.S. 105-213.1, and
g. Fines and forfeitures deposited in the county school fund,

for the most recent year for which data are available.

(3) "Anticipated total county revenue availability per student" means the anticipated total county revenue availability for the county divided by the average daily membership of the county.

(4) "Anticipated State average revenue availability per student" means the sum of all anticipated total county revenue availability divided by the average daily membership for the State.

(5) "Average daily membership" means average daily membership as defined in the North Carolina Public Schools Allotment Policy Manual, adopted by the State Board of Education. If a county contains only part of a local school administrative unit, the average daily membership of that county includes all students who reside within the county and attend that local school administrative unit.

(6) "County adjusted property tax base" shall be computed as follows:
a. Subtract the present-use value of agricultural land, horticultural land, and forestland in the county, as defined in G.S. 105-277.2, from the total assessed real property valuation of the county,
b. Adjust the resulting amount by multiplying by a weighted average of the three most recent annual sales assessment ratio studies,
c. Add to the resulting amount the:
1. Present-use value of agricultural land, horticultural land, and forestland, as defined in G.S. 105-277.2,
2. Value of property of public service companies, determined in accordance with Article 23 of Chapter 105 of the General Statutes, and
3. Personal property value, for the county.

(7) "County adjusted property tax base per square mile" means the county adjusted property tax base divided by the number of square miles of land area in the county.

(8) "County wealth as a percentage of State average wealth" shall be computed as follows:
a. Compute the percentage that the county per capita income is of the State per capita income and weight the resulting percentage by a factor of five-tenths,
b. Compute the percentage that the anticipated total county revenue availability per student is of the anticipated State average revenue availability per student and weight the resulting percentage by a factor of four-tenths,
c. Compute the percentage that the county adjusted property tax base per square mile is of the State adjusted property tax base per square mile and weight the resulting percentage by a factor of one-tenth,
d. Add the three weighted percentages to derive the county wealth as a percentage of the State average wealth.

(9) "Effective county tax rate" means the actual county tax rate multiplied by a weighted average of the three most recent annual sales assessment ratio studies.

(10) "Effective State average tax rate" means the average of effective county tax rates for all counties.

(11) "Per capita income" means the average for the most recent three years for which data are available of the per capita income according to the most

recent report of the United States Department of Commerce, Bureau of Economic Analysis, including any reported modifications for prior years as outlined in the most recent report.

(12) "Sales assessment ratio studies" means sales assessment ratio studies performed by the Department of Revenue under G.S. 105-289(h).

(13) "State average current expense appropriations per student" means the most recent State total of county current expense appropriations to public schools, as reported by counties in the annual county financial information report to the State Treasurer, divided by the total State average daily membership.

(14) "State average adjusted property tax base per square mile" means the sum of the county adjusted property tax bases for all counties divided by the number of square miles of land area in the State.

(15) "Weighted average of the three most recent annual sales assessment ratio studies" means the weighted average of the three most recent annual sales assessment ratio studies in the most recent years for which county current expense appropriations and adjusted property tax valuations are available. If real property in a county has been revalued one year prior to the most recent sales assessment ratio study, a weighted average of the two most recent sales assessment ratios shall be used. If property has been revalued the year of the most recent sales assessment ratio study, the sales assessment ratio for the year of revaluation shall be used.

(d) **Eligibility for funds.** — The State Board of Education shall allocate these funds to local school administrative units located in whole or in part in counties in which the county wealth as a percentage of the State average wealth is less than one hundred percent (100%).

(e) **Allocation of funds.** — Except as provided in subsection (g) of this section, the amount received per average daily membership for a county shall be the difference between the State average current expense appropriations per student and the current expense appropriations per student that the county could provide given the county's wealth and an average effort to fund public schools. (To derive the current expense appropriations per student that the county could be able to provide given the county's wealth and an average effort to fund public schools, multiply the county wealth as a percentage of State average wealth by the State average current expense appropriations per student.)

The funds for the local school administrative units located in whole or in part in the county shall be allocated to each local school administrative unit, located in whole or in part in the county, based on the average daily membership of the county's students in the school units.

If the funds appropriated for supplemental funding are not adequate to fund the formula fully, each local school administrative unit shall receive a pro rata share of the funds appropriated for supplemental funding.

(f) **Formula for distribution of supplemental funding pursuant to this section only.** — The formula in this section is solely a basis for distribution of supplemental funding for low-wealth counties and is not intended to reflect any measure of the adequacy of the educational program or funding for public schools. The formula is also not intended to reflect any commitment by the General Assembly to appropriate any additional supplemental funds for low-wealth counties.

(g) **Minimum effort required.** — A county that (i) maintains an effective county tax rate that is at least one hundred percent (100%) of the effective State average tax rate in the most recent year for which data are available or (ii) maintains a county appropriation per student to the school local current expense fund of at least one hundred percent (100%) of the current expense appropriations per student to the school local current expense fund that the county could provide given the county's wealth and an average effort to fund public schools, shall receive full funding under this section. A

county that maintains a county appropriation per student to the school local current expense fund of less than one hundred percent (100%) of the current expense appropriations per student to the school local current expense fund that the county could provide given the county's wealth and an average effort to fund public schools shall receive funding under this section at the same percentage that the county's appropriation per student to the school local current expense fund is of the current expense appropriations per student to the school local current expense fund that the county could provide given the county's wealth and an average effort to fund public schools.

(h) **Nonsupplant requirement.** — A county in which a local school administrative unit receives funds under this section shall use the funds to supplement and not supplant existing State and local funding for public schools.

The Local Government Commission shall analyze the budgets and the expenditures of school administrative units that receive funds under this section in light of their budgets and expenditures for the previous year and shall determine whether those funds were used to supplement and not supplant State and local funding for public schools. The Local Government Commission shall report the results of its study to the State Board of Education, to the Joint Legislative Education Oversight Committee, and to the Appropriations Committees of the Senate and the House of Representatives, prior to May 1, 1994, and May 1, 1995.

(i) **Reports.** — Counties that receive funds under this section shall report to the State Board of Education before March 1 each year on how they are using the funds for the fiscal year. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to May 1, 1994, and May 1, 1995, on how the funds are being used.

(j) **Department of Revenue reports.** — The Department of Revenue shall provide to the Department of Public Instruction a preliminary report for the current fiscal year of the assessed value of the property tax base for each county prior to March 1 of each year and a final report prior to May 1 of each year. The reports shall include for each county the annual sales assessment ratio and the taxable values of (i) total real property, (ii) the portion of total real property represented by the present-use value of agricultural land, horticultural land, and forestland as defined in G.S. 105-277.2, (iii) property of public service companies determined in accordance with Article 23 of Chapter 105 of the General Statutes, and (iv) personal property.

Sec. 138.1. (a) **Funds for Small School Systems.** — The State Board of Education shall allocate funds appropriated for small school system supplemental funding (i) to each county school administrative unit with an average daily membership of less than 3,000 students and (ii) to each county school administrative unit with an average daily membership of from 3,000 to 4,000 students if the county in which the local school administrative unit is located has a county adjusted property tax base per student that is below the State adjusted property tax base per student and if the total average daily membership of all local school administrative units located within the county is from 3,000 to 4,000 students. The allocation formula shall:

(1) Round all fractions of positions to the next whole position.

(2) Provide four additional regular classroom teachers in counties in which the average daily membership per square mile is greater than four and six additional regular classroom teachers in counties in which the average daily membership per square mile is four or less.

(3) Provide additional program enhancement teachers adequate to offer the standard course of study.

(4) Change the duty-free period allocation to one teacher assistant per 400 average daily membership.

(5) Provide a base for the consolidated funds allotment of at least one hundred fifty thousand dollars ($150,000), excluding textbooks.

(6) Allot vocational education funds for grade 6 as well as for grades 7-12.

If funds appropriated for each fiscal year for small school system supplemental funding are not adequate to fund fully the program, the State Board of Education shall reduce the amount allocated to each county school administrative unit on a pro rata basis. This formula is solely a basis for distribution of supplemental funding for certain county school administrative units and is not intended to reflect any measure of the adequacy of the educational program or funding for public schools. The formula is also not intended to reflect any commitment by the General Assembly to appropriate any additional supplemental funds for such county administrative units.

(b) **Nonsupplant requirement.** — A county in which a local school administrative unit receives funds under this section shall use the funds to supplement and not supplant existing State and local funding for public schools.

The Local Government Commission shall analyze the budgets and the expenditures of school administrative units that receive funds under this section in light of their budgets and expenditures for the previous year and shall determine whether those funds were used to supplement and not supplant State and local funding for public schools. The Local Government Commission shall report the results of its study to the State Board of Education, the Joint Legislative Oversight Committee, and the Appropriations Committees of the Senate and the House of Representatives, prior to May 1, 1994 and May 1, 1995.

(c) **Definitions.** — As used in this section:

(1) "Average daily membership" means average daily membership as defined in the North Carolina Public Schools Allotment Policy Manual, adopted by the State Board of Education.

(2) "County adjusted property tax base per student" means the total assessed property valuation for each county, adjusted using a weighted average of the three most recent annual sales assessment ratio studies, divided by the total number of students in average daily membership who reside within the county.

(3) "Sales assessment ratio studies" means sales assessment ratio studies performed by the Department of Revenue under G.S. 105-289(h).

(4) "State adjusted property tax base per student" means the sum of all county adjusted property tax bases divided by the total number of students in average daily membership who reside within the State.

(5) "Weighted average of the three most recent annual sales assessment ratio studies" means the weighted average of the three most recent annual sales assessment ratio studies in the most recent years for which county current expense appropriations and adjusted property tax valuations are available. If real property in a county has been revalued one year prior to the most recent sales assessment ratio study, a weighted average of the two most recent sales assessment ratios shall be used. If property has been revalued the year of the most recent sales assessment ratio study, the sales assessment ratio for the year of revaluation shall be used.

(d) **Reports.** — Counties that receive funds under this section shall report to the State Board of Education before March 1 each year on how they are using the funds for the fiscal year. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to May 1, 1994, and May 1, 1995, on how the funds are being used.

Requested by: Representatives Diamont, Colton, Black, Rogers, Barnes, Kuczmarski, Senators Ward, Perdue

SAFE SCHOOLS

Sec. 139. (a) Of the funds appropriated to Aid to Local School Administrative Units, the sum of two million five hundred thousand dollars ($2,500,000) for the 1993-94 fiscal year and the sum of two million five hundred thousand dollars ($2,500,000) for the 1994-95 fiscal year shall be used to provide grants for local school administrative units for locally designed innovative local programs to make schools safe

for students and school employees. These funds shall be used for grants of from fifty thousand dollars ($50,000) to one hundred thousand dollars ($100,000) per year to local school administrative units. These funds may be used for continuing or noncontinuing expenses.

A local school administrative unit may apply for a grant, or two or three adjacent local school administrative units may apply jointly for a grant. Applicants for grants shall submit to the State Board of Education an application that includes the following information:

(1) An assessment of local problems with regard to violence and harassment, including sexual and other forms of harassment, in the schools prepared by a local task force of educators, parents, students, community leaders, and representatives of social services and law enforcement, appointed by the local board of education.

(2) A detailed plan for addressing these local problems, including proposed goals and anticipated outcomes, prepared after consultation with the task force.

(3) A statement of how the grant funds would be used to address these local problems and what other resources would be used to address the problems.

(4) A process for assessing on an annual basis the success of the local plan for addressing problems with regard to violence and harassment in the schools.

The Superintendent of Public Instruction shall appoint a State task force to assist the Superintendent in reviewing grant applications. The State task force shall include representatives of the Department of Public Instruction, local school administrative units, educators, parents, the juvenile justice system, social services, and nongovernmental agencies providing services to children, and other members the Superintendent deems appropriate. In reviewing grant applications, the Superintendent and the State task force shall consider the severity of the local problems with regard to violence in the schools and the likelihood that the locally designed plan will deal with the problems successfully.

The State Board of Education shall consider the recommendations of the Superintendent in selecting grant recipients. The State Board shall also attempt to give grants to local school administrative units that are located geographically throughout the State, that have different demographic profiles, and that propose different approaches to their problems. The State Board shall select grant recipients prior to January 1, 1994.

The Superintendent of Public Instruction shall administer the grant program and provide technical assistance to grant applicants and recipients.

The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to March 15, 1994, and prior to January 15, 1995, on how the funds are being used.

(b) G.S. 115C-12 is amended by adding a new subdivision to read:

"(21) Duty to Monitor Acts of School Violence. — The State Board of Education shall monitor and compile an annual report on acts of violence in the public schools. The State Board shall adopt standard definitions for acts of school violence and shall require local boards of education to report them to the State Board in a standard format adopted by the State Board."

(c) G.S. 115C-47 is amended by adding a new subdivision to read:

"(36) To Report All Acts of School Violence. — Local boards of education shall report all acts of school violence to the State Board of Education in accordance with G.S. 115C-12(21)."

(d) G.S. 115C-81 is amended by adding a new subsection to read:

"(a4) Conflict Resolution and Mediation Models: The State Board of Education shall develop a list of recommended conflict resolution and mediation materials, models, and curricula that address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving

conflict, including peer mediation and shall make the list available to local school administrative units and school buildings by the beginning of the 1994-95 school year. In developing this list, the Board shall emphasize materials, models, and curricula that currently are being used in North Carolina and that the Board determines to be effective. The Board shall include at least one model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum."

Requested by: Representatives Kuczmarski, Jack Hunt, Black, Rogers, Barnes, Senators Ward, Perdue

PARENTS AS TEACHERS PILOT PROGRAMS

Sec. 140. The State Board of Education shall use funds appropriated for the Parents as Teachers Pilot Programs to implement pilot programs in the Rutherford County School Administrative Unit and the Wake County School Administrative Unit, which have been designated as national training sites for the program. The purpose of the program shall be to send parent educators into the homes of children from birth to three years old to provide the children's parents information and training to help the children have the best possible start in life. These funds shall be used to provide funds for direct services to children and their families in the Rutherford County School Administrative Unit and the Wake County School Administrative Unit.

The Rutherford County School Administrative Unit and the Wake County School Administrative Unit shall report to the State Board of Education and to the General Assembly on the pilot program prior to March 1, 1995.

Requested by: Senators Lee, Perdue, Ward, Representatives Barnes, Black, Rogers, Kuczmarski

TEACHER ACADEMY PLAN/TASK FORCE ON TEACHER STAFF DEVELOPMENT

Sec. 141. (a) There is created in the Department of Public Instruction the Task Force on Teacher Staff Development. The purpose of the Task Force shall be to develop a Teacher Academy Plan. The Task Force shall consist of 20 members appointed as follows:

(1) The Superintendent of Public Instruction or the Superintendent's designee, who shall serve as Chair;
(2) One member of the State Board of Education appointed by the Chair of the State Board;
(3) One member of the Board of Governors of The University of North Carolina appointed by the Chair of the Board of Governors;
(4) The Director of the North Carolina Center for the Advancement of Teaching;
(5) Two deans of Schools of Education appointed by the President of The University of North Carolina;
(6) Four public school teachers appointed by the Speaker of the House of Representatives, one of whom teaches in preschool through grade 2, one of whom teaches in grades 3 through 5, one of whom teaches in grades 6 through 8, and one of whom teaches in grades 9 through 12;
(7) Four public school teachers appointed by the President *Pro Tempore* of the Senate, one of whom teaches in preschool through grade 2, one of whom teaches in grades 3 through 5, one of whom teaches in grades 6 through 8, and one of whom teaches in grades 9 through 12;
(7a) Two public school teachers appointed by the Governor;
(8) One superintendent of a local school administrative unit appointed by the Governor;
(9) Two public school principals appointed by the Governor; and
(10) One member of the Teacher Training Task Force appointed by the Chair of the State Board of Education.

(b) The Task Force shall develop for consideration by the General Assembly a Teacher Academy Plan to establish a statewide network of high quality, integrated, comprehensive, collaborative, and sustained professional development for teachers in school committee leadership and the core content areas. The plan shall integrate fully the resources of the State and local units.

The plan shall address the following:

(1) Efficient and effective use of existing State, federal, and local resources through an integrated, nonduplicative delivery of professional development to teachers.

(2) Short-range and long-range plans for school-based staff development that address the professional development needs of teachers in site-based decision making, core content areas, instruction, use of modern technology, and other appropriate subjects.

(3) Effective use of the North Carolina Center for Advancement of Teaching facility and staff in the delivery of teacher professional development, especially in the training of trainers and designing of training programs.

(4) Training schedules and opportunities that minimize the time teachers are away from classroom instruction, especially in the training of trainers.

(5) Development of organizational arrangements and technologies that encourage teacher networking and collaboration, and reduce the isolation of teachers.

(6) Use of teachers as trainers and identification of candidates for training.

(7) Effective use of the facilities and staff of The University of North Carolina and its campuses in the delivery of professional development. Geographical access to program activities should be considered with regard to the use of university and community college facilities.

(8) Effective use of existing and planned telecommunications and long-distance learning systems for teacher staff development to limit expenditures for travel and associated costs.

(9) Professional development that meets the unique needs of individual schools and that is sensitive to internal and external pressures, including site-based decision making, revisions to the Standard Course of Study, testing, technology, and other important State initiatives.

(10) A proposal for the ongoing coordination of the teacher professional development activities and needs of local school administrative units, the Department of Public Instruction, The University of North Carolina, NCCAT, private colleges and universities, and teachers.

(11) A comprehensive needs assessment based on local school-based committee surveys.

(12) A proposal for training an initial cadre of teacher trainers and implementation of the first phase of training in the summer of 1994.

The Task Force shall consider existing professional development organizations and networks in the development of the Plan. The Task Force shall also work in conjunction with the Teacher Training Task Force in the development of the Plan.

(c) The Department of Public Instruction shall provide professional and clerical services to the Task Force. The Superintendent of Public Instruction, after consultation with the Task Force, may also employ consultants. The Department of Public Instruction shall also provide meeting rooms, telephones, office space, equipment, and supplies to the Task Force.

(d) Task Force members shall receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5, 138-6, or 120-3.1, as appropriate.

(e) The Task Force shall report the Plan to the Joint Legislative Education Oversight Committee no later than March 1, 1994.

(f) Funds are appropriated in this act to the Department of Public Instruction in the amount of three hundred thousand dollars ($300,000) for the 1993-94 fiscal year to implement the provisions of this section. Of these funds, the sum of fifteen thousand

dollars ($15,000) for the 1993-94 fiscal year shall be used to carry out the work of the Task Force on Teacher Staff Development and the sum of two hundred eighty-five thousand dollars ($285,000) for the 1993-94 fiscal year shall be used by the Department of Public Instruction to begin implementation of Teacher Academies by developing training modules in collaboration with NCCAT, training the initial cadre of teacher trainers in collaboration with NCCAT, contracting with trainers, and selecting universities or other facilities as sites for Teacher Academies for summer training in 1994. In carrying out its responsibilities under this subsection, the Department of Public Instruction shall consider the work of the Task Force on Teacher Staff Development.

(g) The Task Force on Teacher Staff Development shall expire July 1, 1995.

Requested by: Representatives Barnes, Black, Rogers, Kuczmarski, Nesbitt, Diamont, Senators Ward, Perdue

EXPAND NCCAT SERVICES

Sec. 142. Funds in the amount of two hundred thousand dollars ($200,000) for the 1993-94 fiscal year and two hundred thousand dollars ($200,000) for the 1994-95 fiscal year that are appropriated to the Board of Governors of The University of North Carolina Reserve for University Operations shall be allocated to the North Carolina Center for the Advancement of Teaching at Western Carolina University (NCCAT) to be used to train teacher trainers, expand NCCAT services to areas that are not located near the Center, and to conduct pilot programs at five local school administrative units.

The purpose of the pilot programs shall be to help local school administrative units develop professional development programs to solve the needs that have been identified by school-based committees. The pilot units shall be geographically and socioeconomically diverse and shall represent both urban and rural areas and large and small average daily membership.

The NCCAT program shall conduct clinical research at the five pilot units to evaluate the effectiveness at the unit, school building, and individual level of the NCCAT program design on the implementation of staff development plans.

Requested by: Representatives Barnes, Black, Rogers, Kuczmarski, Senators Ward, Perdue

STAFF DEVELOPMENT FUNDS

Sec. 143. Of the funds appropriated to Aid for Local School Administrative Units for staff development for teachers, the sum of two million dollars ($2,000,000) for the 1993-94 fiscal year shall be used to pay stipends to certified instructional personnel who participate in staff development activities on days outside of the 200-day school calendar. The stipend shall be for ten dollars ($10.00) per eligible hour, with a maximum of sixty dollars ($60.00) per day. To qualify for the payment of the stipend, the staff development activities shall be approved in advance by the employee's principal or supervisor.

Requested by: Representative DeVane

SCOTLAND COUNTY SCHOOL PAY DATE CHANGED

Sec. 143.1. Notwithstanding the provisions of G.S. 115C-302(a), G.S. 115C-316(a), or any other provision of law, all 10-month employees of the Scotland County Schools except for school bus drivers, who are paid on a monthly basis, shall be paid on the fifteenth day of each month. Nothing in this section shall have the effect of changing the rate of pay for any employee of Scotland County Schools.

This section shall not be construed to authorize prepayment of any employees by the Scotland County Board of Education.

Requested by: Representative Redwine

BRUNSWICK COUNTY SCHOOL PAY DATE CHANGED

Sec. 144. Notwithstanding the provisions of G.S. 115C-302(a), G.S. 115C-316(a), or any other provision of law, all 10-month contract teachers and all 10-month employees of the Brunswick County Schools, who are paid on a monthly

basis, shall be paid on the fifteenth day of each month. Nothing in this section shall have the effect of changing the rate of pay for any employee of Brunswick County Schools.

This section shall not be construed to authorize prepayment of any employees by the Brunswick County Board of Education.

Requested by: Senators Perdue, Ward,
Representatives Black, Rogers, Barnes, Kuczmarski

STUDY OF GPAC RECOMMENDATIONS REGARDING REORGANIZATIONS OF STATE EDUCATION AGENCIES

Sec. 144.1. The Joint Legislative Commission on Governmental Operations may review the implementation of the recommendations of the Government Performance Audit Committee regarding the reorganization of State education agencies. The Commission may consider the extent to which the recommendations of the Government Performance Audit Committee are being implemented, and what additional actions, if any, should be taken to implement these recommendations.

If the Joint Legislative Commission on Governmental Operations undertakes this review, the Commission shall report the results of the review to the General Assembly.

Requested by: Representatives Wright, Barnes, Senators Perdue, Ward

LOCAL SCHOOL IMPROVEMENT PLANS

Sec. 144.2. (a) G.S. 115C-238.1 reads as rewritten:

"**§ 115C-238.1. Performance-based Accountability Program; development and implementation by State Board.**

The General Assembly believes that all children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the State Board of Education shall develop and implement a Performance-based Accountability Program. The primary goal of the Program shall be to improve student performance. The State Board of Education shall adopt:

(1) Procedures and guidelines through which, beginning with the 1990-91 fiscal year, local school administrative units may participate in the Program;

(2) Guidelines for developing local school improvement plans with three-year student performance goals and annual milestones to measure progress in meeting those goals; ~~and~~

(3) A set of student performance indicators for measuring and assessing student performance in the participating local school administrative units. These indicators ~~may~~ shall include attendance rates, dropout rates, test scores, parent involvement, and post-secondary ~~outcomes.~~ outcomes; and

(4) Guidelines for school performance indicators for measuring and assessing school performance in the participating local school administrative units. These indicators shall concern how to gauge community involvement, parent involvement, professional development of teachers, and the school climate with regard to the safety of students and employees and the use of positive discipline. These indicators shall not rely predominantly on test scores."

(b) G.S. 115C-238.3, as rewritten by Chapter 38 of the 1993 Session Laws and Chapter 263 of the 1993 Session Laws, reads as rewritten:

"**§ 115C-238.3. Development of local plans; elements of local plans.**

(a) Development of systemwide plan by the local board of education. — The board of education of a local school administrative unit that elects to participate in the Program shall develop and submit a local school improvement plan for the entire local school administrative unit to the State Superintendent of Public Instruction before April 15 of the fiscal year preceding the fiscal year in which participation is sought.

A systemwide improvement plan shall remain in effect for no more than three years.

(b) Establishment of student performance goals and a systemwide staff development plan by the local board of education for the systemwide plan. — The local board of education shall establish student performance goals and a systemwide staff development plan for the local school administrative ~~unit.~~ unit for inclusion in the systemwide plan. The local board of education shall actively involve an advisory panel composed of a substantial number of teachers, school administrators, other school staff, and parents of children enrolled in the local school administrative unit, in developing the student performance goals for the local school improvement plan. Parents serving on advisory panels shall not be employees of the school unit and shall reflect the racial and socioeconomic composition of the students enrolled in the local school administrative unit. The advisory panel shall ensure substantial parent participation. It is the intent of the General Assembly that teachers have a major role in developing the student performance goals for the local school improvement plan; therefore, at least half of the staff members participating in this advisory panel shall be teachers. ~~The teachers~~ Every teacher in the local school administrative unit shall ~~select the teachers who are involved in the advisory panel.~~ have an opportunity to elect by secret ballot the teachers who are involved in the advisory panel.

The performance goals for the local school administrative unit shall address specific, measurable goals for all student and school performance indicators adopted by the State Board. Factors that determine gains in achievement vary from school to school; therefore, socioeconomic factors and previous student performance indicators shall be used as the basis of the local school improvement plan.

The systemwide staff development plan shall be consistent with the systemwide goals and shall include a component to accommodate the staff development needs at the building level as expressed in each building's improvement plan. In designing this component of the systemwide staff development plan, direct allocation of a needed portion of the staff development funds to the building level shall be given first priority. Each school building shall have the flexibility to combine its staff development allocation with other schools in the local school administrative unit when the staff development needs of those schools are substantially similar as expressed in their approved building-level plans.

(b1) Development by each school of strategies for attaining local student performance goals. — The principal of each school, representatives of the building-level staff, and parents of children enrolled in the school shall develop a building-level plan to address student performance goals appropriate to that school from those established by the local board of education. Parents serving on building-level committees shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student outcomes; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing student performance goals at the building level. To this end, building-level advisory board meetings shall be held at a convenient time to assure substantial parent participation. ~~These~~ The strategies for attaining local school performance goals shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the building-level plan. These strategies may also include requests for waivers of State laws, regulations, or policies for that school. A request for a waiver shall (i) identify the State laws, regulations, or policies that inhibit the local unit's ability to reach its local accountability goals, (ii) set out with specificity the circumstances under which the waiver may be used, and (iii) explain how a waiver of those laws, regulations, or policies will permit the local unit to reach its local goals.

Support among affected staff members is essential to successful implementation of a building-level plan to address student performance goals appropriate to a school; therefore, the principal of the school shall present the proposed building-level plan to all of the staff assigned to the school building for their review and vote. The vote shall be by secret ballot. The principal may submit the building-level plan to the local board of education for inclusion in the systemwide plan only if the proposed building-level plan has the approval of a majority of the staff who voted on the plan.

The local board of education shall accept or reject the building-level plan. The local board shall not make any substantive changes in any building-level plan that it accepts; the local board shall set out any building-level plan that it accepts in the systemwide plan. If the local board rejects a building-level plan, the local board shall state with specificity its reasons for rejecting the plan; the principal of the school for which the plan was rejected, representatives of the building-level staff, and parents of children enrolled in the school may then prepare another plan, present it to the building-level staff for a vote, and submit it to the local board for inclusion in the systemwide plan. If no building-level plan is accepted for a school before March 15 of the fiscal year preceding the fiscal year in which participation is sought, the local board may develop a plan for the school for inclusion in the systemwide plan; the General Assembly urges the local board to utilize the proposed building-level plan to the maximum extent possible when developing such a plan.

(b2) Waivers concerning central office ~~staff~~ staff. — A local board of education may request waivers of State laws, regulations, or policies which are included in the building plans described in subsection (b1) of this section, and it may also request waivers which affect the organization, duties, and assignment of central office staff only. Provided, none of the duties to be performed pursuant to G.S. 115C-436 may be waived. A request for a waiver shall (i) identify the State laws, regulations, or policies that inhibit the local unit's ability to reach its local accountability goals, (ii) set out with specificity the circumstances under which the waiver may be used, and (iii) explain how a waiver of those laws, regulations, or policies will permit the local unit to reach its local goals.

(c) Development by each school of a differentiated pay plan for that school; development by the local board of education of a differentiated pay plan for central office personnel. —

(1) The local school administrative unit shall consider a plan for differentiated pay. The local plan shall include a plan for differentiated pay, in accordance with G.S. 115C-238.4, unless the local school administrative unit elects not to participate in any differentiated pay plan.

(2) The principal of each school, representatives of the building-level staff, and parents of children enrolled in the school shall develop a building-level differentiated pay plan for the school when they develop their building-level plan to address student performance goals appropriate to the school. By October 1 of each year, the principal shall disclose to all affected personnel the total allocation of funds for differentiated pay. At the end of the fiscal year, the principal shall make available to all affected personnel a report of all disbursement from the building-level differentiated pay plan.

Support among affected staff members is essential to successful implementation of a building-level differentiated pay plan; therefore, the principal of the school shall present the proposed building-level plan to all of the staff assigned to the school building for their review and vote. The vote shall be by secret ballot. The principal may submit the building-level differentiated pay plan to the local board of education only if the proposed building-level differentiated pay plan has the approval of a majority of the staff who voted on the plan.

The local board of education shall accept or reject the building-level differentiated pay plan. The local board shall not make any substantive changes in any building-level plan that it accepts; the local board shall set out any building-level plan that it accepts in the systemwide differentiated pay plan. If the local board rejects a building-level plan, the local board shall state with specificity its reasons for rejecting the plan; the principal of the school for which the plan was rejected, representatives of the building-level staff, and parents of children enrolled in the school may then prepare another plan, present it to all of the staff eligible to receive differentiated pay, in accordance with G.S. 115C-238.4(a), for a vote, and submit it to

the local board for inclusion in the systemwide plan. If no building-level plan is accepted for a school before March 15 of the fiscal year preceding the fiscal year in which participation is sought, the local board may develop a plan for the school building for inclusion in the systemwide plan; the General Assembly urges the local board to utilize the proposed building-level plan to the maximum extent possible when developing such a plan.

(3) The local board of education shall develop a plan for differentiated pay for all classes of personnel assigned to the central office that the local board determines are participants in the development or implementation of the local school improvement plan, and shall include the plan in the systemwide differentiated pay plan.

(4) A systemwide differentiated pay plan shall remain in effect for no more than three years. At the end of three years, a plan to continue, discontinue, or modify that differentiated pay plan shall be developed in accordance with subdivisions (2) and (3) of this subsection.

(d) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s. 75.1(b), effective July 8, 1992."

(c) Part 4 of Article 16 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-238.6A. Distribution of staff development funds.

Any funds the local board of education makes available to an individual school building to implement the local school improvement plan shall be used in accordance with the building-level plan set out in the systemwide plan.

By October 1 of each year, the principal shall disclose to all affected personnel the total allocation of all funds available to the school for staff development and the superintendent shall disclose to all affected personnel the total allocation of all funds available at the system level for staff development. At the end of the fiscal year, the principal shall make available to all affected personnel a report of all disbursements from the building-level staff development funds, and the superintendent shall make available to all affected personnel a report of all disbursements at the system level of staff development funds."

(d) G.S. 115C-238.7(a) reads as rewritten:

"(a) There is created the Task Force on Site-Based Management within the Department of Public Instruction.

The Task Force shall be composed of ~~15~~ 21 members appointed as follows:

(1) The Superintendent of Public Instruction;

(2) One member of the State Board of Education appointed by the State Board of Education;

(3) Two members of the Senate appointed by the President *Pro Tempore* of the Senate;

(4) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(5) One member of a local board of education appointed by the President *Pro Tempore* of the Senate after receiving recommendations from The North Carolina State School Boards Association, Inc.;

(6) One member of a local board of education appointed by the Speaker of the House of Representatives after receiving recommendations from The North Carolina State School Boards Association, Inc.;

(7) One local school superintendent appointed by the President *Pro Tempore* of the Senate after receiving recommendations from the North Carolina Association of School Administrators;

(8) One local school superintendent appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of School Administrators;

(9) One school principal appointed by the President *Pro Tempore* of the Senate after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;

(10) One school principal appointed by the Speaker of the House of Representatives after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;

(11) One school teacher appointed by the President *Pro Tempore* of the Senate after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;

(12) One school teacher appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.; ~~and~~

(13) The Director of the Task Force on Site-Based Management, appointed by the Superintendent of Public Instruction in accordance with subsection (d) of this ~~section.~~ section;

(14) One parent of a public school child appointed by the Superintendent of Public Instruction;

(15) Two at-large members appointed by the Superintendent of Public Instruction;

(16) One representative of business and industry appointed by the Governor;

(17) One representative of institutions of higher education appointed by the Board of Governors of The University of North Carolina; and

(18) One county commissioner appointed by the Superintendent of Public Instruction after receiving recommendations from the North Carolina Association of County Commissioners.

Members of the Task Force shall serve for two-year terms.

All members of the Task Force shall be voting members. Vacancies in the appointed membership shall be filled by the officer who made the initial appointment. The Director of the Task Force on Site-Based Management shall serve as chair of the Task Force.

Members of the Task Force shall receive travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, G.S. 138-5, and G.S. 138-6."

(e) G.S. 115C-21.1(b) reads as rewritten:

"(b) The Department of Public Instruction shall monitor and provide a report to the General Assembly by May 1, 1991, and annually thereafter showing the school units that have been granted class size waivers pursuant to G.S. ~~115C-238.3(d)~~ 115C-238.6(a), have reported class size exceptions, and have converted State-funded teacher positions to other positions, dollars, or other expenditures."

(f) Members appointed to the Site-Based Management Task Force in accordance with subsection (d) of this section shall serve until September 1, 1994, and shall be eligible for reappointment. Successive appointments shall be for two-year terms.

(g) The State Board of Education shall report to the Joint Legislative Education Oversight Committee on the guidelines for indicators of school performance adopted in accordance with subsection (a) of this section no later than February 1, 1994. School performance indicators shall be addressed in local school improvement plans modified or adopted after March 15, 1994.

(h) Subsections (b) and (c) of this section shall apply to local school improvement plans in effect on and after July 1, 1994.

Requested by: Senators Lee, Ward, Daniel, Plyler,
Representatives Black, Rogers, McAllister, McLaughlin, Diamont, Nesbitt

DRIVER EDUCATION STUDY

Sec. 144.3. The Legislative Research Commission shall study the driver education program offered by the public schools. The study shall consider:

(1) The efficiency of the program and the impact on the efficiency of the program of the 1991 statutory changes allowing local boards of education to contract with public or private entities to provide driver education;

(2) The impact on parents and students, especially in rural areas, of the State Board of Education rule requiring that driver education be offered outside of the regular instructional day; and

(3) The overall cost of the program and the projected five-year cost of the program.

The Commission shall report the results of its study by April 15, 1994.

PART 18. DEPARTMENT OF TRANSPORTATION

Requested by: Senators Albertson, Lee, Kaplan, Sherron,
Representatives McAllister, McLaughlin, Lemmond

PERMANENT HOURLY WORKER STATUS

Sec. 145. (a) The Department of Transportation shall begin converting all existing permanent hourly Highway Maintenance Worker positions to permanent full-time Highway Maintenance Worker status effective July 1, 1993. All current permanent hourly employees shall be evaluated between July 1, 1993, and December 31, 1993, and those receiving satisfactory ratings shall be placed in a permanent Highway Maintenance Worker position as they become available. The Department shall cease hiring permanent hourly workers on July 1, 1993, and complete conversion of permanent hourly workers to permanent status by January 1, 1994.

(b) G.S. 126-5(c4) is repealed. This subsection becomes effective January 1, 1994.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

REPEAL ADDITIONAL FUNDS TO DIVISION OF MOTOR VEHICLES

Sec. 146. G.S. 20-97(c) is repealed.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

RENAME NORTH CAROLINA ELDERLY AND HANDICAPPED TRANSPORTATION ASSISTANCE PROGRAM

Sec. 147. G.S. 136-44.27 reads as rewritten:

"**§ 136-44.27. North Carolina Elderly and ~~Handicapped~~ Disabled Transportation Assistance Program.**

(a) There is established the Elderly and ~~Handicapped~~ Disabled Transportation Assistance Program that shall provide State financed elderly and ~~handicapped~~ disabled transportation services for counties within the State. The Department of Transportation is designated as the agency of the State responsible for administering State funds appropriated to purchase elderly and ~~handicapped~~ disabled transportation services for counties within the State. The Department shall develop appropriate procedures regarding the distribution and use of these funds and shall adopt rules to implement these procedures. No funds appropriated pursuant to this act may be used to cover State administration costs.

(b) For the purposes of this section, an elderly person is defined as one who has reached the age of 60 or more years, and a ~~handicapped~~ disabled person is defined as one who has a physical or mental impairment that substantially limits one or more major life activities, an individual who has a record of such impairment, or an individual who is regarded as having such an impairment. Certification of eligibility shall be the responsibility of the county.

(c) All funds distributed by the Department under this section are intended to purchase additional transportation services, not to replace funds now being used by local governments for that purpose. These funds are not to be used towards the purchase of transportation vehicles or equipment. To this end, only those counties maintaining elderly and ~~handicapped~~ disabled transportation services at a level consistent with those in place on January 1, 1987, shall be eligible for additional transportation assistance funds.

(d) The Public Transportation Division of the Department of Transportation shall distribute these funds to the counties according to the following formula: fifty percent (50%) divided equally among all counties; twenty-two and one-half percent (22 1/2%) based upon the number of elderly residents per county as a percentage of the State's elderly population; twenty-two and one-half percent (22 1/2%) based upon the number of ~~handicapped~~ disabled residents per county as a percentage of the State's ~~handicapped disabled~~ population; and, the remaining five percent (5%) based upon a population density factor that recognizes the higher transportation costs in sparsely populated counties.

(e) Funds distributed by the Department under this section shall be used by counties in a manner consistent with transportation development plans which have been approved by the Department and the Board of County Commissioners. To receive funds apportioned for a given fiscal year, a county shall have an approved transportation development plan. Funds that are not obligated in a given fiscal year due to the lack of such a plan will be distributed to the eligible counties based upon the distribution formula prescribed by subsection (d) of this section."

Requested by: Senators Lee, Kaplan, Sherron,
Representatives McAllister, McLaughlin, Lemmond

SMALL URBAN CONSTRUCTION PROGRAM FUNDS

Sec. 148. Of the funds appropriated in this act to the Department of Transportation, the sum of twenty million dollars ($20,000,000) shall be allocated in each fiscal year of the biennium for small urban construction projects. Fourteen million dollars ($14,000,000) of these funds shall be allocated equally in each fiscal year of the biennium among the 14 Highway Divisions for the Small Urban Construction Program for small urban construction projects that are located within the area covered by a one-mile radius of the municipal corporate limits. The remaining six million dollars ($6,000,000) shall be used statewide for rural or small urban highway improvements as approved by the Secretary of the Department of Transportation.

None of these funds used for rural secondary road construction are subject to the county allocation formula as provided in G.S. 136-44.5.

The Department of Transportation shall report to the members of the General Assembly on projects funded pursuant to this section in each member's district prior to the Board of Transportation's action. The Department shall make a quarterly comprehensive report on the use of these funds to the Joint Legislative Highway Oversight Committee and the Fiscal Research Division.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

IMPLEMENTING SELECTED GPAC RECOMMENDATIONS

Sec. 149. (a) The Department of Transportation shall centralize the monitoring and reporting of data related to small and minority business development firms and civil rights-related matters, and reorganize the Department so that functions related to these activities will be integrated into and institutionalized under the Division of Highways. The Department will comply with this section by July 1, 1993. The Department shall report to the Joint Legislative Highway Oversight Committee by October 1, 1993, on the reorganization of civil rights-related functions within the Department.

(b) The Secretary of the Department of Transportation shall submit to the General Assembly and the Joint Legislative Highway Oversight Committee, on or before September 1, 1993, a plan to consolidate part-time driver licensing offices across the State to increase productivity. The plan shall consider the number of applications

processed per day by examiners, the number of full-time and part-time offices located in each county, the proximity of offices in each county to one another, population served, costs to support part-time offices, and any other criteria the Secretary deems warranted. The plan shall also document cost savings by office and the estimated increase in productivity due to consolidations. The Secretary of the Department of Transportation shall further notify the Joint Legislative Highway Oversight Committee on or before April 1, 1994, of the amount of funds by which the Division of Motor Vehicles' 1994-95 appropriation can be reduced due to consolidation of driver licensing offices.

(c) The Secretary of the Department of Transportation shall submit a plan to the Joint Legislative Highway Oversight Committee not later than November 1, 1993, outlining steps the Department plans to take to enhance efficiency of the Vehicle Registration Process.

(d)(1) The General Assembly finds that the Department of Transportation is currently seeking funding for 298 more staff positions in its preconstruction units during the next 15 years to handle the work load from the Highway Trust Fund. The majority of these positions are to be filled during the next four years in the Highway Design and Planning Branch and the Environmental Branches.

The use of private engineering firms to handle peak work load requirements is a well-founded strategy for avoiding the public-sector problems of staffing up and down for varying work loads.

The Department of Transportation is currently contracting out twenty percent (20%) to twenty-five percent (25%) of preconstruction work to private engineering firms. If outside contract forces were used to address the preconstruction work load associated with the additional 298 positions, then the level of preconstruction work contracted out would rise to about thirty-two percent (32%) to thirty-six percent (36%).

This increase in contracting out work load, from twenty percent (20%) to twenty-five percent (25%), to thirty-two percent (32%) to thirty-six percent (36%) would be a reasonable level of increase because the Highway Trust Fund represents a seventy-eight percent (78%) increase in the pre-1989 preconstruction work load of the Department.

(2) The Secretary of Transportation shall submit a plan to the Joint Legislative Highway Oversight Committee, by September 1, 1993, to implement the recommendation in subdivision (1) of this subsection to freeze preconstruction positions and contract out the balance of its preconstruction work to private engineering firms.

(e)(1) The General Assembly finds that the Department of Transportation's ongoing strategy to increasingly rely on the use of private engineering firms to perform surveys, process control, and construction engineering and inspection functions should be continued.

With the Highway Trust Fund program entering a phase of expanded construction activity, having completed a number of project plans, the Department will need to further leverage its in-house construction staff to meet the requirements of the program.

(2) The increased use of outside contract forces to perform quality control and quality assurance functions will require continued Department of Transportation construction staff involvement in project oversight and verification, careful selection of vendors, and rigorous contract administration of these projects. The level of this outside contracting should be based on the following considerations:

a. Focus outside contract activity on the peak load requirements of the Highway Trust Fund construction program;

b. Retain sufficient in-house capability to address the base load requirements of the Highway Trust Fund construction program and

properly administer the outside construction engineering and inspection-related contracts; and

c. Select contractors with significant experience in performing construction engineering and inspection for major road and bridge projects and familiarity with Department of Transportation engineering standards and construction specifications.

(3) By using private engineering firms to handle more of the Highway Trust Fund program construction work load, the Department of Transportation can reduce the number of new in-house staff required to support the construction portion of the program.

(4) The Secretary of Transportation shall report to the Joint Legislative Highway Oversight Committee, no later than September 1, 1993, a plan meeting the construction needs of the Highway Trust Fund program with a minimum of new construction staff in the Department of Transportation and increasing the use of outside contract forces while meeting the criteria in subdivisions (1) through (3) of this subsection.

(f)(1) The General Assembly finds that the Equipment Sections of the 14 highway divisions perform maintenance and repair functions for all Department of Transportation equipment, except for sedans which are maintained through the Department of Administration. Each division has between five and 10 garages, including one major division garage. In some cases, two-person garages continue to operate in certain rural areas of the State, where the distance between garages is fairly large (40 to 50 miles). In addition, there are local county garages colocated near the division garages. These latter garages represent a potential opportunity for consolidation, to reduce the overall number of garage facilities maintained by the Department of Transportation.

(2) The Department of Transportation shall develop a plan to consolidate the equipment section resources associated with the 14 division garages and those 14 Department county garages located nearby for submission to the Joint Legislative Highway Oversight Committee by February 1, 1994.

(g)(1) The General Assembly finds that Division Traffic Services units are variously organized, with some units having all field forces reporting to the Division Traffic Services Supervisor and others having signal-related forces assigned to the Assistant Division Traffic Engineer in a Traffic Control Technical Services unit. The latter arrangement provides a better balance of technical and nontechnical traffic services personnel among the middle management positions within this unit, resulting in a more equitable span of control among these supervisory personnel. This alignment recognizes the increasingly technical aspects of traffic signal planning and implementation, while also providing for a more balanced distribution of Traffic Services staff among the Traffic Services supervisors.

(2) The Secretary of Transportation shall realign the Traffic Services sections of the 14 Traffic Divisions so that the signal/traffic control personnel report to the Assistant Traffic Engineer and pavement markings/signs personnel report to the Traffic Services Supervisor.

(h)(1) The General Assembly finds that the overall level of staffing for the Department of Transportation should be based on:

a. The determination of resources needed to provide an acceptable level of service, accomplish the annual maintenance program efficiently, and erase the existing maintenance backlog; and

b. The determination of the most appropriate mix of contract and in-house resources.

As the maintenance work load has increased, the Department of Transportation has been able to handle a portion of the increased work

through contracting. The Department of Transportation can make additional use of private contractors

(2) The Department of Transportation shall report to the Joint Legislative Highway Oversight Committee, on or before November 1, 1993, a plan on maintenance staffing and on ways to increase efficiency within the maintenance work force. The plan may include:

a. The continued contracting out of construction activities, as well as those maintenance functions, such as mowing, roadside rest area maintenance, building maintenance, signal installation, and signal maintenance, that it currently contracts;

b. The contracting out of all of the Secondary Road Construction program and free up the in-house maintenance staff now performing this function to concentrate on backlogged and expanding maintenance needs; and

c. Expanding the Department's efforts to contract out maintenance functions, by increasing the proportion of contracted work in such areas as: ditch cleaning, landscaping, and bituminous surface treatment resurfacing.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

EQUIPMENT FUND TRANSFER

Sec. 150. The Department of Transportation's Equipment Fund shall pay to the Highway Fund the sum of ten million dollars ($10,000,000) for the 1993-94 fiscal year.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

DEPARTMENT OF TRANSPORTATION TO REPORT ON BILLBOARD FEES

Sec. 151. The Department of Transportation shall report to the Joint Legislative Highway Oversight Committee on or before October 1, 1993, concerning billboard fees. The Department shall report on the fees currently collected and the amounts of fees that would be needed to fund the administration of the billboard program.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

DIVISION OF MOTOR VEHICLES TO REPORT ON PERSONNEL EFFECTS OF NEW COMPUTER SYSTEM

Sec. 152. The Secretary of Transportation shall report to the Joint Legislative Highway Oversight Committee, on or before October 1, 1993, on the plans for reducing staffing and costs during the 1994-95 fiscal year as a result of the implementation of the new computer systems for Drivers Licensing and Vehicle Registration. The report shall also contain an update on the status of completion of the implementation of the new computer systems as of the date of the report.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

MODIFY AVIATION APPROPRIATION

Sec. 153. (a) G.S. 136-16.4 reads as rewritten:

"**§ 136-16.4. Continuing aviation appropriations.**

There is ~~annually appropriated, beginning with the 1987-88 fiscal year,~~ appropriated from the General Fund to the Department of Transportation ~~for aviation purposes, a sum equal to the estimated revenue derived from the State's sales and use taxes (exclusive of refunds, penalties, and interest) collected and received on sales made on and after the first day of the fiscal year representing sales and use taxes on aircraft, aircraft parts, accessories, lubricants and aviation fuel.~~ the sum of eight million four hundred thousand dollars ($8,400,000) for fiscal year 1993-94 and the sum of eight million nine hundred thousand dollars ($8,900,000) for fiscal year 1994-95. Each subsequent fiscal year, there is appropriated from the General Fund to the Department of Transportation the amount appropriated by this section to the Department of Transportation for the preceding fiscal year, plus or minus the percentage of the amount by which the collection of

State sales and use taxes increased or decreased during the preceding fiscal year. The Department of Transportation may use funds appropriated under this section only for aviation purposes."

(b) This section becomes effective July 1, 1993.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

DEPARTMENT OF TRANSPORTATION TO REPORT ON THE USE OF INMATE LABOR

Sec. 154. The Department of Transportation shall report to the Joint Legislative Highway Oversight Committee, on or before October 1, 1993, on the use of minimum and medium custody inmates. The report shall detail:

(1) The requirements placed on the Department by G.S. 148-26, the State policy on the employment of prisoners.
(2) Whether the use of inmate labor is cost-effective.
(3) Whether the cost-sharing arrangement with the Department of Correction is equitable with respect to the contributions from the Department of Transportation and the Highway Fund.
(4) A cost-effective analysis comparing the cost and productivity of using inmate labor versus using temporary highway maintenance workers.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

BRANCH AGENT TRANSACTION RATE

Sec. 155. The Division of Motor Vehicles of the Department of Transportation shall compensate a contractor with whom it has a contract under G.S. 20-63(h) at the rate of ninety-two cents (92¢) for each transaction performed in accordance with the requirements set by the Division. A transaction is any of the following activities:

(1) Issuance of a registration plate, a registration card, a registration renewal sticker, or a certificate of title.
(2) Issuance of a handicapped placard or handicapped identification card.
(3) Acceptance of an application for a personalized registration plate.
(4) Acceptance of a surrendered registration plate, registration card, or registration renewal sticker, or acceptance of an affidavit stating why a person cannot surrender a registration plate, registration card, or registration renewal sticker.
(5) Cancellation of a title because the vehicle has been junked.
(6) Acceptance of an application for, or issuance of, a refund for a fee or a tax, other than the highway use tax.
(7) Receipt of the civil penalty imposed by G.S. 20-309 for a lapse in financial responsibility or receipt of the restoration fee imposed by that statute.
(8) Acceptance of a notice of failure to maintain financial responsibility for a motor vehicle.
(9) Collection of the highway use tax.

Performance at the same time of any combination of the items that are listed within each subdivision or are listed within subdivisions (1) through (8) of this section is a single transaction. Performance of the item listed in subdivision (9) of this section in combination with any other items listed in this section is a separate transaction.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

HIGHWAY FUND ALLOCATIONS BY CONTROLLER

Sec. 156. The Controller of the Department of Transportation shall allocate at the beginning of each fiscal year from the various appropriations made to the Department of Transportation in this act, Titles:

State Construction
State Funds to Match Federal Highway Aid
State Maintenance
Ferry Operations,

sufficient funds to eliminate all overdrafts on State maintenance and construction projects, and these allocations may not be diverted to other purposes.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND APPROPRIATIONS

Sec. 157. (a) The General Assembly authorizes and certifies anticipated revenues of the Highway Fund as follows:

For Fiscal Year 1995-96	$969,300,000
For Fiscal Year 1996-97	$979,400,000.

(b) The General Assembly authorizes and certifies anticipated revenues of the Highway Trust Fund as follows:

For Fiscal Year 1995-96	$578,200,000
For Fiscal Year 1996-97	$590,200,000.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

HIGHWAY FUND LIMITATIONS ON OVEREXPENDITURES

Sec. 158. (a) Overexpenditures from Section 4 of this act may be made by authorization of the Director of the Budget, Titles:

State Construction Primary Construction
State Construction Urban Construction
State Construction Access and Public Service Roads
State Funds to Match Federal Highway Aid
State Maintenance
Ferry Operations,

provided that there are corresponding underexpenditures from these same Titles. Overexpenditures or underexpenditures in any Titles may not vary by more than ten percent (10%) without prior consultation with the Advisory Budget Commission. Written reports covering overexpenditures or underexpenditures of more than ten percent (10%) shall be made to the Joint Legislative Highway Oversight Committee. The reports shall be delivered to the Director of the Fiscal Research Division not less than 96 hours prior to the beginning of the Committee's full meeting.

(b) Overexpenditures from Section 4 of this act, Titles:

State Construction Primary Construction
State Construction Urban Construction
State Construction Access and Public Service Roads
State Funds to Match Federal Highway Aid
State Maintenance
Ferry Operations,

for the purpose of providing additional positions shall be approved by the Director of the Budget and shall be reported on a quarterly basis to the Joint Legislative Highway Oversight Committee and to the Fiscal Research Division.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

RESURFACED ROADS MAY BE WIDENED

Sec. 159. Of the contract maintenance resurfacing program funds appropriated in this act to the Department of Transportation, an amount not to exceed fifteen percent (15%) of the Board of Transportation's allocation of these funds may be used for widening existing narrow pavements that are scheduled for resurfacing. The Department of Transportation shall report on the use of these funds to the Joint Legislative Highway Oversight Committee and the Fiscal Research Division by May 15, 1994.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

HIGHWAY FUND ADJUSTMENTS TO REFLECT ACTUAL REVENUE

Sec. 160. Any unreserved credit balance in the Highway Fund on June 30 of each of the fiscal years of this biennium shall support appropriations in the succeeding fiscal year. If all of the balance is not needed for these appropriations, the Director of the

Budget may use the remaining excess to establish a reserve for access and public roads, a reserve for unforeseen happening of a state of affairs requiring prompt action as provided by G.S. 136-44.1, and other required reserves. Actual revenue in excess of estimated revenue shall be placed in the reserve for highway maintenance. If all of the remaining excess is not used to establish these reserves, the remainder shall be allocated to the State-funded maintenance appropriations in the manner approved by the Board of Transportation. The Board of Transportation shall report monthly to the Joint Legislative Highway Oversight Committee and the Fiscal Research Division about the use of the reserve for highway maintenance.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

DEPARTMENT OF TRANSPORTATION TO PAY COMPENSATION OF ATTORNEYS ASSIGNED TO MOTOR VEHICLES DIVISION BY THE ATTORNEY GENERAL

Sec. 161. The Department of Transportation shall pay the compensation, including salaries and benefits, of the attorneys assigned to the Division of Motor Vehicles by the Attorney General. The funds to pay the compensation for those legal positions shall be taken from the Highway Fund.

Requested by: Senator Lee, Representatives McAllister, McLaughlin

DEPARTMENT OF TRANSPORTATION EXEMPTION FROM GENERAL STATUTES FOR EXPERIMENTAL PROJECT—CONGESTION MANAGEMENT

Sec. 162. The Department of Transportation may enter into a design-build-warrant contract to develop, with Federal Highway Administration participation under The 1991 Intermodal
Surface Transportation Efficiency Act, Title VI, Part B, Sections 6051-6059, a "Congestion Avoidance and Reduction for Autos and Trucks (CARAT)" system of traffic management for the greater Charlotte-Mecklenburg urban areas. Notwithstanding any other provision of law, contractors, contractors' employees, and Department of Transportation employees involved in this project only do not have to be licensed by occupational licensing boards as "license" and "occupational licensing board" are defined in G.S. 93B-1 and for the purpose of entering into contracts, the Department of Transportation is exempted from the provisions of the following General Statutes: G.S. 136-28.1, 143-52, 143-53, 143-58, 143-128, and 143-129. These statutory exemptions are limited and available only to the extent necessary to comply with federal rules, regulations, and policies for completion of this project.

The Department of Transportation shall report quarterly to the Joint Legislative Highway Oversight Committee on its efforts to enter into a design-build-warrant contract and to award and construct the project. The report shall include, but not be limited to, the number of types of firms bidding on the project, special qualifications of the firms bidding, and the effect statutory exemptions might have had on the award and construction of the project and the receipt of federal discretionary funding for the project.

Requested by: Representatives McAllister, McLaughlin, Lemmond,
Senators Lee, Kaplan, Sherron,

DEPARTMENT OF TRANSPORTATION TO REPORT ON DIVISION OF MOTOR VEHICLES ENFORCEMENT SECTION

Sec. 163. The Department of Transportation shall report to the Joint Legislative Highway Oversight Committee, on or before October 1, 1993, on efforts by the Department to restructure the Enforcement Section of the Division of Motor Vehicles.

Requested by: Representatives Nesbitt, McAllister, McLaughlin, Lemmond,
Senators Lee, Kaplan, Sherron,

DISPOSITION OF TAX PROCEEDS FROM THE HIGHWAY TRUST FUND

Sec. 164. (a) G.S. 105-187.9 reads as rewritten:

"§ 105-187.9. Disposition of tax proceeds.

Taxes collected under this Article at the rate of eight percent (8%) shall be credited to the General Fund. Taxes collected under this Article at the rate of three percent (3%) shall be credited to the North Carolina Highway Trust Fund. In each fiscal year the State Treasurer shall transfer the sum of one hundred seventy million dollars ($170,000,000) of the taxes deposited in the Trust Fund to the General Fund. ~~Fund by transferring one-fourth of this amount at the end of each quarter in the fiscal year.~~ The transfer of funds authorized by this section may be made by transferring one-fourth of the amount at the end of each quarter in the fiscal year or by transferring the full amount annually on July 1 of each fiscal year, subject to the availability of revenue."

(b) The interest earned on the one hundred seventy million dollars ($170,000,000) to be transferred pursuant to subsection (a) of this section shall be deposited in the General Fund.

Requested by: Representatives Barbee, McAllister, McLaughlin, Lemmond, Senators Lee, Kaplan, Sherron,

DMV ENFORCEMENT EFFICIENCY IMPLEMENTATION REPORT

Sec. 165. The Commissioner of Motor Vehicles shall report to the Appropriations Committees on Transportation of the House of Representatives and Senate and to the Fiscal Research Division, on the first day of the 1994 Session of the General Assembly, on the implementation of the 1993-94 expansion budget requests for computer equipment, computerized vehicle weighing systems, and the Optical Disk File Storage System. The report shall include the potential savings in manpower and office expenses attributable to the new equipment.

Requested by: Representatives McAllister, McLaughlin, Lemmond, Senators Lee, Kaplan, Sherron,

MAJOR RESURFACING AND MAINTENANCE PROJECTS TO BE IN TRANSPORTATION IMPROVEMENT PROGRAM

Sec. 166. The Secretary of the Department of Transportation shall report to the Appropriations Committees on Transportation of the House of Representatives and the Senate and the Fiscal Research Division, not later than 30 days before the start of the 1994 Session of the General Assembly, on a plan to include major resurfacing projects and major bridge and highway maintenance projects on the primary system in the Transportation Improvement Program issued pursuant to G.S. 143B-350(f)(4).

Requested by: Representatives McAllister, McLaughlin, Senators Lee, Kaplan, Sherron,

PIEDMONT TRIAD TRANSPORTATION STUDY

Sec. 167. Of the funds appropriated in this act from the Highway Fund to the Department of Transportation, the sum of two hundred twenty-two thousand seven hundred fifty dollars ($222,750) for the 1993-94 fiscal year and the sum of three hundred forty-six thousand five hundred dollars ($346,500) for the 1994-95 fiscal year shall be used for a study of the transportation needs of the Piedmont Triad Area involving the metropolitan planning organizations of High Point, Greensboro, and Winston-Salem.

The Board of Transportation shall allocate funds for the study as needed until the appropriation for each year has been used. Funds not used in any year shall revert to the Highway Fund.

The Board of Transportation shall require the recipient of these fund allocations to provide detailed periodic reports on its activities and accomplishments and the expenditures and revenues from all sources. A final report shall be made to the Board of Transportation and the North Carolina General Assembly by May 31, 1995.

Requested by: Senators Lee, Kaplan, Sherron,
Representatives McAllister, McLaughlin, Lemmond

STATE HIGHWAY FACILITIES NAMING/RENAMING MORATORIUM

Sec. 168. (a) The Board of Transportation shall undertake a review of its policies concerning naming or renaming of bridges, highways, and other facilities on the State highway system.

(b) The Board of Transportation shall adopt guidelines for the naming or renaming of bridges, highways, and other facilities on the State highway system by January 1, 1994. Prior to the adoption of guidelines, the Board shall review the guidelines with the Joint Legislative Highway Oversight Committee by October 1, 1993.

(c) Until the Board of Transportation has adopted guidelines pursuant to subsection (b) of this section, there shall be a moratorium on the naming or renaming of bridges, highways, and other facilities on the State highway system.

Requested by: Representatives McAllister, McLaughlin, Nesbitt, Lemmond,
Senators Lee, Kaplan, Sherron,

STUDY OF HIGHWAY FUND EXPENDITURES TO AGENCIES OTHER THAN THE DEPARTMENT OF TRANSPORTATION

Sec. 169. The Legislative Research Commission may study, and the Fiscal Trends Study Commission shall study, all appropriations from the Highway Fund to agencies other than the Department of Transportation, including the Highway Patrol, Department of Correction, and Department of Public Instruction, and shall report to the General Assembly by the first day of the 1994 Regular Session on the appropriateness of these appropriations, the trends of these appropriations, on how the future growth in these appropriations can be limited, and on a policy on what type of programs can be funded from the Highway Fund.

Requested by: Senators Sands, Lee, Kaplan, Sherron,
Representatives McAllister, McLaughlin, Lemmond

SECONDARY ROAD FUNDS ELIGIBILITY MODIFICATION

Sec. 169.1. Notwithstanding any other provision of law, the Department of Transportation shall maintain the streets and highways on the State highway system within municipalities that are not eligible for funds under G.S. 136-41.2. The Department of Transportation shall maintain the streets and highways as part of the State secondary system, and maintain the paving priority for the secondary roads the same as if the municipality were not incorporated, as long as the ineligibility for funds under G.S. 136-41.2 continues. The provisions of this section apply only to municipalities incorporated between July 1, 1989, and June 30, 1993.

Requested by: Senators Lee, Kaplan, Sherron,
Representatives McAllister, McLaughlin, Lemmond

JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

Sec. 169.2. (a) G.S. 120-70.50 reads as rewritten:

"**§ 120-70.50. Creation and membership of Joint Legislative ~~Highway~~ Transportation Oversight Committee.**

The Joint Legislative ~~Highway~~ Transportation Oversight Committee is established. The Committee consists of 16 members as follows:

(1) Eight members of the Senate appointed by the President *Pro Tempore* of the Senate, at least two of whom are members of the minority party; and

(2) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on January 15 of each odd-numbered year, except the terms of the initial members, which begin on appointment. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

(b) G.S. 120-70.51(a) reads as rewritten:

"(a) The Joint Legislative ~~Highway~~ Transportation Oversight Committee ~~shall:~~ may:

(1) Review reports prepared by the Department of Transportation ~~under G.S. 136-184.~~ or any other agency of State government related, in any manner, to transportation, when those reports are required by any law.

(2) Monitor the funds deposited in and expenditures from the North Carolina Highway Trust ~~Fund and~~ Fund, the Highway ~~Fund.~~ Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation.

(3) Determine whether funds ~~in the Trust Fund are spent in accordance with G.S. 136-17.2A and Article 14 of Chapter 136.~~ related, in any manner, to transportation are being spent in accordance with law.

(4) Determine whether any revisions are needed in the funding for a program for which funds in the Trust ~~Fund~~ Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation may be used, including revisions needed to meet any statutory timetable ~~for the~~ or program.

(5) Report to the General Assembly at the beginning of each regular session concerning its determinations of needed changes in the funding ~~for~~ or operation of programs ~~funded from the Trust Fund.~~ related, in any manner, to transportation.

These powers, which are enumerated by way of illustration, shall be liberally construed to provide for the maximum oversight by the Committee of all transportation matters in this State."

(c) G.S. 120-70.52(a) reads as rewritten:

"(a) The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative ~~Highway~~ Transportation Oversight Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs."

(d) G.S. 136-12(b) reads as rewritten:

"(b) At least 30 days before it approves a Transportation Improvement Program in accordance with G.S. 143B-350(f)(4) or approves interim changes to a Transportation Improvement Program, the Department shall submit the proposed Transportation Improvement Program or proposed interim changes to a Transportation Improvement Program to the following members and staff of the General Assembly:

(1) The Speaker and the Speaker *Pro Tempore* of the House of Representatives;

(2) The Lieutenant Governor and the President *Pro Tempore* of the Senate;

(3) The Chairs of the House and Senate Appropriations Committees;

(4) Each member of the Joint Legislative ~~Highway~~ Transportation Oversight Committee; and

(5) The Fiscal Research Division of the Legislative Services Commission."

(e) G.S. 136-184 reads as rewritten:

"§ 136-184. Reports by Department of Transportation.

(a) The Department of Transportation shall develop, and update annually, a report containing a completion schedule for all projects to be funded from the Trust Fund. The report shall include a separate schedule for the Intrastate System projects, the urban loop projects, and the paving of unpaved State-maintained secondary roads that have a traffic vehicular equivalent of at least 50 vehicles a day. The annual update shall indicate the projects, or portions thereof, that were completed during the preceding fiscal year, any changes in the original completion schedules, and the reasons for the changes. The Department shall submit the report and the annual updates to the Joint Legislative ~~Highway~~ Transportation Oversight Committee.

(b) The Department of Transportation shall make quarterly reports to the Joint Legislative ~~Highway~~ Transportation Oversight Committee containing any information requested by the Committee. The Department shall provide the Committee with all information needed to determine if funds available under the Trust Fund and the Transportation Improvement Program are being spent in accordance with G.S. 136-17.2A."

(f) G.S. 143-318.14A(a) reads as rewritten:

"(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be 'commissions, committees, and standing subcommittees of the General Assembly':

(1) The Legislative Research Commission;
(2) The Legislative Services Commission;
(3) The Advisory Budget Commission;
(4) The Joint Legislative Utility Review Committee;
(5) The Joint Legislative Commission on Governmental Operations;
(6) The Joint Legislative Commission on Municipal Incorporations;
(7) The Commission on the Family;
(8) The Joint Select Committee on Low-Level Radioactive Waste;
(9) The Environmental Review Commission;
(10) The Joint Legislative ~~Highway~~ Transportation Oversight Committee;
(11) The Joint Legislative Education Oversight Committee;
(12) The Joint Legislative Commission on Future Strategies for North Carolina;
(13) The Commission on Children with Special Needs;
(14) The Legislative Committee on New Licensing Boards;
(15) The Agriculture and Forestry Awareness Study Commission;
(16) The North Carolina Study Commission on Aging; and
(17) The standing Committees on Pensions and Retirement."

(g) Any law that contains "Joint Legislative Highway Oversight Committee" shall be deemed to refer to the "Joint Legislative Transportation Oversight Committee".

Requested by: Senator Lee, Representatives McAllister, McLaughlin

VISITOR AND WELCOME CENTER FUNDS

Sec. 169.3. (a) G.S. 20-79.7(c) reads as rewritten:

"(c) Use of Funds in Special Registration Plate Account. —

(1) The Division shall deduct the costs of special registration plates, including the costs of issuing, handling, and advertising the availability of the special plates, from the Special Registration Plate Account.

(2) From the funds remaining in the Special Registration Plate Account after the deductions in accordance with subdivision (1) of this subsection, there is appropriated from the Special Registration Plate Account the sum of three hundred twenty-five thousand dollars ($325,000) for the 1993-94 fiscal year and the sum of three hundred seventy-five thousand dollars ($375,000) for the 1994-95 fiscal year to provide operating assistance for the Visitor and Welcome Centers:

a. on U.S. Highway 17 in Camden County, ($75,000);
b. on U.S. Highway 17 in Brunswick County, ($75,000);
c. on U.S. Highway 441 in Macon County, ($75,000);
d. in the Town of Boone, Watauga County, ($75,000); and
e. on U.S. Highway 29 in Caswell County, ($25,000) for the 1993-94 fiscal year and ($75,000) for the 1994-95 fiscal year.

(3) The Division shall transfer the remaining revenue in the Account quarterly as follows:

~~(1)~~a. Thirty-three percent (33%) to the account of the Department of Commerce to aid in financing out-of-state print and other media

advertising under the program for the promotion of travel and industrial development in this State.

~~(2)~~ b. Fifty percent (50%) to the Department of Transportation to be used solely for the purpose of beautification of highways other than those designated as interstate. These funds shall be administered by the Department of Transportation for beautification purposes not inconsistent with good landscaping and engineering principles.

~~(3)~~ c. Seventeen percent (17%) to the account of the Department of Human Resources to promote travel accessibility for disabled persons in this State. These funds shall be used to collect and update site information on travel attractions designated by the Department of Commerce in its publications, to provide technical assistance to travel attractions concerning accommodation of disabled tourists, and to develop, print, and promote the publication ACCESS NORTH CAROLINA as provided in G.S. 168-2. Any funds allocated for these purposes that are neither spent nor obligated at the end of the fiscal year shall be transferred to the Department of Administration for removal of man-made barriers to disabled travelers at State-funded travel attractions. Guidelines for the removal of man-made barriers shall be developed in consultation with the Department of Human Resources."

(b) The Secretary of Transportation shall review the State's role in funding the operations of the visitor centers receiving funding pursuant to subsection (a) of this section and report the Secretary's findings to the Joint Legislative Highway Oversight Committee by March 1, 1994.

Requested by: Senators Lee, Plyler, Kaplan, Sherron,
Representatives McAllister, McLaughlin, Lemmond

FARM EQUIPMENT DEALER PLATE USAGE

Sec. 169.4. G.S. 20-79(d) reads as rewritten:

"(d) Dealer's license plates may be used on motor vehicles owned by, or assigned to, duly licensed motor vehicle dealers of this State when operated on the highways of this State by the dealer, corporate officers of the dealership, salespersons or full-time employees of the dealership, and any designated part-time employees of the dealership; provided, the vehicle is subject to the proof of financial responsibility requirements of Article 9A of this Chapter. A dealer who sells, trades, or services farm tractors may use a dealer license plate on a vehicle that is owned by the dealer and is used to haul farm tractors or any other farm-related equipment sold, traded, or serviced by the dealer. A dealership owner who desires to use dealer's license plates as herein provided shall make application on a form provided by the Division of Motor Vehicles and pay the annual amount set in G.S. 20-87(7)."

Requested by: Senators Daniel, Lee, Kaplan, Sherron,
Representatives McAllister, McLaughlin, Lemmond

SOME TEMPORARY FERRY DIVISION POSITIONS CONVERTED TO PERMANENT FULL-TIME POSITIONS.

Sec. 169.5. Any temporary positions in the Ferry Division that are filled by personnel who have worked for 24 or more months as of the effective date of this act, shall be converted to permanent full-time positions, subject to the approval of the Secretary of Transportation.

PART 19. DEPARTMENT OF CORRECTION

Requested by: Senator Odom, Representatives Holt, Gist

CURRENT OPERATING EXPENSES

Sec. 170. From the funds appropriated to the Department of Correction in the certified budget for the 1993-94 fiscal year, the Department may transfer within its

budget up to five million dollars ($5,000,000) for repair and renovation of its facilities. The use of these funds shall be subject to the prior approval of the Office of State Budget and Management. The Department of Correction shall have a verifiable ten percent (10%) goal for participation by minority and women contractors in these projects. If necessary, the Department may transfer within its budget up to six hundred fifty thousand dollars ($650,000) in each fiscal year to match federal grant funds received by the Department.

The Department of Correction shall submit a schedule of repairs and renovations funded pursuant to this section and shall provide information on the use of minority and women contractors for those projects in a quarterly report to the Joint Legislative Commission on Governmental Operations and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senator Odom, Representatives Holt, Gist

LIMIT USE OF OPERATIONAL FUNDS

Sec. 171. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds may not be expended for any other purpose, and may not be expended for additional prison personnel positions until the new facilities are within 90 days of completion, except for certain management and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

Requested by: Senator Odom, Representatives Holt, Gist

NCCIW/MATCH PROGRAM FUNDS

Sec. 172. Funds from the one hundred twelve million five hundred thousand dollars ($112,500,000) in bond proceeds appropriated and allocated for repairs and renovations at the North Carolina Correctional Institution for Women in Section 239 of Chapter 689 of the 1991 Session Laws, as amended by Section 41(a) of Chapter 1044 of the 1991 Session Laws, shall be used to provide a gatehouse and a visiting/operations center that will include designated space for the Mothers and Their Children (MATCH) program. The MATCH program will be a specialized treatment program that will provide supervised visitation between inmates and their children and hold classes in parenting and related subjects.

Requested by: Representatives Holt, Gist, Senator Odom

SUMMIT HOUSE

Sec. 173. (a) Of the funds appropriated to the Department of Correction, the sum of four hundred thousand dollars ($400,000) for the 1993-94 fiscal year, and the sum of four hundred thousand dollars ($400,000) for the 1994-95 fiscal year, shall be used to support the program at Summit House, a community-based residential alternative to incarceration for mothers and pregnant women convicted of nonviolent crimes, including expansion of nonresidential day center services.

(b) Of the funds appropriated to the Department of Correction for the 1993-94 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used for planning and site selection of satellite Summit House programs in Mecklenburg and Wake Counties. Any funds appropriated by this section for planning and site selection which are available after completion of the planning and site selection process may be used by Mecklenburg and Wake Counties to supplement local resources allocated for site acquisition.

(c) Of the funds appropriated to the Department of Correction for the 1994-95 fiscal year, the sum of five hundred thousand dollars ($500,000) shall be used for the sharing of operating costs of satellite Summit House programs in Mecklenburg and Wake Counties. The funds appropriated for operating costs of the satellite programs in Mecklenburg and Wake Counties are in addition to other resources available to those programs.

(d) Each fiscal year, Summit House shall report quarterly to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House. For the 1993-94 fiscal year, Summit House shall report to the Joint Legislative Commission on Governmental Operations on the progress of the planning and site selection process for the satellite programs funded by this section. For the 1994-95 fiscal year, Summit House shall report to the Joint Legislative Commission on Governmental Operations on the expansion of its program into Mecklenburg and Wake Counties.

Requested by: Senator Odom, Representatives Holt, Gist

HARRIET HOUSE

Sec. 174. Of the funds appropriated to the Department of Correction, the sum of two hundred thousand dollars ($200,000) for the 1993-94 fiscal year shall be used to support the programs of Harriet House, a transitional home for female ex-offenders and their children. Harriet House shall report quarterly to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program including information on the number of clients served and the number of clients who successfully complete the Harriet House program.

Requested by: Senator Odom, Representatives Holt, Gist

INMATE INCENTIVE PAY

Sec. 175. G.S. 148-18(a) reads as rewritten:

"(a) Prisoners employed in prison enterprises shall be compensated at hourly rates fixed by the Department of Correction's rules and regulations, or on the basis of production quotas established by prison enterprises, for work performed; provided, that no prisoner working for prison enterprises shall be paid more than ~~one dollar ($1.00)~~ three dollars ($3.00) per day from funds made available by the Prison Enterprises Fund.

Prisoners employed other than by prison enterprises and those involved in the maintenance and housekeeping of the prison system, shall be compensated at rates fixed by the Department of Correction's rules and regulations; provided, that no prisoner so paid shall receive more than one dollar ($1.00) per day. The source of wages and allowances provided inmates who are not employed by prison enterprises shall be funds provided by the Department of Transportation to the Department of Correction for this purpose. The provisions of this subsection shall not apply to wages paid by private prison enterprises conducted pursuant to G.S. 148-70."

Requested by: Senator Odom

PRIVATE CONFINEMENT FACILITIES

Sec. 176. No for-profit, privately owned or operated confinement facilities may be added to the State prison system unless approved by the General Assembly. Notwithstanding the provisions of this section or any other provision of law, the Secretary of Correction may issue a request for proposal or employ other appropriate bidding process or procedure to determine contract terms or conditions under which private for-profit or nonprofit firms would offer to provide and operate treatment centers at various locations across the State totalling 500 beds for prisoners committed to the custody of the Department of Correction who are diagnosed as needing treatment for alcohol or drug abuse. The State may continue its existing contracts with private, nonprofit firms to provide or operate work and study release centers for women and for youth.

The solicitation of bids for alcohol or drug treatment centers does not authorize the Secretary of Correction to enter into contracts with private for-profit or nonprofit firms to provide and operate such treatment centers. The Secretary of Correction shall report the results of the solicitation of bids to the Speaker of the House of Representatives, the President *Pro Tempore* of the Senate, the Chairs of the House and

Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division by April 15, 1994.

Requested by: Representatives Holt, Gist, Senator Odom

CONSOLIDATION OF PRISON FACILITIES

Sec. 177. In order to begin the consolidation of smaller prison units into a lesser number of facilities, the Department of Correction shall develop and implement plans to close Granville, Halifax, Person, Warren, and Vance prison units and replace them with appropriate facilities to be recommended by the Department.

Requested by: Representatives Holt, Gist, Senator Odom

REASONABLE AUDIT FEES AND ACCESS TO INMATE MEDICAL RECORDS

Sec. 178. (a) Any hospital in the State that provides medical care or treatment to an inmate in the custody of the Department of Correction shall permit the Department or any of its agents to review or audit those medical records upon request. The hospital may charge no more than reasonable fees for allowing such review or audit for providing necessary copies of bills or charges or information related to bills or charges and may not impose any unreasonable conditions or restrictions upon the access to those medical records.

(b) Effective upon ratification of this act, Chapter 131E of the General Statutes is amended by adding a new section to read:

"§ 131E-99.2. Inmate medical records.

Notwithstanding any other provision of law, a hospital does not breach patient confidentiality by providing the Department of Correction with the medical records of inmates who receive medical treatment at the hospital while in the custody of the Department. A hospital complying with a request from the Department of Correction or its agent for a copy of the medical records of an inmate who received medical services while in custody shall be immune from liability in any civil action for the release of the inmate's medical record."

Requested by: Senator Odom, Representatives Holt, Gist

COMMUNITY CORRECTIONS PROGRAMS

Sec. 178.1. It is the intent of the General Assembly to consider action during 1994 upon the recommendation of the Government Performance Audit Committee to transfer the Community Service Work Program from the Department of Crime Control and Public Safety to the Department of Correction and to consolidate all community corrections programs under a single administrative structure. The 1993 General Assembly shall further evaluate the advantages and disadvantages of such a transfer and consolidation, and the specific ways in which to implement a transfer and consolidation, and shall consider action upon the recommendation during its 1994 Regular Session.

PART 20. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senator Odom, Representatives Holt, Gist

REPORT ON COMMUNITY SERVICE WORKERS

Sec. 179. The Department of Crime Control and Public Safety shall report quarterly in the 1993-94 fiscal year and the 1994-95 fiscal year to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on the number of community service workers who were available during each month of the time period preceding that report to perform repairs and maintenance of the parks and when and where they were available.

Requested by: Senator Odom, Representatives Holt, Gist

RAPE VICTIMS ASSISTANCE PROGRAM

Sec. 180. (a) Notwithstanding G.S. 143-12 or any other provision of law, the Department of Crime Control and Public Safety may utilize up to one hundred fifty

thousand dollars ($150,000) of funds received, but not used, from the contingency and emergency fund in order to liquidate unpaid invoices for hospital emergency room services provided to rape victims and to provide rape evidence collection kits to hospital emergency rooms.

(b) This section becomes effective June 30, 1993.

Requested by: Senator Odom, Representatives Holt, Gist

NATIONAL GUARD DISASTER TRAINING

Sec. 181. (a) G.S. 166A-6 is amended by adding a new subsection to read:

"(d) In preparation for a state of disaster, with the concurrence of the Council of State, the Governor may use contingency and emergency funds as necessary and appropriate for National Guard training in preparation for disasters."

(b) This section is effective upon ratification.

Requested by: Senators Lee, Odom, Representatives Holt, Gist

REPORT BY HIGHWAY PATROL DIVISION

Sec. 182. The Department of Crime Control and Public Safety, Highway Patrol Division, shall prepare a written report to the Senate and House Appropriations Committees on Justice and Public Safety and to the Joint Appropriations Committee on Transportation on the following:

(1) Development of a long-range staffing plan, including optimum patrol strength;

(2) Assignment of troopers to counties, including a plan for the revision of county assignments that reflects overall staffing levels;

(3) Development of a plan for reciprocity with local law enforcement agencies that specifies the number of local law enforcement officers eligible to participate in training offered by the Division;

(4) Justification of the use of troopers on special assignment to provide security services at special and public events, including sporting events, and the development of a rate of reimbursement for services provided at special and public events; and

(5) Justification of the annual automatic pay increase currently provided to sworn Division personnel.

By April 30, 1994, the Department of Crime Control and Public Safety, Highway Patrol Division, shall provide copies of the report to the Senate and House Appropriations Committees on Justice and Public Safety and to the Joint Appropriations Committee on Transportation, and to the Fiscal Research Division of the Legislative Services Office. The Division shall be available to present the report to the Senate and House Appropriations Committees on Justice and Public Safety and to the Joint Appropriations Committee on Transportation within five days of the convening of the Joint Appropriations Committee. The Senate and House Appropriations Committees on Justice and Public Safety and the Joint Appropriations Committee on Transportation shall meet within five days of the convening of the Joint Appropriations Committee to receive the report required by this section.

Requested by: Representatives Holt, Gist, Senator Odom

REPORT ON THE CRIME VICTIMS COMPENSATION FUND

Sec. 183. The Department of Crime Control and Public Safety shall report annually to the Senate and House Appropriations Base Budget Committees on Justice and Public Safety and the Fiscal Research Division on the administrative expenditures of the North Carolina Crime Victims Compensation Fund.

Requested by: Representatives Holt, Gist, Senator Odom

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Sec. 184. (a) Section 1303(4) of the Omnibus Crime Control and Safe Streets Act of 1968 provides that State applications for drug law enforcement grants are subject to review by the State legislature or its designated body.

(b) The North Carolina General Assembly hereby provides that State applications for grants under the State and Local Law Enforcement Assistance Act of 1986, Part M of the Omnibus Crime Control and Safe Streets Act of 1968 as enacted by Subtitle K of P.L. 99-570, the Anti-Drug Abuse Act of 1986, are subject to review by the Joint Legislative Commission on Governmental Operations if at the time of review the General Assembly is not in session. Any State agency submitting a grant application for review shall also report to the House Appropriations Subcommittee on Justice and Public Safety and to the Senate Appropriations Committee on Justice and Public Safety with regard to the grant.

(c) Unless a State statute provides a different forum for review, when a federal law or regulation provides that a State application for a grant must be reviewed by the State legislature or its designated body and at the time of the review the General Assembly is not in session, that application shall be reviewed by the Joint Legislative Commission on Governmental Operations. Any State agency submitting a grant application for review shall also report to the House Appropriations Subcommittee on Justice and Public Safety and to the Senate Appropriations Committee on Justice and Public Safety with regard to the grant.

Requested by: Representatives Holt, Gist, Senator Odom

AUTOMATED ADMINISTRATION OF THE CRIME VICTIMS COMPENSATION FUND

Sec. 185. The Department of Crime Control and Public Safety shall develop or acquire software to automate the system of claims and reimbursement administration for the Crime Victims Compensation Fund. The automated system shall have among its capabilities the ability to track individual applications for reimbursement from the initial filing of the claim through the disposition of the claim, including the status of claims investigations and third-party reimbursements. The Department of Crime Control and Public Safety shall submit a report to the House and Senate Appropriations Committees on Justice and Public Safety and to the Fiscal Research Division by March 31, 1994, that identifies the automated system installed by the Department, documents the status of bringing the claims management and reimbursement system on-line, and documents the ability of the system to track administration and reimbursement of claims.

PART 21. JUDICIAL DEPARTMENT

Requested by: Senator Odom, Representatives Holt, Gist

AOC NETWORK TRANSFER STUDY

Sec. 186. The Information Resource Management Commission and the Administrative Office of the Courts jointly shall prepare a written evaluation of the costs, benefits, and feasibility of transferring ownership of the Administrative Office of the Courts' network back to the ownership and management of the State Telecommunications System. The evaluation shall include an independent study to determine whether the incremental operating costs (including incremental overhead costs) are lower under the State Telecommunications System and whether a service level agreement between the State Telecommunications System and the Administrative Office of the Courts that meets the Administrative Office of the Courts' requirements for network service can be developed. The Information Resource Management Commission and the Administrative Office of the Courts jointly shall present the written evaluation to the Joint Legislative Commission on Governmental Operations not later than December 31, 1993.

Requested by: Senator Odom, Representatives Holt, Gist

INDIGENT PERSONS' ATTORNEY FEE FUND

Sec. 187. (a) Effective July 1, 1993, the Administrative Office of the Courts shall each year of the 1993-95 biennium place the sum of three million eight hundred thousand dollars ($3,800,000) from the Indigent Persons' Attorney Fee Fund in a reserve for capital cases and for transcripts, professional examinations, and expert witness fees. The Administrative Office of the Courts shall allot these funds as needed for these purposes and for unanticipated demands on the fund.

(b) Effective July 1, 1993, the Administrative Office of the Courts shall, for each year of the biennium, allot the sum of eleven million five hundred thousand dollars ($11,500,000) from the Indigent Persons' Attorney Fee Fund for adult, juvenile, and guardian *ad litem* cases for the 1993-94 and 1994-95 fiscal years to each judicial district in which the superior and district court districts are coterminous, and otherwise by county, according to the caseload of indigent persons who were not represented by the public defender in the districts or counties during 1992-93 and 1993-94, respectively.

The Administrative Office of the Courts shall notify all senior resident superior court judges, all chief district court judges, and the clerk of superior court within the district or county immediately after the allotment is made and shall regularly notify them how much remains for the district or county.

The senior resident superior court judge and the chief district court judge of each district or county shall ask all judges holding court within the district or county: (i) to take into consideration the amount of money allotted at the beginning of the fiscal year and the amount of money remaining in the allotment when they award counsel fees to attorneys of indigent persons, and (ii) to make an effort to award fees equally and justly for legal services provided. The clerk of superior court for each county shall ensure that all judges holding court within the county receive this request from the senior resident superior court judge and the chief district court judge.

(c) If the funds allotted pursuant to subsection (b) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot the remaining funds from the Indigent Persons' Attorney Fee Fund in the same manner as provided in subsection (b) of this section. However, if necessary and appropriate due to unusual and unanticipated circumstances occurring in the current year, the Administrative Office of the Courts may allocate funds to a district or county in a manner calculated to result in the reasonably fair distribution of remaining funds. Such funds shall be subject to the limitations and directions set out in subsection (b) of this section.

(d) If the funds allotted pursuant to subsection (c) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts is authorized to resume payments in such districts or counties only if and when it is reasonably determined that the total projected expenditures will be less than the total approved budget for the Indigent Persons' Attorney Fee Fund for the fiscal year.

Requested by: Senator Odom, Representatives Holt, Gist

SPECIAL CAPITAL CASE REHEARING FUND

Sec. 188. (a) There is continued in the Judicial Department the nonreverting special fund known as "The Special Capital Case Rehearing Fund". The funds shall be used to provide for resentencing hearings, related appeals, and postconviction hearings required by the decisions of the United States Supreme Court in McKoy v. North Carolina, decided March 5, 1990, and of the Supreme Court of North Carolina upon remand of that case, including the payment of attorneys' fees and related expenses for representation of indigent persons as specified in Subchapter IX of Chapter 7A of the General Statutes. The Special Capital Case Rehearing Fund shall terminate, and all funds remaining in it shall be transferred to the Indigent Persons' Attorney Fee Fund, when the Director of the Administrative Office of the Courts certifies to the State Controller that all reasonably foreseeable resentencing hearings, related appeals, and postconviction hearings have been substantially completed.

(b) Of the funds appropriated from the General Fund to the Judicial Department for the 1993-95 biennium, the sum of one million forty-eight thousand four hundred twenty-four dollars ($1,048,424) for the 1993-94 fiscal year and the sum of one million forty-eight thousand four hundred twenty-four dollars ($1,048,424) for the 1994-95 fiscal year may be used for the purposes indicated in this section.

Requested by: Senator Odom, Representatives Holt, Gist

COMMUNITY PENALTIES PROGRAMS

Sec. 189. (a) Of the funds appropriated from the General Fund to the Judicial Department for the 1993-95 biennium to conduct the community penalties programs, the sum of one million nine hundred eighteen thousand nine hundred twelve dollars ($1,918,912) for the 1993-94 fiscal year and the sum of one million nine hundred eighteen thousand nine hundred twelve dollars ($1,918,912) for the 1994-95 fiscal year may be allocated by the Judicial Department in any amount among existing community penalties programs or may be used to establish new community penalties programs.

(b) The Judicial Department shall report annually to the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division on the administrative expenditures of the community penalties programs.

Requested by: Senator Odom, Representatives Holt, Gist

RAPE VICTIM WITNESS COUNSELOR PROGRAM

Sec. 190. From funds appropriated to the Judicial Department in the certified budget for the 1993-95 biennium, the Administrative Office of the Courts may transfer within its budget up to twenty-five thousand dollars ($25,000) for the 1993-94 fiscal year and up to twenty-five thousand dollars ($25,000) for the 1994-95 fiscal year to support the existing Rape Victim Witness Counselor Program.

Requested by: Senator Odom, Representatives Holt, Gist

GRANT MATCHING FUNDS

Sec. 191. From the funds appropriated to the Judicial Department in the certified budget for the 1993-95 biennium, the Administrative Office of the Courts may transfer within its budget for each fiscal year up to two hundred thousand dollars ($200,000) to match any grants awarded to the Judicial Department from non-State funds.

Requested by: Senator Odom, Representatives Holt, Gist

EXTEND INDIGENT PERSONS' ATTORNEY REPRESENTATION CONTRACT PROGRAM

Sec. 192. G.S. 7A-344 reads as rewritten:

"**§ 7A-344. Special duties of Director concerning representation of indigent persons.**

In addition to the duties prescribed in G.S. 7A-343, the Director shall also:

(1) Supervise and coordinate the operation of the laws and regulations concerning the assignment of legal counsel for indigent persons under Subchapter IX of this Chapter to the end that all indigent persons are adequately represented;

(2) Advise and cooperate with the offices of the public defenders as needed to achieve maximum effectiveness in the discharge of the defender's responsibilities;

(3) Collect data on the operation of the assigned counsel and the public defender systems, and make such recommendations to the General Assembly for improvement in the operation of these systems as appear to him to be appropriate; and

(4) Accept and utilize federal or private funds, as available, to improve defense services for the indigent, including indigent juveniles alleged to be delinquent or undisciplined. To facilitate processing of juvenile and other indigent cases, the administrative officer is further authorized, in any ~~district court district,~~ district or set of districts as defined in G.S. 7A-41.1(a), with the approval of the chief district court ~~judge,~~ judge for cases in the district court division and the approval of the senior resident superior court judge for cases in the superior court division, to engage the services of a particular attorney or attorneys to provide specialized representation on a full-time or part-time basis."

Requested by: Senator Odom, Representatives Holt, Gist

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

Sec. 193. Funds appropriated to the Judicial Department in the 1993-95 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts shall have the authority to transfer these funds to the appropriate programs and between programs as the equipment priorities and supply consumptions occur during the operating year. These funds may not be expended for any other purpose. The Administrative Office of the Courts shall make quarterly reports on transfers made pursuant to this section to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Senator Odom, Representatives Holt, Gist

ADDITIONAL PUBLIC AND APPELLATE DEFENDER PERSONNEL

Sec. 194. From funds appropriated to the Indigent Persons' Attorney Fee Fund in the Judicial Department for the 1993-95 biennium, the Administrative Office of the Courts may use up to four hundred sixty-six thousand two hundred thirty dollars ($466,230) in the 1993-94 fiscal year and up to four hundred seventy-one thousand nine hundred eighty-nine dollars ($471,989) in the 1994-95 fiscal year for salaries, benefits, and related expenses to be allocated as follows:

(1) $217,060 in the 1993-94 fiscal year and $234,478 in the 1994-95 fiscal year to establish up to four new assistant public defenders;

(2) $140,640 in the 1993-94 fiscal year and $119,555 in the 1994-95 fiscal year to establish up to five new public defender secretaries; and

(3) $108,530 in the 1993-94 fiscal year and $117,478 in the 1994-95 fiscal year to establish up to two new assistant appellate defenders.

Requested by: Representatives Holt, Gist, Senator Odom

TRANSFER FUNDS FROM SPECIAL CAPITAL CASE REHEARING FUND TO THE INDIGENT PERSONS' ATTORNEY FEE FUND

Sec. 195. (a) Notwithstanding the provisions of Section 78 of Chapter 689 of the 1991 Session Laws, the Judicial Department may transfer up to the sum of one million one hundred thousand dollars ($1,100,000) from the Special Capital Case Rehearing Fund, established in Section 2 of Chapter 742 of the 1991 Session Laws, to the Indigent Persons' Attorney Fee Fund by June 30, 1994, to pay the obligations incurred by the Indigent Persons' Attorney Fee Fund.

(b) This section is effective upon ratification.

Requested by: Representatives Holt, Gist, Fitch, Senator Odom

EMERGENCY SPECIAL SUPERIOR COURT JUDGES

Sec. 199. Article 7 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-45.2. Emergency special judges of the superior court; qualifications, appointment, removal, and authority.**

(a) Any justice or judge of the appellate division of the General Court of Justice who:

(1) Retires under the provisions of the Consolidated Judicial Retirement Act, Article 4 of Chapter 135 of the General Statutes, or who is eligible to receive a retirement allowance under that act;

(2) Has not reached the mandatory retirement age specified in G.S. 7A-4.20;

(3) Has served at least five years as a superior court judge or five years as a justice or judge of the appellate division of the General Court of Justice, or any combination thereof, whether or not eligible to serve as an emergency justice or judge of the appellate division of the General Court of Justice; and

(4) Whose judicial service ended within the preceding 10 years;

may apply to the Governor for appointment as an emergency special superior court judge in the same manner as is provided for application as an emergency superior court judge in G.S. 7A-53. If the Governor is satisfied that the applicant meets the requirements of this

section and is physically and mentally able to perform the duties of a superior court judge, the Governor shall issue a commission appointing the applicant as an emergency special superior court judge until the applicant reaches the mandatory retirement age for superior court judges specified in G.S. 7A-4.20.

(b) Any emergency special superior court judge appointed as provided in this section shall:

(1) Have the same powers and duties, when duly assigned to hold court, as provided for an emergency superior court judge by G.S. 7A-48;

(2) Be subject to assignment in the same manner as provided for an emergency superior court judge by G.S. 7A-46;

(3) Receive the same compensation, expenses, and allowances, when assigned to hold court, as an emergency superior court judge as provided by G.S. 7A-52(b);

(4) Be subject to the provisions and requirements of the Canons of Judicial Conduct; and

(5) Not engage in the practice of law during any period for which the emergency special superior court judgeship is commissioned. However, this subdivision shall not be construed to prohibit an emergency special superior court judge appointed pursuant to this section from serving as a referee, arbitrator, or mediator, during service as an emergency special superior court judge when the service does not conflict with or interfere with the emergency special superior court judge's judicial service in emergency status.

(c) Upon reaching mandatory retirement age for superior court judges as set forth in G.S. 7A-4.20, any emergency special superior court judge appointed pursuant to this section, whose commission has expired, may be recalled as a recalled emergency special superior court judge to preside over any regular or special session of the superior court under the following circumstances:

(1) The judge shall consent to the recall;

(2) The Chief Justice may order the recall;

(3) Prior to ordering recall, the Chief Justice shall be satisfied that the recalled judge is capable of efficiently and promptly discharging the duties of the office to which recalled;

(4) Jurisdiction of a recalled emergency special superior court judge is as set forth in G.S. 7A-48;

(5) Orders of recall and assignment shall be in writing and entered upon the minutes of the court to which assigned; and

(6) Compensation, expenses, and allowances of recalled emergency special superior court judges are the same as for recalled emergency superior court judges under G.S. 7A-52(b).

(d) Any former justice or judge of the appellate division of the General Court of Justice who otherwise meets the requirements of subsection (a) of this section to be appointed an emergency special superior court judge but has already reached the mandatory retirement age for superior court judges set forth in G.S. 7A-4.20 on retirement may, in lieu of serving as an emergency judge of the court from which he retired, apply to the Governor to be appointed as an emergency special superior court judge as provided in this section. If the Governor issues a commission to the applicant, the retired justice or judge is subject to recall as an emergency special superior court judge as provided in subsection (c) of this section.

(e) No justice or judge appointed as an emergency special superior court judge or subject to recall as provided in this section shall, during the period so appointed or subject to recall, contemporaneously serve as an emergency justice or judge of the appellate division of the General Court of Justice."

Requested by: Representatives Holt, Gist, Senator Odom

STUDY OF MEDIATION PROGRAMS

Sec. 200. The Administrative Office of the Courts shall study the effectiveness of the Child Custody and Visitation Mediation Programs, the Court-Ordered Non-Binding Arbitration Programs, and the Dispute Mediation Programs, and shall report its findings to the General Assembly by April 15, 1994, including recommendations on whether those programs should be expanded and in what manner they should be expanded.

Requested by: Senator Plyler, Representative Barnes

SENTENCING COMMISSION EXTENDED

Sec. 200.1. (a) Section 8 of Chapter 1076 of the 1989 Session Laws, as amended by Chapters 812 and 816 of the 1991 Session Laws and Chapter 253 of the 1993 Session Laws, reads as rewritten:

"Sec. 8. This act is effective upon ratification, and shall expire ~~August 1, 1993.~~ July 1, 1994."

(b) G.S. 164-38 reads as rewritten:

"**§ 164-38. Terms of members; compensation; expenses.**

The terms of existing members shall expire on June 30, ~~1992.~~ 1993. New members shall be appointed or the existing members reappointed by the appointing authorities to serve until July 1, ~~1993~~, 1994, unless they resign or are removed. Members serving by virtue of elective or appointive office or as designees of such officeholders may serve only so long as the officeholders hold those respective offices. Members appointed by the Speaker of the House and the President *Pro Tempore* of the Senate may be removed by the appointing authority without cause. Vacancies occurring before the expiration of a term shall be filled in the manner provided for the members first appointed. A member of the Commission may be removed only for disability, neglect of duty, incompetence, or malfeasance in office. Before removal, the member is entitled to a hearing. Effective with respect to members designated on or after July 1, 1992, a person making a designation pursuant to G.S. 164-37 may not make another designation, except that the person's successor in elective or appointive office may make a new designation.

The Commission members shall receive no salary for serving. All Commission members shall receive necessary subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6 as applicable."

Requested by: Senator Odom

REGIONAL MEDIATION CENTER IN PITT COUNTY TO PROVIDE MEDIATION SERVICES TO EASTERN NORTH CAROLINA

Sec. 200.2. Of the funds appropriated to the Judicial Department from the General Fund for the 1993-94 fiscal year, the sum of forty thousand dollars ($40,000) may be used for The Mediation Center of Pitt County, Inc., a dispute settlement center in Pitt County, to establish a regional mediation and dispute settlement center to serve Eastern North Carolina.

Requested by: Senator Odom, Representatives Holt, Gist

EMERGENCY JUDGES' PER DIEM INCREASE

Sec. 200.3. Effective August 1, 1993, G.S. 7A-52(b) reads as rewritten:

"(b) In addition to the compensation or retirement allowance ~~he~~ the judge would otherwise be entitled to receive by law, each emergency judge of the district or superior court who is assigned to temporary active service by the Chief Justice shall be paid by the State ~~his~~ the judge's actual expenses, plus ~~one hundred fifty dollars ($150.00)~~ two hundred dollars ($200.00) for each day of active service rendered upon recall. No recalled retired trial judge shall receive from the State total annual compensation for judicial services in excess of that received by an active judge of the bench to which the judge is recalled."

Requested by: Senator Odom

TRANSFER CASWELL AND PERSON COUNTIES TO NEWLY CREATED JUDICIAL AND PROSECUTORIAL DISTRICTS 9A

Sec. 200.4. (a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	2
	3B	Carteret, Craven, Pamlico	1
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	5	New Hanover, Pender	3
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, ~~Person,~~ Vance, Warren	2
	9A	Person, Caswell	1
	10A	(part of Wake, see subsection (b))	1
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1
	11	Harnett, Johnston, Lee	2
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland, see subsection (b))	2
	13	Bladen, Brunswick, Columbus	2
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	1
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	~~Caswell,~~ Rockingham	2
	17B	Stokes, Surry	1
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford, see subsection (b))	1
	18D	(part of Guilford, see subsection (b))	1
	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	19B	Montgomery, Randolph	1
	19C	Rowan	1
	20A	Anson, Moore, Richmond	2
	20B	Stanly, Union	1

	21A	(part of Forsyth, see subsection (b))	1
	21B	(part of Forsyth, see subsection (b))	1
	21C	(part of Forsyth, see subsection (b))	1
	21D	(part of Forsyth, see subsection (b))	1
	22	Alexander, Davidson, Davie, Iredell	2
	23	Alleghany, Ashe, Wilkes, Yadkin	1
Fourth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
	25A	Burke, Caldwell	2
	25B	Catawba	1
	26A	(part of Mecklenburg, see subsection (b))	2
	26B	(part of Mecklenburg, see subsection (b))	2
	26C	(part of Mecklenburg, see subsection (b))	2
	27A	Gaston	2
	27B	Cleveland, Lincoln	1
	28	Buncombe	2
	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
	30A	Cherokee, Clay, Graham, Macon, Swain	1
	30B	Haywood, Jackson	1."

(b) The Governor shall appoint the superior court judge for the position created by subsection (a) of this section, whose term shall expire December 31, 1994. This appointed judge's successor shall be chosen in the 1994 general election.

(c) One superior court reporter position shall be transferred from current District 17A to newly created District 9A.

(d) Subsections (a) through (c) of this section become effective November 1, 1993, or fifteen days after the date upon which subsections (a) and (b) of this section are approved under Section 5 of the Voting Rights Act of 1965, whichever is later.

(e) G.S. 7A-133 reads as rewritten:

"**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

District	Judges	County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
1	3	Camden	1	2	
		Chowan	2	3	
		Currituck	1	2	
		Dare	3	8	
		Gates	2	3	
		Pasquotank	3	4	
		Perquimans	2	3	
2	3	Martin	5	8	
		Beaufort	4	8	
		Tyrrell	1	3	
		Hyde	2	4	
		Washington	3	4	
3A	3	Pitt	10	12	Farmville Ayden
3B	4	Craven	7	10	Havelock
		Pamlico	2	3	
		Carteret	5	8	

4	6	Sampson	6	8	
		Duplin	9	11	
		Jones	2	3	
		Onslow	8	14	
5	6	New Hanover	6	11	
		Pender	4	6	
6A	2	Halifax	9	14	Roanoke Rapids, Scotland Neck
6B	2	Northampton	5	6	
		Bertie	4	5	
		Hertford	5	6	
7	6	Nash	7	10	Rocky Mount
		Edgecombe	4	6	Rocky Mount
		Wilson	4	6	
8	5	Wayne	5	11	Mount Olive
		Greene	2	4	
		Lenoir	4	10	La Grange
9	~~5~~ 4	~~Person~~	~~3~~	~~4~~	
		Granville	3	7	
		Vance	3	5	
		Warren	3	4	
		Franklin	3	6	
9A	2	Person	3	4	
		Caswell	2	5	
10	11	Wake	12	20	Apex, Wendell, Fuquay-Varina, Wake Forest
11	6	Harnett	7	11	Dunn
		Johnston	10	12	Benson, Clayton and Selma
		Lee	4	6	
12	6	Cumberland	10	17	
13	4	Bladen	4	6	
		Brunswick	4	7	
		Columbus	6	8	Tabor City
14	5	Durham	8	12	
15A	3	Alamance	7	10	Burlington
15B	3	Orange	4	11	Chapel Hill
		Chatham	3	8	Siler City
16A	2	Scotland	3	5	
		Hoke	4	5	
16B	5	Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
17A	~~3~~ 2	~~Caswell~~	~~2~~	~~5~~	
		Rockingham	4	9	Reidsville, Eden, Madison
17B	3	Stokes	2	5	
		Surry	5	8	Mt. Airy
18	10	Guilford	20	26	High Point
19A	2	Cabarrus	5	9	Kannapolis
19B	3	Montgomery	2	4	
		Randolph	5	8	Liberty

19C	2	Rowan	5	10	
20	6	Stanly	5	6	
		Union	4	6	
		Anson	4	5	
		Richmond	5	6	Hamlet
		Moore	5	8	Southern Pines
21	7	Forsyth	3	15	Kernersville
22	6	Alexander	2	3	
		Davidson	7	10	Thomasville
		Davie	2	3	
		Iredell	4	8	Mooresville
23	3	Alleghany	1	2	
		Ashe	3	4	
		Wilkes	4	6	
		Yadkin	3	5	
24	3	Avery	3	4	
		Madison	4	5	
		Mitchell	3	4	
		Watauga	4	6	
		Yancey	2	4	
25	7	Burke	4	7	
		Caldwell	4	7	
		Catawba	6	9	Hickory
26	13	Mecklenburg	15	26	
27A	5	Gaston	11	20	
27B	4	Cleveland	5	8	
		Lincoln	4	6	
28	5	Buncombe	6	15	
29	4	Henderson	4	6	
		McDowell	3	4	
		Polk	3	4	
		Rutherford	6	8	
		Transylvania	2	4	
30	3	Cherokee	3	4	
		Clay	1	2	
		Graham	2	3	
		Haywood	5	7	Canton
		Jackson	3	4	
		Macon	3	4	
		Swain	2	3."	

(f) The two district court judgeships created by subsection (e) of this section shall be filled by the district court judge from current District 9 who resides in Person County and by the district court judge from current District 17A who resides in Caswell County. The term of the judge residing in Caswell County expires December 31, 1994. This judge's successor shall be elected in the 1994 general election. The term of the judge residing in Person County expires December 31, 1996. This judge's successor shall be elected in the 1996 general election.

(g) Secretarial services for the chief district court judge in newly created District 9A shall be provided by the secretary of the superior court judge in newly created Superior Court District 9A, created by subsection (a) of this section.

(h) The magistrates' positions created by subsection (e) of this section for Person County in newly created District 9A shall be filled by the magistrates currently serving Person County in District 9. The magistrates' positions created by subsection (e) of this section for Caswell County in newly created District 9A shall be filled by the magistrates currently serving Caswell County in District 17A.

(i) Juvenile intake, probation, and aftercare services for newly created District 9A shall be provided by the chief court counselor's office in District 17A. One such position serving the chief court counselor's office in current District 9 shall be transferred to District 17A to facilitate the provision of juvenile intake, probation, and aftercare services to newly created District 9A.

(j) Notwithstanding G.S. 7A-198, district court reporting services for newly created District 9A shall be provided by electronic recording equipment, freelance court reporters, or reports assigned from outside the District. The chief district court judge shall not appoint a court reporter to serve the District.

(k) Subsections (e) through (j) of this section become effective November 1, 1993, or the date upon which subsections (e) and (f) of this section are approved under Section 5 of the Voting Rights Act of 1965, whichever is later.

(l) G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	6
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	6
3B	Carteret, Craven, Pamlico	6
4	Duplin, Jones, Onslow, Sampson	10
5	New Hanover, Pender	9
6A	Halifax	3
6B	Bertie, Hertford, Northampton	3
7	Edgecombe, Nash, Wilson	10
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, ~~Person,~~ Vance, Warren	~~8~~ 7
9A	Person, Caswell	2
10	Wake	18
11	Harnett, Johnston, Lee	8
12	Cumberland	12
13	Bladen, Brunswick, Columbus	6
14	Durham	9
15A	Alamance	6
15B	Orange, Chatham	4
16A	Scotland, Hoke	3
16B	Robeson	7
17A	~~Caswell,~~ Rockingham	~~5~~ 4
17B	Stokes, Surry	4
18	Guilford	16
19A	Cabarrus, Rowan	8
19B	Montgomery, Randolph	4
20	Anson, Moore, Richmond, Stanly, Union	10
21	Forsyth	12
22	Alexander, Davidson, Davie, Iredell	10
23	Alleghany, Ashe, Wilkes, Yadkin	4
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	10
26	Mecklenburg	22
27A	Gaston	8
27B	Cleveland, Lincoln	5
28	Buncombe	7
29	Henderson, McDowell, Polk, Rutherford, Transylvania	8

30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	6

(m) The district attorney position created by subsection (l) of this section shall be filled by appointment by the Governor. This district attorney's term expires on December 31, 1994. The successor shall be elected in the 1994 general election.

(n) The two assistant district attorney positions for newly created District 9A shall be filled by an assistant district attorney currently serving Person County in District 9 and by an assistant district attorney currently serving Caswell County in District 17A.

(o) Subsections (l) through (n) of this section become effective November 1, 1993, or the date upon which subsections (l) and (m) of this section are approved under Section 5 of the Voting Rights Act of 1965, whichever is later.

(p) It is the intent of the General Assembly that Superior Court District 17A, District Court District 17A, and Prosecutorial District 17A, as altered by this section, shall remain single-county districts, pursuant to the authority of the General Assembly under Article IV of the North Carolina Constitution to divide the State into a convenient number of districts.

Requested by: Senator Odom, Representatives Holt, Gist

ADD ADDITIONAL SUPERIOR COURT JUDGES/SPECIAL SUPERIOR COURT JUDGES

Sec. 200.5. (a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	2
	3B	Carteret, Craven, Pamlico	~~1~~ 2
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	5	New Hanover, Pender	3
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, Person, Vance, Warren	2
	10A	(part of Wake, see subsection (b))	~~1~~ 2
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1

	11	Harnett, Johnston, Lee	2
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland, see subsection (b))	2
	13	Bladen, Brunswick, Columbus	2
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	~~1~~ 2
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	Caswell, Rockingham	2
	17B	Stokes, Surry	~~1~~ 2
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford, see subsection (b))	1
	18D	(part of Guilford, see subsection (b))	1
	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	19B	Montgomery, Randolph	1
	19C	Rowan	1
	20A	Anson, Moore, Richmond	2
	20B	Stanly, Union	~~1~~ 2
	21A	(part of Forsyth, see subsection (b))	1
	21B	(part of Forsyth, see subsection (b))	1
	21C	(part of Forsyth, see subsection (b))	1
	21D	(part of Forsyth, see subsection (b))	1
	22	Alexander, Davidson, Davie, Iredell	2
	23	Alleghany, Ashe, Wilkes, Yadkin	1
Fourth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
	25A	Burke, Caldwell	2
	25B	Catawba	~~1~~ 2
	26A	(part of Mecklenburg, see subsection (b))	2
	26B	(part of Mecklenburg, see subsection (b))	2
	26C	(part of Mecklenburg, see subsection (b))	2
	27A	Gaston	2
	27B	Cleveland, Lincoln	1
	28	Buncombe	2
	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
	30A	Cherokee, Clay, Graham, Macon, Swain	1
	30B	Haywood, Jackson	1".

(b) The Governor shall appoint superior court judges for the additional judgeships in superior court districts 3B, 10A, 15A, 17B, 20B, and 25B. For superior court districts 3B, 15A, and 17B, successors shall be elected in the 1994 general election for eight-year terms. For superior court district 10A, the successor shall be elected in the 1994 general election to serve the remainder of the unexpired term expiring December 31, 1996. For superior court districts 20B and 25B, successors shall be elected in the 1994 general election to serve the remainder of the unexpired terms expiring December 31, 1998. This is to provide unstaggered terms for multiple judgeships in the same district.

(c) Subsections (a) and (b) of this section become effective November 1, 1993, or the date upon which those subsections are approved under Section 5 of the Voting Rights Act of 1965, whichever is later.

(d) Effective January 1, 1995, G.S. 7A-41(a), as rewritten by Section 200.4(a) of this act and by subsection (a) of this section, reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	2
	3B	Carteret, Craven, Pamlico	2
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	5	New Hanover, Pender	3
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, Vance, Warren	2
	9A	Person, Caswell	1
	10A	(part of Wake, see subsection (b))	2
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1
	11	Harnett, Johnston, Lee	2
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland, see subsection (b))	2
	13	Bladen, Brunswick, Columbus	2
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	2
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	Rockingham	2
	17B	Stokes, Surry	2
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford, see subsection (b))	1
	18D	(part of Guilford, see subsection (b))	1

	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	19B	Montgomery, Randolph	1
	19C	Rowan	1
	20A	Anson, Moore, Richmond	2
	20B	Stanly, Union	2
	21A	(part of Forsyth, see subsection (b))	1
	21B	(part of Forsyth, see subsection (b))	1
	21C	(part of Forsyth, see subsection (b))	1
	21D	(part of Forsyth, see subsection (b))	1
	22	Alexander, Davidson, Davie, Iredell	2
	23	Alleghany, Ashe, Wilkes, Yadkin	1
Fourth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
	25A	Burke, Caldwell	2
	25B	Catawba	2
	26A	(part of Mecklenburg, see subsection (b))	2
	26B	(part of Mecklenburg, see subsection (b))	2
	26C	(part of Mecklenburg, see subsection (b))	2
	27A	Gaston	2
	27B	Cleveland, Lincoln	~~1~~ 2
	28	Buncombe	2
	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
	30A	Cherokee, Clay, Graham, Macon, Swain	1
	30B	Haywood, Jackson	1".

(e) The additional superior court judge for superior court district 27B shall be elected in the 1994 general election for an eight-year term.

(f) Subsection (d) of this section becomes effective January 1, 1995, but the election shall be held in 1994 as provided by law.

(g) G.S. 7A-45.1(a) reads as rewritten:

"(a) Effective November 1, 1993, the Governor may appoint two special superior court judges to serve terms expiring December 31, 1998. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to four-year terms. ~~The Governor may appoint two special superior court judges.~~ A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district. ~~Appointments made under this section shall be to terms of office beginning August 1, 1987, and expiring December 31, 1990.~~"

(h) Nothing in subsection (g) of this section shall affect the term of office of the special superior court judge whose term was extended by Section 124 of Chapter 1066 of the 1989 Session Laws.

Requested by: Senator Odom, Representatives Holt, Gist

ADD ADDITIONAL DISTRICT COURT JUDGES

Sec. 200.6. (a) G.S. 7A-133 reads as rewritten:

"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

District	Judges	County	Magistrates Min.–Max.		Additional Seats of Court
1	~~3~~ 4	Camden	1	2	
		Chowan	2	3	
		Currituck	1	2	
		Dare	3	8	
		Gates	2	3	
		Pasquotank	3	4	
		Perquimans	2	3	
2	3	Martin	5	8	
		Beaufort	4	8	
		Tyrrell	1	3	
		Hyde	2	4	
		Washington	3	4	
3A	3	Pitt	10	12	Farmville Ayden
3B	4	Craven	7	10	Havelock
		Pamlico	2	3	
		Carteret	5	8	
4	6	Sampson	6	8	
		Duplin	9	11	
		Jones	2	3	
		Onslow	8	14	
5	6	New Hanover	6	11	
		Pender	4	6	
6A	2	Halifax	9	14	Roanoke Rapids, Scotland Neck
6B	2	Northampton	5	6	
		Bertie	4	5	
		Hertford	5	6	
7	6	Nash	7	10	Rocky Mount
		Edgecombe	4	6	Rocky Mount
		Wilson	4	6	
8	~~5~~ 6	Wayne	5	11	Mount Olive
		Greene	2	4	
		Lenoir	4	10	La Grange
9	5	Person	3	4	
		Granville	3	7	
		Vance	3	5	
		Warren	3	4	
		Franklin	3	6	
10	~~11~~ 12	Wake	12	20	Apex, Wendell, Fuquay–Varina, Wake Forest
11	6	Harnett	7	11	Dunn
		Johnston	10	12	Benson, Clayton and Selma
		Lee	4	6	
12	~~6~~ 7	Cumberland	10	17	
13	4	Bladen	4	6	
		Brunswick	4	7	
		Columbus	6	8	Tabor City

14	5	Durham	8	12	
15A	3	Alamance	7	10	Burlington
15B	3	Orange	4	11	Chapel Hill
		Chatham	3	8	Siler City
16A	2	Scotland	3	5	
		Hoke	4	5	
16B	5	Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
17A	3	Caswell	2	5	
		Rockingham	4	9	Reidsville, Eden, Madison
17B	3	Stokes	2	5	
		Surry	5	8	Mt. Airy
18	~~10~~ 11	Guilford	20	26	High Point
19A	2	Cabarrus	5	9	Kannapolis
19B	3	Montgomery	2	4	
		Randolph	5	8	Liberty
19C	2	Rowan	5	10	
20	6	Stanly	5	6	
		Union	4	6	
		Anson	4	5	
		Richmond	5	6	Hamlet
		Moore	5	8	Southern Pines
21	7	Forsyth	3	15	Kernersville
22	6	Alexander	2	3	
		Davidson	7	10	Thomasville
		Davie	2	3	
		Iredell	4	8	Mooresville
23	3	Alleghany	1	2	
		Ashe	3	4	
		Wilkes	4	6	
		Yadkin	3	5	
24	3	Avery	3	4	
		Madison	4	5	
		Mitchell	3	4	
		Watauga	4	6	
		Yancey	2	4	
25	7	Burke	4	7	
		Caldwell	4	7	
		Catawba	6	9	Hickory
26	13	Mecklenburg	15	26	
27A	5	Gaston	11	20	
27B	4	Cleveland	5	8	
		Lincoln	4	6	
28	5	Buncombe	6	15	
29	4	Henderson	4	6	
		McDowell	3	4	
		Polk	3	4	
		Rutherford	6	8	
		Transylvania	2	4	

30	~~3~~ 4	Cherokee	3	4	
		Clay	1	2	
		Graham	2	3	
		Haywood	5	7	Canton
		Jackson	3	4	
		Macon	3	4	
		Swain	2	3."	

(b) The Governor shall appoint additional district court judges for district court districts 1, 8, 10, 12, 18, and 30 as authorized by subsection (a) of this section. Their successors shall be elected in the 1996 general election for four-year terms commencing the first Monday in December 1996.

(c) Subsections (a) and (b) of this section become effective November 1, 1993, or fifteen days after the date upon which those subsections are approved under Section 5 of the Voting Rights Act of 1965, whichever is later.

(d) Effective December 1, 1994, G.S. 7A-133, as rewritten by Section 200.4(e) of this act and by subsection (a) of this section, reads as rewritten:

"**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.**

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

District	Judges	County	Magistrates Min.-Max.		Additional Seats of Court
1	4	Camden	1	2	
		Chowan	2	3	
		Currituck	1	2	
		Dare	3	8	
		Gates	2	3	
		Pasquotank	3	4	
		Perquimans	2	3	
2	3	Martin	5	8	
		Beaufort	4	8	
		Tyrrell	1	3	
		Hyde	2	4	
		Washington	3	4	
3A	~~3~~ 4	Pitt	10	12	Farmville Ayden
3B	4	Craven	7	10	Havelock
		Pamlico	2	3	
		Carteret	5	8	
4	6	Sampson	6	8	
		Duplin	9	11	
		Jones	2	3	
		Onslow	8	14	
5	6	New Hanover	6	11	
		Pender	4	6	
6A	2	Halifax	9	14	Roanoke Rapids, Scotland Neck
6B	~~2~~ 3	Northampton	5	6	
		Bertie	4	5	
		Hertford	5	6	

7	6	Nash	7	10	Rocky Mount
		Edgecombe	4	6	Rocky Mount
		Wilson	4	6	
8	6	Wayne	5	11	Mount Olive
		Greene	2	4	
		Lenoir	4	10	La Grange
9	4	Granville	3	7	
		Vance	3	5	
		Warren	3	4	
		Franklin	3	6	
9A	2	Person	3	4	
		Caswell	2	5	
10	12	Wake	12	20	Apex, Wendell, Fuquay-Varina, Wake Forest
11	6	Harnett	7	11	Dunn
		Johnston	10	12	Benson, Clayton and Selma
		Lee	4	6	
12	7	Cumberland	10	17	
13	4	Bladen	4	6	
		Brunswick	4	7	
		Columbus	6	8	Tabor City
14	5	Durham	8	12	
15A	3	Alamance	7	10	Burlington
15B	3	Orange	4	11	Chapel Hill
		Chatham	3	8	Siler City
16A	2	Scotland	3	5	
		Hoke	4	5	
16B	5	Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
17A	2	Rockingham	4	9	Reidsville, Eden, Madison
17B	3	Stokes	2	5	
		Surry	5	8	Mt. Airy
18	11	Guilford	20	26	High Point
19A	~~2~~ 3	Cabarrus	5	9	Kannapolis
19B	3	Montgomery	2	4	
		Randolph	5	8	Liberty
19C	~~2~~ 3	Rowan	5	10	
20	~~6~~ 7	Stanly	5	6	
		Union	4	6	
		Anson	4	5	
		Richmond	5	6	Hamlet
		Moore	5	8	Southern Pines
21	7	Forsyth	3	15	Kernersville
22	~~6~~ 7	Alexander	2	3	
		Davidson	7	10	Thomasville
		Davie	2	3	
		Iredell	4	8	Mooresville

23	3	Alleghany	1	2	
		Ashe	3	4	
		Wilkes	4	6	
		Yadkin	3	5	
24	3	Avery	3	4	
		Madison	4	5	
		Mitchell	3	4	
		Watauga	4	6	
		Yancey	2	4	
25	7	Burke	4	7	
		Caldwell	4	7	
		Catawba	6	9	Hickory
26	~~13~~ 14	Mecklenburg	15	26	
27A	5	Gaston	11	20	
27B	4	Cleveland	5	8	
		Lincoln	4	6	
28	5	Buncombe	6	15	
29	4	Henderson	4	6	
		McDowell	3	4	
		Polk	3	4	
		Rutherford	6	8	
		Transylvania	2	4	
30	4	Cherokee	3	4	
		Clay	1	2	
		Graham	2	3	
		Haywood	5	7	Canton
		Jackson	3	4	
		Macon	3	4	
		Swain	2	3."	

(e) The additional district court judges for district court districts 3A, 6B, 19A, 19C, 20, 22, and 26 shall be elected in the 1994 general election for four-year terms commencing the first Monday in December 1994.

(f) Subsection (d) of this section becomes effective December 1, 1994, but elections shall be held in 1994 as provided by law.

Requested by: Senator Odom, Representatives Holt, Gist

ADD ADDITIONAL ASSISTANT DISTRICT ATTORNEYS/CHANGE PROSECUTORIAL DISTRICT 19A AND CREATE PROSECUTORIAL DISTRICT 19C/ADD INVESTIGATORIAL ASSISTANTS IN THE FIRST AND EIGHTH PROSECUTORIAL DISTRICTS

Sec. 200.7. (a) Effective January 1, 1994, G.S. 7A-60(a1), as rewritten by Section 200.4(l) of this act, reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	~~6~~ 7
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	6
3B	Carteret, Craven, Pamlico	6
4	Duplin, Jones, Onslow, Sampson	10

5	New Hanover, Pender	9
6A	Halifax	3
6B	Bertie, Hertford, Northampton	3
7	Edgecombe, Nash, Wilson	10
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Vance, Warren	7
9A	Person, Caswell	2
10	Wake	~~18~~ 19
11	Harnett, Johnston, Lee	~~8~~ 9
12	Cumberland	12
13	Bladen, Brunswick, Columbus	6
14	Durham	9
15A	Alamance	6
15B	Orange, Chatham	4 5
16A	Scotland, Hoke	3
16B	Robeson	7
17A	Rockingham	4
17B	Stokes, Surry	4
18	Guilford	~~16~~ 17
19A	Cabarrus, Rowan	8
19B	Montgomery, Randolph	4 5
20	Anson, Moore, Richmond, Stanly, Union	~~10~~ 11
21	Forsyth	12
22	Alexander, Davidson, Davie, Iredell	~~10~~ 11
23	Alleghany, Ashe, Wilkes, Yadkin	4
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	~~10~~ 11
26	Mecklenburg	~~22~~ 23
27A	Gaston	8
27B	Cleveland, Lincoln	5
28	Buncombe	~~7~~ 8
29	Henderson, McDowell, Polk, Rutherford, Transylvania	8
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	6

(b) Effective January 1, 1995, G.S. 7A-60(a1), as rewritten by Section 200.4(l) of this act and by subsection (a) of this section, reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	7
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	6

3B	Carteret, Craven, Pamlico	6
4	Duplin, Jones, Onslow, Sampson	10
5	New Hanover, Pender	9
6A	Halifax	3
6B	Bertie, Hertford, Northampton	3
7	Edgecombe, Nash, Wilson	10
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Vance, Warren	7
9A	Person, Caswell	2
10	Wake	19
11	Harnett, Johnston, Lee	9
12	Cumberland	12
13	Bladen, Brunswick, Columbus	6
14	Durham	9
15A	Alamance	6
15B	Orange, Chatham	5
16A	Scotland, Hoke	3
16B	Robeson	7
17A	Rockingham	4
17B	Stokes, Surry	4
18	Guilford	17
19A	~~Cabarrus, Rowan~~ Cabarrus	~~8~~ 4
19B	Montgomery, Randolph	5
19C	Rowan	4
20	Anson, Moore, Richmond, Stanly, Union	11
21	Forsyth	12
22	Alexander, Davidson, Davie, Iredell	11
23	Alleghany, Ashe, Wilkes, Yadkin	4
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	11
26	Mecklenburg	23
27A	Gaston	8
27B	Cleveland, Lincoln	5
28	Buncombe	8
29	Henderson, McDowell, Polk, Rutherford, Transylvania	8
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	6

(c) The district attorney for newly created Prosecutorial District 19C shall be elected in the 1994 general election for a four-year term beginning January 1, 1995.

(d) The district attorney for Prosecutorial District 19A shall be elected in the 1994 general election for a four-year term beginning January 1, 1995. The eight assistant district attorney positions currently serving Prosecutorial District 19A shall be allotted as follows: four assistant district attorney positions to newly created Prosecutorial District 19C, and four assistant district attorney positions to Prosecutorial District 19A.

(e) Effective January 1, 1994, G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in the first, third-B, fourth, seventh, eighth, tenth, eleventh, twelfth, fourteenth, fifteenth-A, sixteenth, eighteenth, twentieth, twenty-first, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth and thirtieth ~~judicial~~ prosecutorial districts is entitled to one investigatorial assistant to be appointed

by the district attorney and to serve at his pleasure. It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

PART 22. DEPARTMENT OF JUSTICE

Requested by: Senator Odom, Representatives Holt, Gist

SBI FUNDS/SPENDING PRIORITIES

Sec. 201. Of the funds appropriated in this act to the Department of Justice, State Bureau of Investigation, for the 1993-94 fiscal year and the 1994-95 fiscal year for overtime payments, the first priority for use of the funds by the Department shall be:

(1) To make overtime payments to SBI agents in the Field Investigations Division; and

(2) To make overtime payments to supervisory personnel receiving overtime payments as of June 30, 1993, up to a maximum of five thousand two hundred dollars ($5,200) annually per individual.

Requested by: Senator Odom, Representatives Holt, Gist

SBI USE OF COURT-ORDERED RESTITUTION FUNDS

Sec. 202. The State Bureau of Investigation (SBI) may use funds available from court-ordered restitution in undercover drug operations.

Requested by: Senator Odom, Representatives Holt, Gist

PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS PAY FOR USE OF STATE FACILITIES AND SERVICES

Sec. 203. The Private Protective Services and Alarm Systems Licensing Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those boards by the State.

Requested by: Senator Odom, Representatives Holt, Gist

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

Sec. 204. (a) Assets transferred to the Department of Justice during the 1993-95 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of that Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1993-95 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of that Department and shall result in an increase of law enforcement resources for the Department. The Departments shall report to the Joint Legislative Commission on Governmental Operations upon the receipt of these assets and, before using these assets, shall report the intended use of these assets and the departmental priorities on which the assets may be expended.

The General Assembly finds that the use of these assets for new projects, the acquisition of real property, repair of buildings where such repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods; therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

(b) This section does not apply to the extent that it prevents North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a.

Requested by: Representatives Holt, Gist, Senator Odom
DEPARTMENT OF JUSTICE TO REPORT ON ATTORNEYS' FEES

Sec. 205. The Department of Justice shall report to the 1994 Regular Session of the 1993 General Assembly and annually thereafter on efforts of the Department of Justice to collect attorneys' fees to support the Consumer Anti-Trust Section.

Requested by: Representatives Holt, Gist, Senator Odom
TRANSFER LEGAL COUNSEL FROM BANKING COMMISSION TO DEPARTMENT OF JUSTICE

Sec. 206. (a) The legal counsel and support staff of the Banking Commission are transferred to the Department of Justice from the Banking Commission. The funds, equipment, supplies, records, and other property to support the positions transferred by this subsection are also transferred from the Banking Commission to the Department of Justice. The Banking Commission shall continue to provide adequate office space for legal and support staff assigned to that department by the Attorney General. Any disputes arising out of this transfer shall be resolved by the Director of the Budget.

(b) G.S. 53-96 reads as rewritten:

"**§ 53-96. Salary of Commissioner; legal ~~assistance and compensation.~~ assistance.**

The salary of the Commissioner of Banks shall be fixed by the General Assembly in the Current Operations Appropriations Act. ~~The Governor may appoint and assign legal assistance to the Commissioner of Banks when the Governor considers it necessary. Compensation of those appointed and assigned to provide legal assistance shall be within the salary classification for attorneys established by the State Personnel Commission.~~ The Attorney General shall assign an attorney on his staff to work full time with the Banking Commission. The attorney shall be subject to all provisions of Chapter 126 of the General Statutes relating to the State Personnel System."

Requested by: Representatives Gist, Holt, Richardson, Senator Odom
DEPARTMENT OF JUSTICE SALARY FUNDS

Sec. 207. (a) Of the funds appropriated to the Department of Justice in this act, the sum of nine hundred thirty-six thousand dollars ($936,000) for the 1993-94 fiscal year and the sum of nine hundred thirty-six thousand dollars ($936,000) for the 1994-95 fiscal year may be used by the Attorney General for:

(1) Creating new positions and for support costs for those positions; or
(2) Changing the salaries of existing positions, or some combination. Such changes in salaries of existing positions may be done by range revisions, reclassifications, adjustments on a market basis, or a combination of these methods.

Any action authorized by subdivision (1) of this subsection must be taken by June 30, 1994. Any action authorized by subdivision (2) of this subsection must be taken by December 31, 1993.

(b) The Attorney General shall report any action under this section to the Fiscal Research Division on a quarterly basis no later than 30 days after the end of the quarter.

PART 23. DEPARTMENT OF HUMAN RESOURCES

Requested by: Senator Richardson, Representatives Easterling, Nye
WILLIE M.

Sec. 208. (a) Legislative Findings. — The General Assembly finds:

(1) That there is a need in North Carolina to provide appropriate treatment and education programs to children under the age of 18 who suffer from emotional, mental, or neurological handicaps accompanied by violent or assaultive behavior;
(2) That children meeting these criteria have been identified as a class in the case of Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al.; and

(3) That these children have a need for a variety of services, in addition to those normally provided, that may include, but are not limited to, residential treatment services, educational services, and independent living arrangements.

(b) Funds appropriated by the General Assembly to the Department of Human Resources for serving members of the Willie M. Class shall be expended only for programs serving members of the Willie M. Class identified in Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al., including evaluations of potential class members. The Department shall reallocate these funds among services to Willie M. Class members during the year as it deems advisable in order to use the funds efficiently in providing appropriate services to Willie M. Class children.

(c) Funds for Department of Public Education. — Funds appropriated to the Department of Public Education in this act for members of the Willie M. Class are to establish a supplemental reserve fund to serve only members of the class identified in Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al. These funds shall be allocated by the State Board of Education to the local education agencies to serve those class members who were not included in the regular average daily membership and the census of children with special needs, and to provide the additional program costs which exceed the per pupil allocation from the State Public School Fund and other State and federal funds for children with special needs.

(d) The Department of Human Resources shall continue to implement its prospective unit cost reimbursement system and shall ensure that unit cost rates reflect reasonable costs by conducting cost center service type rate comparisons and cost center line item budget reviews as may be necessary, and based upon these reviews and comparisons, the Department shall reduce and/or cap rates to programs which are significantly higher than those rates paid to other programs for the same service.

Any exception to this requirement shall be approved by the Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, and shall be reported in the Department's annual joint report to the Governor and the General Assembly and in any periodic report the Department may make to the Joint Legislative Commission on Governmental Operations.

(d1) The Department of Human Resources shall implement a process to review those cases for whom treatment has been recommended whose annual cost is anticipated to be in excess of one hundred fifty percent (150%) of the average annual per client expenditure of the previous fiscal year and shall take actions to reduce these treatment costs where appropriate.

(e) Reporting Requirements. — The Department of Human Resources and the Department of Public Education shall submit, by May 1 of each fiscal year, a joint report to the Governor and the General Assembly on the progress achieved in serving members of the Willie M. Class. The report shall include the following unduplicated data for each county: (i) the number of children nominated for the Willie M. Class; (ii) the number of children actually identified as members of the Class in each county; (iii) the number of children served as members of the Class in each county; (iv) the number of children who remain unserved or for whom additional services are needed in order to be determined to be appropriately served; (v) the types and locations of treatment and education services provided to Class members; (vi) the cost of services, by type, to members of the Class and the maximum and minimum rates paid to providers for each service; (vii) the number of cases whose treatment costs were in excess of one hundred fifty percent (150%) of the average annual per client expenditure; (viii) information on the impact of treatment and education services on members of the Class; (ix) an explanation of, and justification for, any waiver of departmental rules that affect the Willie M. program; and (x) the total State funds expended, by program, on Willie M. Class members, other than those funds specifically appropriated for the Willie M. programs and services.

(e1) From existing funds available to it, the Department of Human Resources shall begin a process to document and assess individual class members' progress through the continuum of services. Standardized measures of functioning shall be administered periodically to each member of the Class, and the information generated from these measures shall be used to assess client progress and program effectiveness.

(f) The Departments of Human Resources and Public Education shall provide periodic reports of expenditures and program effectiveness on behalf of the Willie M. Class and to the Fiscal Research Division. As part of these reports, the Departments shall explain measures they have taken to control and reduce program expenditures.

(g) In fulfilling the responsibilities vested in it by the Constitution of North Carolina, the General Assembly finds:

(1) That the General Assembly has evaluated the known needs of the State and has endeavored to satisfy those needs in comparison to their social and economic priorities; and

(2) That the funds appropriated will enable the development and implementation of placement and services for the Class members in Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al., within a reasonable period of time considered within the context of the needs of the class members, the other needs of the State and the resources available to the State.

(h) The General Assembly supports the efforts of the responsible officials and agencies of the State to meet the requirements of the court order in Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al. To ensure that Willie M. Class members are appropriately served, no State funds shall be expended on placement and services for Willie M. Class members except:

(1) Funds specifically appropriated by the General Assembly for the placement and services of Willie M. Class members; and

(2) Funds for placement and services for which Willie M. Class members are otherwise eligible.

This limitation shall not preclude the use of unexpended Willie M. funds from prior fiscal years to cover current or future needs of the Willie M. program subject to approval by the Director of the Budget. These Willie M. expenditures shall not be subject to the requirements of G.S. 143-18.

(i) Notwithstanding any other provision of law, if the Department of Human Resources determines that a local program is not providing appropriate services to members of the Class identified in Willie M., et al. v. Hunt, et al., formerly Willie M., et al. v. Martin, et al., the Department may ensure the provision of these services through contracts with public or private agencies or by direct operation by the Department of such programs.

Requested by: Representatives Nye, Easterling, Dickson,
Senators Richardson, Hyde, Walker

THOMAS S.

Sec. 209. (a) Funds appropriated to the Department of Human Resources in this act for the 1993-94 fiscal year and the 1994-95 fiscal year for members of the Thomas S. Class as identified in Thomas S., et al. v. Britt, formerly Thomas S., et al. v. Flaherty, shall be expended only for programs serving Thomas S. Class members or for services for those clients who are:

(1) Adults with mental retardation, or who have been treated as if they had mental retardation, who were admitted to a State psychiatric hospital on or after March 22, 1984, and who are included on the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services' official list of prospective Class members;

(2) Adults with mental retardation who have a documented history of State psychiatric hospital admissions regardless of admission date and who, without funding support, have a good probability of being readmitted to a State psychiatric hospital; or

(3) Adults with mental retardation who have never been admitted to a State psychiatric hospital but who have a documented history of behavior determined to be of danger to self or others that results in referrals for inpatient psychiatric treatment and who, without funding support, have a good probability of being admitted to a State psychiatric hospital.

No more than five percent (5%) of the funds appropriated in this act for the Thomas S. program shall be used for clients meeting subdivisions (2) or (3) of this subsection.

(b) To ensure that Thomas S. Class members are appropriately served, no State funds shall be expended on placement and services for Thomas S. Class members except:

(1) Funds specifically appropriated by the General Assembly for the placement and services of Thomas S. Class members; and

(2) Funds for placement and services for which Thomas S. Class members are otherwise eligible.

(c) The Department of Human Resources shall develop and implement during the 1993-94 fiscal year a prospective unit cost reimbursement system and shall ensure that unit cost rates reflect reasonable costs by conducting cost center service type rate comparisons and cost center line item budget reviews as may be necessary.

(d) Reporting requirements. The Department of Human Resources shall submit by April 1 of each fiscal year a report to the General Assembly on the progress achieved in serving members and prospective members of the Thomas S. Class. The report shall include the following:

(1) The number of Thomas S. clients confirmed as Class members;

(2) The number of prospective Class members evaluated;

(3) The number of prospective Class members awaiting evaluation;

(4) The number of Class members or prospective class members added in the preceding 12 months due to their admission to a State psychiatric hospital;

(5) A description of the types of treatment services provided to Class members; and

(6) An analysis of the use of funds appropriated for the Class.

(e) Notwithstanding any other provision of law, if the Department of Human Resources determines that a local program is not providing minimally adequate services to members of the Class identified in Thomas S., et al. v. Britt, formerly Thomas S., et al. v. Flaherty, the Department may ensure the provision of these services through contracts with public or private agencies or by direct operation by the Department of these programs.

Requested by: Senator Richardson, Representatives Easterling, Nye

TRANSFERS OF CERTAIN FUNDS AUTHORIZED

Sec. 210. In order to assure maximum utilization of funds in county departments of social services, county or district health agencies, and area mental health, developmental disabilities, and substance abuse authorities, the Director of the Budget may transfer excess funds appropriated to a specific service, program, or fund, whether specified in a block grant plan or General Fund appropriation, into another service, program, or fund for local services within the budget of the respective State agency.

The Office of State Budget and Management shall report quarterly to the Fiscal Research Division on each transfer authorized by this section.

Requested by: Senator Richardson, Representatives Nye, Easterling

MIXED BEVERAGE TAX FOR AREA MENTAL HEALTH PROGRAMS

Sec. 211. Funds received by the Department of Human Resources from the tax levied on mixed beverages under G.S. 18B-804(b)(8) shall be expended by the Department of Human Resources as prescribed by G.S. 18B-805(h). These funds shall be matched by local funds in accordance with the State/local ratio established by the current area mental health matching formula. These funds shall be allocated to the area mental health programs for substance abuse services on a per capita basis as determined by the Office of State Budget and Management's most recent estimates of county populations.

Requested by: Senator Richardson, Representatives Easterling, Nye

SPECIALIZED RESIDENTIAL CENTERS' BED CONVERSION

Sec. 212. Funds made available as a result of the conversion of State-supported beds in specialized residential centers to ICF/MR beds shall be used to increase the State subsidy provided to centers. Funds made available to centers by this section shall be used, as they become available, to increase the subsidy rate to sixty-five percent (65%) of the statewide average cost of providing this service based on the most recent Specialized Community Residential Cost Study.

Funds made available in addition to those needed to increase the subsidy rate may be transferred to the Department of Human Resources, Division of Medical Assistance, as needed, to be used as a State match for the converted ICF/MR beds.

Requested by: Senator Richardson, Representatives Nye, Easterling

PHYSICIAN SERVICES

Sec. 213. With the approval of the Office of State Budget and Management, the Department of Human Resources may use funds appropriated in this act for across-the-board salary increases and performance pay to offset similar increases in the costs of contracting with private and independent universities for the provision of physician services to clients in facilities operated by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. This offsetting shall be done in the same manner as is currently done with constituent institutions of The University of North Carolina.

Requested by: Senator Richardson, Representatives Easterling, Nye

LIABILITY INSURANCE

Sec. 214. The Secretary of the Department of Human Resources, the Secretary of the Department of Environment, Health, and Natural Resources, and the Secretary of the Department of Correction may provide medical liability coverage not to exceed one million dollars ($1,000,000) on behalf of employees of the Departments licensed to practice medicine or dentistry, and on behalf of medical residents from The University of North Carolina who are in training at institutions operated by the Department of Human Resources. This coverage may include commercial insurance or self-insurance and shall cover these individuals for their acts or omissions only while they are engaged in providing medical and dental services pursuant to their State employment or training.

The coverage provided under this section shall not cover any individual for any act or omission that the individual knows or reasonably should know constitutes a violation of the applicable criminal laws of any state or the United States, or that arises out of any sexual, fraudulent, criminal, or malicious act, or out of any act amounting to willful or wanton negligence.

The coverage provided pursuant to this section shall not require any additional appropriations and shall not apply to any individual providing contractual service to the Department of Human Resources, the Department of Environment, Health, and Natural Resources, or the Department of Correction, with the exception that coverage may include medical residents from The University of North Carolina who are in training at institutions operated by the Department of Human Resources.

Requested by: Senator Richardson, Representatives Nye, Easterling

NON-MEDICAID REIMBURSEMENT

Sec. 215. Providers of medical services under the various State programs, other than Medicaid, offering medical care to citizens of the State shall be reimbursed at rates no more than those under the North Carolina Medical Assistance Program.

The Department of Human Resources may reimburse hospitals at the full prospective per diem rates without regard to the Medical Assistance Program's annual limits on hospital days. When the Medical Assistance Program's per diem rates for inpatient services and its interim rates for outpatient services are used to reimburse providers in non-Medicaid medical service programs, retroactive adjustments to claims already paid shall not be required.

Notwithstanding the provisions of paragraph one of this section, the Department of Human Resources may negotiate with providers of medical services under the various Department of Human Resources' programs, other than Medicaid, for rates as close as possible to Medicaid rates for the following purposes: contracts or agreements for medical services and purchases of medical equipment and other medical supplies. These negotiated rates are allowable only to meet the medical needs of its non-Medicaid eligible patients, residents, and clients who require these services that cannot be provided when limited to the Medicaid rate.

Maximum net family annual income eligibility standards for services in these programs shall be as follows:

Family Size	Medical Eye Care Adults	All Rehabilitation	Other
1	$4,860	$ 8,364	$4,200
2	5,940	10,944	5,300
3	6,204	13,500	6,400
4	7,284	16,092	7,500
5	7,824	18,648	7,900
6	8,220	21,228	8,300
7	8,772	21,708	8,800
8	9,312	22,220	9,300

The eligibility level for children in the Medical Eye Care Program in the Division of Services for the Blind and for adults in the Clozaril program in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall be one hundred percent (100%) of the federal poverty guidelines, as revised annually by the United States Department of Health and Human Services and in effect on July 1 of each fiscal year.

The Department of Human Resources shall contract at, or as close as possible to, Medicaid rates for medical services provided to residents of State facilities of the Department.

Requested by: Senator Richardson, Representatives Easterling, Nye

DEVELOPMENTAL DAY CENTERS' GRANT-IN-AID

Sec. 216. Of the funds appropriated in this act to the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, the sum of two million three hundred one thousand two hundred forty-eight dollars ($2,301,248) for the 1993-94 fiscal year and the sum of two million three hundred one thousand two hundred forty-eight dollars ($2,301,248) for the 1994-95 fiscal year are transferred to the Department of Public Instruction for handicapped children aged 3 through 4 years who have been identified through Division of Mental Health, Developmental Disabilities, and Substance Abuse Services statewide services and who are served in developmental day centers. These funds shall be used to contract with area mental health, developmental disabilities, and substance abuse authorities or with public or private nonprofit developmental day centers to continue to serve handicapped children aged 3 through 4 years who are identified as needing developmental day services.

The Department of Public Instruction shall report to the General Assembly and to the Fiscal Research Division by May 1, 1994, and May 1, 1995, regarding the use of the funds transferred to it by this section.

Requested by: Senator Richardson, Representatives Nye, Easterling

CHANGE IN THE SHORT-TERM LOAN FUND FOR ICF/MR FACILITIES

Sec. 217. The short-term loan fund established pursuant to Section 133 of Chapter 689 of the 1991 Session Laws is continued and, effective July 1, 1994, shall be used to assist area mental health programs in the establishment of community, non-Medicaid-funded housing alternatives.

Requested by: Senator Richardson, Representatives Easterling, Nye

PLANNING AND PILOT IMPLEMENTATION OF AN INTEGRATED FUNDING APPROACH FOR MENTAL HEALTH/SUBSTANCE ABUSE INSTITUTIONAL SERVICES

Sec. 218. The Department of Human Resources shall develop and implement a plan during the 1993-95 fiscal biennium to pilot-test an integrated funding system for mental health/substance abuse institutional services, involving one regional psychiatric hospital, one regional alcohol and drug abuse treatment center, and the area mental health, developmental disabilities, and substance abuse programs using these facilities. The Department may use funds that become available to it through gifts, federal or private grants, receipts from federal programs, or any other source to support the planning and implementation of this pilot program.

The Department shall present a written report to the House and Senate Human Resources Appropriations Subcommittees by May 1, 1994, describing the results of its planning activities, the proposed schedule and cost for implementation of the integrated funding system and any proposed legislation needed to implement the plan. The Department shall submit a written report to these Subcommittees by May 1, 1995, describing the results of the implementation of the integrated funding system.

Requested by: Senator Richardson, Representatives Nye, Easterling

CHILD SUPPORT FUNDS

Sec. 219. (a) The consent judgment in the case of Cassell, et al. v. Britt, et al., C-C-90-0010-M, United States District Court for the Western District of North Carolina, Charlotte Division, is subject to G.S. 114-2.2.

(b) Funds appropriated to enable the Child Support Enforcement Section, Division of Social Services, Department of Human Resources, to distribute child support collections based upon the date the payment is withheld from an obligor's disposable income may be used to implement that consent judgment. Implementation costs may include:

(1) Quarterly notices to clients;
(2) Toll-free telephone number;
(3) Four Account Technician II positions;
(4) System enhancements; and
(5) Court-ordered costs.

(c) The Office of State Budget and Management and the Department of Human Resources shall report annually on expenditures and progress in achieving necessary improvements in the distribution of child support collection. Reports shall be submitted to the Governor, the General Assembly, and the Fiscal Research Division not later than May 1 of each year.

(d) Funds appropriated to the Department of Human Resources in this act for covering expenses incurred as a result of the Cassell, et al. v. Britt, et al. lawsuit shall be deposited in a nonreverting fund account in the Department of Human Resources, Division of Social Services, that the Department shall establish for this purpose. Any unexpended and unencumbered funds remaining in the nonreverting account on July 1, 1995, shall revert to the General Fund on that date.

Requested by: Senator Richardson, Representatives Easterling, Nye

"PIONEER" MENTAL HEALTH PLAN

Sec. 220. (a) G.S. 122C-3 is amended by inserting the following new subdivision to read:

"(20a) 'Local funds' means fees from services, including client payments, Medicare and the local and federal share of Medicaid receipts, fees from agencies under contract, gifts and donations, and county and municipal funds, and any other funds not administered by the Division."

(b) G.S. 122C-3 is further amended by inserting a new subdivision to read:

"(26a) 'Other recipient' means an individual who is not admitted to a facility but who receives a service other than care, treatment, or rehabilitation services. The services that the 'other recipient' may receive include consultative, preventative, educational, and assessment services."

(c) G.S. 122C-3 is further amended by inserting another new subdivision to read:

"(35a) 'State resources' means State and federal funds and other receipts administered by the Division."

(d) G.S. 122C-143 is repealed.

(e) Part 4 of Article 4 of Chapter 122C of the General Statutes is amended by adding the following new sections to read:

"§ 122C-143.1. Policy guidance.

(a) The General Assembly shall, as it considers necessary, endorse as policy guidance long-range plans for the broad age/disability categories of persons to be served and the services to be provided by area authorities.

(b) The Secretary shall develop a payment policy that designates, within broad age/disability categories, the priority populations, based on their disability level and the types of service to be supported by State resources. The Secretary shall review the Department's payment policy annually to assure that payments are made consistent with the State's long-range plans.

(c) The Secretary shall ensure that the payment policy provides incentives designated to target resources consistent with legislative policy and with the State's long-range plans and to promote equal accessibility to services for individuals regardless of their catchment area.

(d) Upon request of the Secretary, each area authority shall develop, revise, or amend its local long-range plans to be consistent with the policy guidance set forth in the State's long-range plans. Local service implementation plans shall be subject to the approval of the Secretary.

(e) The Secretary shall ensure that the Department's requests for expansion funds for area authorities are consistent with the State's long-range plans and include consideration of needs identified by the area authorities and their local plans.

"§ 122C-143.2. Annual Memorandum of Agreement.

(a) In accordance with procedures specified by the Secretary, the area authority shall complete cost finding, rate setting, and annual age/disability service planning as preparation for a Memorandum of Agreement between the area authority and the Department.

(b) In a format established by the Secretary, the Memorandum of Agreement shall include age/disability service plans that delineate the services that are to be purchased by the State. Payment for services purchased shall be made at reimbursement rates established in G.S. 122C-147.2.

(c) The Memorandum of Agreement shall include the area authority activities that will be supported by grants allocated in accordance with G.S. 147.1(c)(2).

(d) The Memorandum of Agreement shall provide flexibility for the area authority to earn State resources within the payment policy for each age/disability fund established by G.S. 122C-143.1(b).

(e) The Memorandum of Agreement may delineate other special conditions or expectations."

(f) G.S. 122C-144 is repealed.

(g) Chapter 122C of the General Statutes is amended by inserting a new section to read:

"§ 122C-144.1. Budget format and reports.

(a) The area authority shall maintain its budget in accordance with the requirements of Article 3 of Subchapter III of Chapter 159 of the General Statutes, the Local Government Budget and Fiscal Control Act.

(b) The Secretary may require periodic reports of receipts and expenditures for all area authority services provided directly or under contract according to a format prescribed by the Secretary.

(c) In accordance with G.S. 159-34, the area authority shall have an audit completed and submit it to the Local Government Commission.

(d) The Secretary may require reports of client characteristics, staffing patterns, agency policies or activities, services, or specific financial data of the area authority, but the reports shall not identify individual clients of the area authority unless specifically required by State statute or federal statute or regulation, or unless valid consent for the release has been given by the client or legally responsible person."

(h) The catch line of G.S. 122C-147 reads as rewritten:

"§ 122C-147. ~~Allocation of funds to area authorities.~~ Financing and title of area authority property."

(i) G.S. 122C-147(a) is repealed.

(j) Part 4 of Article 4 of Chapter 122C of the General Statutes is amended by inserting the following new sections to read:

"§ 122C-147.1. Appropriations and allocations.

(a) Except as provided in subsection (b) of this section, funds shall be appropriated by the General Assembly in broad age/disability categories. The Secretary shall allocate and account for funds in broad age/disability categories so that the area authority may, with flexibility, earn funds in response to local needs that are identified within the payment policy developed in accordance with G.S. 122C-143.1(b).

(b) When the General Assembly determines that it is necessary to appropriate funds for a more specific purpose than the broad age/disability category, the Secretary shall determine whether expenditure accounting, special reporting within earning from a broad fund, the Memorandum of Agreement, or some other mechanism allows the best accounting for the funds.

(c) Funds that have been appropriated by the General Assembly for a more specific purpose than specified in subsection (a) of this section shall be converted to a broad age/disability category at the beginning of the second biennium following the appropriation, unless otherwise acted upon by the General Assembly.

(d) The Secretary shall allocate funds to area programs:

(1) To be earned in a purchase of service basis, at negotiated reimbursement rates, for services that are included in the payment policy and delivered to mentally ill, developmentally disabled, and substance abuse clients and for services that are included in the payment policy to other recipients; or

(2) To be paid under a grant on the basis of agreed-upon expenditures, when the Secretary determines that it would be impractical to pay on a purchase of service basis.

(e) After the close of a fiscal year, final payments of funds shall be made:

(1) Under the purchase of service basis, on the earnings of the area authority for the delivery to individuals within each age/disability group, of any services that are consistent with the payment policy established in G.S. 122C-143.1(b), up to the final allocation amount; or

(2) When awarded on an expenditure basis, on allowable actual expenditures, up to the final allocation amount.

Under rules adopted by the Secretary, final payments shall be adjusted on the basis of the audit required in G.S. 122C-144.1(d).

"§ 122C-147.2. Purchase of services and reimbursement rates.

When funds are used to purchase services, the following provisions apply:

(1) Reimbursement rates for specific types of service shall be negotiated between the Secretary and the area authority. The negotiation shall begin with the rate determined by the standardized cost-finding and rate-setting procedure that is required by G.S. 122C-143.2(a) or by another method approved by the Secretary.

(2) The reimbursement rate used for the payment of services shall incorporate operating and administrative costs, including costs for property in accordance with G.S. 122C-147."

(k) G.S. 122C-148, 122C-149, and 122C-150 are repealed.

(l) G.S. 122C-151 reads as rewritten:

"**§ 122C-151. Responsibilities of those receiving appropriations.**

(a) All resources allocated to and received by any area authority and used for programs of mental health, developmental disabilities, substance abuse or other related ~~fields~~ services are subject to the conditions specified in this Article and to the rules of the Commission and the ~~Secretary.~~ Secretary and to the conditions of the Memorandum of Agreement specified in G.S. 122C-143.2.

(b) If an area authority fails to complete actions necessary for the development of a Memorandum of Agreement, fails to file required reports within the time limit set by the Secretary, or fails to comply with any other requirements specified in this Article, the Secretary may:

(1) Delay payments; and

(2) With written notification of cause and subject to an appeal as provided by G.S. 122C-151.2, reduce or deny payment of funds. Restoration of funds upon compliance is within the discretion of the Secretary."

(m) G.S. 122C-145 is renumbered as G.S. 122C-151.2.

(n) Effective July 1, 1994, G.S. 122C-151.1 is repealed.

(o) Effective January 1, 1994, Part 4 of Article 4 of Chapter 122C of the General Statutes is amended by adding the following new sections to read:

"**§ 122C-151.3. Dispute with area authorities.**

An area authority shall establish written procedures for resolving disputes over decisions of an area authority that may be appealed to the Area Authority Appeals Panel under G.S. 122C-151.4. The procedures shall be informal and shall provide an opportunity for those who dispute the decision to present their position.

"**§ 122C-151.4. Appeal to Area Authority Appeals Panel.**

(a) Definitions. — The following definitions apply in this section:

(1) 'Contract' means a contract with an area authority to provide services, other than personal services, to clients and other recipients of services.

(2) 'Contractor' means a person who has a contract or who had a contract during the current fiscal year.

(3) 'Former contractor' means a person who had a contract during the previous fiscal year.

(b) Appeals Panel. — The Area Authority Appeals Panel is established. The Panel shall consist of three members appointed by the Secretary. The Secretary shall determine the qualifications of the Panel members. Panel members serve at the pleasure of the Secretary.

(c) Who Can Appeal. — The following persons may appeal to the Area Authority Appeals Panel after having exhausted the appeals process at the appropriate area authority:

(1) A contractor or a former contractor who claims that an area authority is not acting or has not acted within applicable State law or rules in imposing a particular requirement on the contractor on fulfillment of the contract;

(2) A contractor or a former contractor who claims that a requirement of the contract substantially compromises the ability of the contractor to fulfill the contract;

(3) A contractor or former contractor who claims that an area authority has acted arbitrarily and capriciously in reducing funding for the type of services provided or formerly provided by the contractor or former contractor;

(4) A client or a person who was a client in the previous fiscal year, who claims that an area authority has acted arbitrarily and capriciously in reducing funding for the type of services provided or formerly provided to the client directly by the area authority; and

(5) A person who claims that an area authority did not comply with a State law or a rule adopted by the Secretary or the Commission in developing the plans and budgets of the area authority and that the area authority's failure to comply has adversely affected the ability of the person to participate in the development of the plans and budgets.

(d) Hearing. — All members of the Area Authority Appeals Panel shall hear an appeal to the Panel. An appeal shall be filed with the Panel within the time required by the Secretary and shall be heard by the Panel within the time required by the Secretary. A hearing shall be conducted at the place determined in accordance with the rules adopted by the Secretary. A hearing before the Panel shall be informal; no sworn testimony shall be taken and the rules of evidence do not apply. The person who appeals to the Panel has the burden of proof. The Panel shall not stay a decision of an area authority during an appeal to the Panel.

(e) Decision. — The Area Authority Appeals Panel shall make a written decision on each appeal to the Panel within the time set by the Secretary. A decision may direct a contractor or an area authority to take an action or to refrain from taking an action, but it shall not require a party to appeal to pay any amount except payment due under the contract. In making a decision, the Panel shall determine the course of action that best protects or benefits the clients of the area authority. If a party to an appeal fails to comply with a decision of the Panel and the Secretary determines that the failure deprives clients of the area authority of a type of needed service, the Secretary may use funds previously allocated to the area authority to provide the service.

(f) 150B Appeal. — A person who is dissatisfied with a decision of the Panel may commence a contested case under Article 3 of Chapter 150B of the General Statutes. Notwithstanding G.S. 150B-2(1), an area authority is considered an agency for purposes of the limited appeal authorized by this section. The Secretary shall make a final decision in the contested case."

(p) G.S. 122C-112(a) reads as rewritten:

"(a) The Secretary shall:

(1) Enforce the provisions of this Chapter and the rules of the Commission and the Secretary;

(2) Assist counties and area authorities in the establishment and operation of community-based programs within catchment areas specified in rules adopted by the Commission;

(3) Operate State facilities and adopt rules pertaining to their operation;

(4) Promote a unified system of services for the citizens of this State by coordinating services provided in State facilities and area facilities;

(5) Approve the plans and budgets of an area authority and adopt rules pertaining to the content and format of these plans and budgets;

(6) Adopt rules governing the expenditure of all area authority funds;

(6a) Adopt rules to implement the appeal procedure authorized by G.S. 122C-151.2;

(7) Adopt rules for the establishment of single portal designation and approve an area as a single portal area;

(8) Except as provided in G.S. 122C-26(4), adopt rules establishing procedures for waiver of rules adopted by the Secretary under this Chapter;

(9) Notify the clerks of superior court of changes in the designation of State facility regions and of facilities designated under G.S. 122C-252;

(10) Promote public awareness and understanding of mental health, mental illness, developmental disabilities, and substance abuse;

(11) Administer and enforce rules that are conditions of participation in federal or State financial aid;

(12) Carry out G.S. 122C-361; and

(13) Coordinate and facilitate the development and administration of the early intervention system for eligible infants and toddlers and shall assign among

the cooperating agencies the responsibility, including financial responsibility, for services. The Secretary shall be advised by the Interagency Coordinating Council for Handicapped Children from Birth to Five Years of Age, established by G.S. 143B-179.5, and may enter into formal interagency agreements to establish the collaborative relationships with the Department of Environment, Health, and Natural Resources, the Department of Public Instruction, other appropriate agencies, and other public and private service providers necessary to administer the system and deliver the services.

The Secretary shall adopt rules to implement the early intervention system, in cooperation with all other appropriate agencies."

(q) Subsection (n) of this section becomes effective July 1, 1994. Subsection (o) of this section becomes effective January 1, 1994. All other subsections of this section become effective July 1, 1993.

Requested by: Representatives Esposito, Nye, Easterling, Dickson, Senators Richardson, Hyde, Walker

DEVELOPMENTAL DISABILITIES TRAINING REQUIREMENTS

Sec. 221. The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Human Resources, shall develop training requirements to carry out the goals and objectives of the Developmental Disabilities Plan adopted by the Mental Health Study Commission. The training is to be administered by the Developmental Disabilities Training Institute of the Division of Continuing Education of the University of North Carolina at Chapel Hill.

Requested by: Representatives Easterling, Nye, Dickson, Senators Richardson, Hyde, Walker

OWNERSHIP, CUSTODY, OR CONTROL OF VEHICLES PURCHASED BY THE DIVISION OF VOCATIONAL REHABILITATION SERVICES.

Sec. 221.1. The Division of Vocational Rehabilitation Services, Department of Human Resources, may use funds made available to it to purchase vehicles to be used primarily to transport clients being served pursuant to the Rehabilitation Act of 1973, 42 U.S.C. 701 *et seq.*, as amended. Notwithstanding the provisions of G.S. 143-341(8)i.3., the Division of Vocational Rehabilitation Services shall not be required to transfer ownership, custody, or control of any vehicle purchased pursuant to this section to the Department of Administration.

Requested by: Senator Richardson, Representatives Nye, Easterling

MEDICAID

Sec. 222. (a) Funds appropriated in this act for services provided in accordance with Title XIX of the Social Security Act (Medicaid) are for both the categorically needy and the medically needy. Funds appropriated for these services shall be expended in accordance with the following schedule of services and payment bases. All services and payments are subject to the language at the end of this subsection.

Services and payment bases:

(1) Hospital-Inpatient. — Payment for hospital inpatient services will be prescribed in the State Plan as established by the Department of Human Resources. Administrative days for any period of hospitalization shall be limited to a maximum of three days.

(2) Hospital-Outpatient. — Eighty percent (80%) of allowable costs or a prospective reimbursement plan as established by the Department of Human Resources.

(3) Nursing Facilities. — Payment for nursing facility services will be prescribed in the State Plan as established by the Department of Human Resources. Nursing facilities providing services to Medicaid recipients who also qualify for Medicare shall be enrolled in the Medicare program as a condition of participation in the Medicaid program. State facilities are not subject to the requirement to enroll in the Medicare Program.

(4) Intermediate Care Facilities for the Mentally Retarded. — As prescribed in the State Plan, as established by the Department of Human Resources.

(5) Drugs. — Drug costs as allowed by federal regulations plus a professional services fee per month excluding refills for the same drug or generic equivalent during the same month. Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills. Payments for drugs are subject to the provisions of subsection (f) of this section and to the provisions at the end of subsection (a) of this section, or in accordance with the State Plan adopted by the Department of Human Resources consistent with federal reimbursement regulations. Payment of the professional services fee shall be made in accordance with the plan adopted by the Department of Human Resources, consistent with federal reimbursement regulations. Adjustments to the professional services fee shall be established by the General Assembly.

(6) Physicians, Chiropractors, Podiatrists, Optometrists, Dentists, Certified Nurse Midwife Services. — Fee schedules as developed by the Department of Human Resources. Payments for dental services are subject to the provisions of subsection (e) of this section.

(7) Community Alternative Program, EPSDT Screens. — Payment to be made in accordance with rate schedule developed by the Department of Human Resources.

(8) Home Health and Related Services, Private Duty Nursing, Clinic Services, Prepaid Health Plans, Durable Medical Equipment. — Payment to be made according to reimbursement plans developed by the Department of Human Resources.

(9) Medicare Buy-In. — Social Security Administration premium.

(10) Ambulance Services. — Uniform fee schedules as developed by the Department of Human Resources.

(11) Hearing Aids. — Actual cost plus a dispensing fee.

(12) Rural Health Clinic Services. — Provider based - reasonable cost; non-provider based - single cost reimbursement rate per clinic visit.

(13) Family Planning. — Negotiated rate for local health departments. For other providers, see specific services for instance, hospitals, physicians.

(14) Independent Laboratory and X-Ray services. — Uniform fee schedules as developed by the Department of Human Resources.

(15) Optical Supplies. — One hundred percent (100%) of reasonable wholesale cost of materials.

(16) Ambulatory Surgical Centers. — Payment as prescribed in the reimbursement plan established by the Department of Human Resources.

(17) Medicare Crossover Claims. — An amount up to the actual coinsurance or deductible or both, in accordance with the plan, as approved by the Department of Human Resources.

(18) Physical Therapy and Speech Therapy. — Services limited to EPSDT-eligible children. Payments are to be made only to the Children's Special Health Services program at rates negotiated by the Department of Human Resources.

(19) Personal Care Services. — Payment in accordance with plan approved by the Department of Human Resources.

(20) Case Management Services. — Reimbursement in accordance with the availability of funds, to be transferred within the Department of Human Resources.

(21) Hospice. — Services may be provided in accordance with plan developed by the Department of Human Resources.

(22) Other Mental Health Services. — Unless otherwise covered by this section, coverage is limited to agencies meeting the requirements of the rules

established by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, and reimbursement is made in accordance with a plan developed by the Department of Human Resources not to exceed the upper limits established in federal regulations.

(23) Medically Necessary Prosthetics or Orthotics for EPSDT Eligible Children. — Reimbursement in accordance with plan approved by the Department of Human Resources.

(24) Health Insurance Premiums. — Payments to be made in accordance with the plan adopted by the Department of Human Resources consistent with federal regulations.

(25) Medical Care/Other Remedial Care. — Services not covered elsewhere in this section include related services in schools; health professional services provided outside the clinic setting to meet maternal and infant health goals; and services to meet federal EPSDT mandates. Services addressed by this subdivision are limited to those prescribed in the State Plan, as established by the Department of Human Resources. Providers of these services shall be certified as meeting program standards of the Department of Environment, Health, and Natural Resources.

Services and payment bases may be changed with the approval of the Director of the Budget.

Reimbursement is available for up to 24 visits per recipient per year to any one or combination of the following: physicians, clinics, hospital outpatients, optometrists, chiropractors, and podiatrists. Prenatal services, all EPDST children, and emergency rooms are exempt from the visit limitations contained in this paragraph. Exceptions may be authorized by the Department of Human Resources where the life of the patient would be threatened without such additional care. Any person who is determined by the Department to be exempt from the 24-visit limitation may also be exempt from the six-prescription limitation.

(b) Allocation of Nonfederal Cost of Medicaid. — The State shall pay eight-five percent (85%) and the county shall pay fifteen percent (15%) of the nonfederal costs of all applicable services listed in this section.

(c) Copayment for Medicaid Services. — The Department of Human Resources may establish copayment up to the maximum permitted by federal law and regulation.

(d) Medicaid and Aid to Families with Dependent Children Income Eligibility Standards. — Effective January 1, 1990, the maximum net family annual income eligibility standards for Medicaid and Aid to Families with Dependent Children, and the Standard of Need for Aid to Families with Dependent Children shall be as follows:

	Categorically Needy		Medically Needy
Family Size	Standard Of Need	AFDC Payment Level*	AA,AB,AD*
1	$ 4,344	$ 2,172	$ 2,900
2	5,664	2,832	3,800
3	6,528	3,264	4,400
4	7,128	3,564	4,800
5	7,776	3,888	5,200
6	8,376	4,188	5,600
7	8,952	4,476	6,000
8	9,256	4,680	6,300

*Aid to Families with Dependent Children (AFDC); Aid to the Aged (AA); Aid to the Blind (AB); and Aid to the Disabled (AD).

The payment level for Aid to Families with Dependent Children shall be fifty percent (50%) of the standard of need.

These standards may be changed with the approval of the Director of the Budget with the advice of the Advisory Budget Commission.

(e) Dental Coverage Limits. — Dental services shall be provided on a restricted basis in accordance with rules adopted by the Department to implement this subsection.

(f) Dispensing of Generic Drugs. — Notwithstanding G.S. 90-85.27 through G.S. 90-85.31, under the Medical Assistance Program (Title XIX of the Social Security Act) a prescription order for a drug designated by a trade or brand name shall be considered to be an order for the drug by its established or generic name, except when the prescriber personally indicates, either orally or in his own handwriting on the prescription order, "dispense as written" or words of similar meaning. Generic drugs, when available in the pharmacy, shall be dispensed at a lower cost to the Medical Assistance Program rather than trade or brand name drugs, subject to the prescriber's "dispense as written" order as noted above.

As used in this subsection "brand name" means the proprietary name the manufacturer places upon a drug product or on its container, label, or wrapping at the time of packaging; and "established name" has the same meaning as in section 502(e)(3) of the Federal Food, Drug and Cosmetic Act as amended, 21 U.S.C. § 352(e)(3).

(g) Exceptions to Service Limitations, Eligibility Requirements, and Payments. — Service limitations, eligibility requirements, payments, and payments bases in this section may be waived by the Department of Human Resources, with the approval of the Director of the Budget, to allow the Department to carry out pilot programs for prepaid health plans, managed care plans, or community-based services programs in accordance with plans approved by the United States Department of Health and Human Services, or when the Department determines that such a waiver will result in a reduction in the total Medicaid costs for the recipient.

(h) Volume Purchase Plans and Single Source Procurement. — The Department of Human Resources, Division of Medical Assistance, may, subject to the approval of a change in the State Medicaid Plan, contract for services, medical equipment, supplies, and appliances by implementation of volume purchase plans, single source procurement, or other similar processes in order to improve cost containment.

(i) Cost-Containment Programs. — The Department of Human Resources, Division of Medical Assistance, may undertake cost-containment programs including preadmissions to hospitals and prior approval for certain outpatient surgeries, before they may be performed in an inpatient setting.

(j) For all Medicaid eligibility classifications for which the federal poverty level is used as an income limit for eligibility determination, the income limits will be updated each April 1 immediately following publication of federal poverty guidelines.

(k) Effective January 1, 1988, the Department of Human Resources shall provide Medicaid to 19-, 20-, and 21-year-olds in accordance with federal rules and regulations.

(l) The Department of Human Resources shall provide coverage to pregnant women and children according to the following schedule:

(1) Pregnant women with incomes equal to or less than one hundred eighty-five percent (185%) of the federal poverty guidelines, as revised each April 1 shall be covered for Medicaid benefits;

(2) Infants under the age of 1 with family incomes equal to or less than one hundred eighty-five percent (185%) of the federal poverty guidelines as revised each April 1, shall be covered for Medicaid benefits;

(3) Children aged 1 through 5 with family incomes equal to or less than one hundred thirty-three percent (133%) of the federal poverty guidelines as revised each April 1 shall be covered for Medicaid benefits; and

(4) Children aged 6 through 18 who were born after September 30, 1983, with family incomes equal to the federal poverty guidelines, as revised each April 1, shall be covered for Medicaid benefits.

Services to pregnant women eligible under this section continue throughout the pregnancy but include only those related to pregnancy and to those other conditions determined by the Department as conditions that may complicate pregnancy. In order to reduce county administrative costs and to expedite the provision of medical services to pregnant women, to infants, and to children eligible under this section, no resources test shall be applied.

(m) The Department of Human Resources may use Medicaid funds budgeted from program services to support the cost of administrative activities to the extent that these administrative activities produce a net savings in services requirements. Administrative initiatives funded by this section shall be first approved by the Office of State Budget and Management.

Requested by: Senator Richardson, Representatives Easterling, Nye, Diamont

REDUCE INFANT MORTALITY

Sec. 223. The Department of Human Resources, Division of Medical Assistance, shall provide medical coverage for nutritional counseling, psycho-social counseling, and predelivery and post-partum home visits by maternity care coordinators and public health nurses for Medicaid-eligible pregnant women.

Requested by: Senator Richardson, Representatives Nye, Easterling

PURCHASE TRANSPORTATION SERVICES FOR PREGNANT WOMEN AND CHILDREN ON MEDICAID

Sec. 224. (a) Of the funds appropriated from the General Fund to the Department of Human Resources in this act, three hundred thousand dollars ($300,000) for the 1993-94 fiscal year and three hundred thousand dollars ($300,000) for the 1994-95 fiscal year shall be transferred to the Department of Transportation, Public Transportation Division, to purchase transportation services for pregnant women and for children on Medicaid. All funds distributed by the Department, under this section, to counties are intended to purchase additional transportation services and not to supplant funds now being used by local governments for that purpose. These funds shall not be used towards the purchase of transportation vehicles or equipment, and shall not be used to cover State administrative costs. Only those counties maintaining Medicaid transportation services to pregnant women and to children at a level that is not reduced from the level of services in place during the 1989-90 fiscal year are be eligible for additional transportation assistance funds.

(b) The Public Transportation Division of the Department of Transportation shall distribute these funds to the counties according to the following formula:

(1) Fifty percent (50%) divided equally among all eligible counties;

(2) Forty-five percent (45%) on the basis of the number of pregnant women and of children receiving Medicaid in the county as a percentage of the total number of pregnant women and of children receiving Medicaid statewide; and

(3) Five percent (5%) based upon a population density factor that recognizes the higher transportation costs in sparsely populated counties.

The Department of Transportation shall develop appropriate procedures for the distribution and use of these funds and shall adopt rules to implement these procedures.

(c) Funds distributed by the Department of Transportation under this section shall be used by counties in a manner consistent with implemented transportation development plans that have been approved by the Department of Transportation and the board of county commissioners. To receive funds apportioned for a given fiscal year, a county shall have an approved transportation plan. Funds that are not obligated in a given fiscal year due to the lack of an approved transportation plan shall be distributed to the eligible counties based on the distribution formula in subsection (b) of this section.

Requested by: Senator Richardson, Representatives Nye, Easterling
PHARMACY DISPENSING FEE

Sec. 225. The professional limits fee for dispensing drugs shall be five dollars and sixty cents ($5.60) per prescription, adjusted in accordance with subdivision (5) of Section 222 of this act.

Requested by: Senator Richardson, Representatives Easterling, Nye
ICF AND ICF/MR WORK INCENTIVE ALLOWANCES

Sec. 226. The Department of Human Resources may provide an incentive allowance to Medicaid-eligible recipients of ICF and ICF/MR facilities who are regularly engaged in work activities as part of their developmental plan and for whom retention of additional income contributes to their achievement of independence. The State funds required to match the federal funds that are required by these allowances shall be provided from savings within the Medicaid budget or from other unbudgeted funds available to the Department. The incentive allowances may be as follows:

Monthly Net Wages	Monthly Incentive Allowance
$1.00 to $100.99	up to $50.00
$101.00 to $200.99	$80.00
$201.00 to $300.99	$130.00
$301.00 and greater	$212.00.

Requested by: Senator Richardson, Representatives Nye, Easterling
MEDICAID INPATIENT HOSPITAL REIMBURSEMENT

Sec. 227. Effective July 1, 1994, the Department of Human Resources, Division of Medical Assistance, shall implement a budget-neutral Diagnosis-Related Group reimbursement methodology for inpatient hospital services. In addition, the Department shall study the feasibility of implementing selective contracts for hospital inpatient services and shall report its recommendations to the General Assembly by March 15, 1994.

Requested by: Senator Richardson, Walker, Representatives Easterling, Nye
FAMILY SUPPORT ACT

Sec. 228. (a) The General Assembly finds that it is in the best interest of the State and of all its citizens to encourage recipients of Aid to Families with Dependent Children to obtain jobs and become self-sufficient. It further finds that, by continuing medical assistance and providing limited wage assistance to those recipients who are working, the State will make it possible to help many recipients to be able to keep their jobs, support their families, and become self-sufficient.

(b) The Social Services Commission shall adopt rules to change the way it budgets Aid to Families with Dependent Children payments that will result in more recipients being able to find work and keep working. These rules shall include subtracting countable income from the State standard of need, and paying a percentage of the difference. The percentage that shall be applied to determine the amount of assistance shall be the same percentage set in the Current Operations Appropriations Act that determines the Aid to Families of Dependent Children payment level from the standard of need.

Requested by: Senator Richardson, Representatives Nye, Easterling
RETROSPECTIVE ACCOUNTING ADJUSTMENT

Sec. 229. The Department of Human Resources shall use funds appropriated to it by this act to provide a State supplementary payment to Aid to Families of Dependent Children households adversely affected by the retrospective accounting procedure as allowed under section 403(a) of the Social Security Act (42 U.S.C. § 603(a)), as amended by section 157(a) of the Tax Equity and Fiscal Responsibility Act of 1982. The amount of the State supplement shall not exceed the maximum payment standard for the Aid to Families with Dependent Children Program.

Requested by: Senator Richardson, Representatives Easterling, Nye

AFDC/WOMEN IN THIRD TRIMESTER OF PREGNANCY ADJUSTMENT

Sec. 230. The Division of Social Services, Department of Human Resources, shall provide Aid to Families with Dependent Children to women in their third trimester of pregnancy, regardless of whether these women have children, if they otherwise qualify for these payments.

Requested by: Senator Richardson, Representatives Nye, Easterling

FOSTER CARE

Sec. 231. Funds appropriated to the Department of Human Resources in this act for foster care assistance rates shall be used to set the rates at two hundred sixty-five dollars ($265.00) per child per month. Of this sum, fifteen dollars ($15.00) is a special needs allowance for the child.

Requested by: Senator Richardson, Representatives Easterling, Nye

EMERGENCY ASSISTANCE

Sec. 232. The Division of Social Services, Department of Human Resources, shall not expend more State funds than are appropriated for Emergency Assistance by this act. Within this limit, Emergency Assistance benefits shall not exceed three hundred dollars ($300.00) per year per family, payable over a 30-day period. After this 30-day period, Emergency Assistance benefits are not available to that family until 12 months have elapsed from the initial authorization date. The family may have no more than a total of three hundred dollars ($300.00) in liquid assets in order to qualify for any Emergency Assistance pursuant to this section.

It is the intent of the General Assembly that these Emergency Assistance funds shall only be used to provide assistance to persons to alleviate an emergency. In evaluating whether an emergency exists, the county departments of social services shall apply prudent judgment to evaluate each emergency on its own merits. Prudent judgment will permit departments of social services to consider whether the client created the emergency and whether the assistance will resolve the emergency.

Requested by: Senator Richardson, Representatives Easterling, Nye

FOOD STAMP OUTREACH

Sec. 233. The Department of Human Resources shall continue a Food Stamp Outreach Program. Under the Program, the Department shall inform public and private agencies, community groups, potentially eligible persons, and the general public regarding the eligibility requirements of the Food Stamp Program. The Department shall maintain a referral list of public and private agencies, community groups, and interested persons and organizations who serve low-income persons. The Department shall inform these agencies and persons regarding the Food Stamp Program and changes in the law that affect client eligibility or the extent of benefits. The Department shall develop and distribute informational materials, such as public service announcements, brochures, pamphlets, posters, and correspondence.

Requested by: Representatives Diamont, Nye, Easterling, Dickson,
Senators Richardson, Hyde, Walker

CHILD PROTECTIVE SERVICES

Sec. 234. (a) Funds appropriated to the Division of Social Services, Department of Human Resources, in this act for Child Protective Services shall be allocated for the 1993-94 fiscal year and for the 1994-95 fiscal year as follows:

(1) Each county department of social services shall receive an amount based on a formula that takes into consideration the number of Child Protective Services cases in that county and the number of Child Protective Services workers required to meet a ratio of no more than 20 active cases per one Child Protective Services worker. The allocation of these funds to each county shall not be less than that county's allocation in the 1992-93 fiscal year unless the General Assembly appropriates less funds for the 1993-94

fiscal year and the 1994-95 fiscal year for Child Protective Services than it appropriated in the 1992-93 fiscal year; and

(2) Each county department of social services shall receive a portion of the remainder of these funds, if any, on a proportional basis determined by the amount of funds necessary in that county to enable that county to achieve the caseload prescribed in subdivision (1) of this subsection. Counties that have achieved the caseload ratios prescribed by subdivision (1) of this section pursuant to funds allocated in that subdivision in either the 1993-94 fiscal year or the 1994-95 fiscal year shall not receive any funds pursuant to this subdivision in that fiscal year.

(b) Funds allocated to county departments of social services pursuant to this section shall be used for Child Protective Services workers and supervisors for carrying out investigations of reports of child abuse or neglect or for providing protective or preventive services in cases in which the department confirms abuse, neglect, or dependency. All expenditures shall be used for direct support of the department's Child Protective Services program.

(c) The Division of Social Services, Department of Human Resources, shall establish criteria and guidelines to ensure that the allocations to county departments of social services are used in accordance with this section.

(d) All State appropriations for counties for Child Protective Services, including the funds allocated to the counties pursuant to this section, shall be used for the direct costs of employing Child Protective Services workers and their supervisors. Indirect and administrative costs associated with Child Protective Services staffing may fulfill the requirement for county matching funds.

(e) Of the funds appropriated in this act, two million dollars ($2,000,000) for the 1993-94 fiscal year and two million dollars ($2,000,000) for the 1994-95 fiscal year shall be used to hire additional Child Protective Services workers and supervisors in county departments of social services.

Requested by: Representatives Easterling, Nye, Dickson,
Senators Richardson, Hyde, Walker

ADOPTION SUBSIDY

Sec. 235. The adoption subsidy paid monthly by the Division of Social Services, Department of Human Resources, to eligible families who adopt hard-to-place children shall be established at two hundred sixty-five dollars ($265.00) per child per month.

Requested by: Senator Richardson, Representatives Nye, Easterling

SOCIAL SERVICES PLAN/FAMILY PRESERVATION SERVICES

Sec. 236. (a) Of the funds appropriated to the Department of Human Resources, Division of Social Services, in this act the sum of four hundred ten thousand dollars ($410,000) for the 1993-94 fiscal year and the sum of four hundred ten thousand dollars ($410,000) for the 1994-95 fiscal year shall be used to enable the Department to develop further the Social Services Plan, in consultation and cooperation with other appropriate agencies and organizations, and consistent with the policies as provided by Chapter 448 of the 1989 Session Laws.

As part of the further development of the Social Services Plan, the Department of Human Resources shall pilot in three to five counties the core services as described in its report on the Social Services Plan to the General Assembly. The piloting shall include the establishment of minimum standards for the provision of the core services, including the staffing standards, caseload standards, training standards, and facilities standards.

In implementing Family Centered Services as a core service, the Secretary of the Department of Human Resources shall consider the advice and recommendations of the Advisory Committee on Family Centered Services.

These funds may be used as a match for federal funds that may be available in order to maximize support for the pilot. Funds appropriated by the General Assembly to be allocated to counties for child protective services shall be used by the pilot counties to strengthen investigations and treatment in Child Protective Services as a core service.

Any funds allocated to counties pursuant to this subsection shall be matched by the counties at the rate of one county dollar for every three State dollars.

(b) Of the funds appropriated to the Department of Human Resources, Division of Social Services, in this act, the sum of fifty thousand dollars ($50,000) for the 1993-94 fiscal year and the sum of fifty thousand dollars ($50,000) for the 1994-95 fiscal year shall be used to make grants to public or private agencies to develop and implement model programs of locally based Family Preservation Services as provided in Part 4A of Article 3 of Chapter 143B of the General Statutes, the Family Preservation Act. These funds shall be used in conjunction with funds identified within the Department to implement the Family Preservation Services Program as provided in this section. The Secretary of the Department of Human Resources shall ensure that the development of these Family Preservation Models and the piloting of the core social services described in subsection (a) of this section are coordinated at State and local levels to achieve the most effective service delivery for families and use of available funding sources.

Requested by: Senator Richardson, Representatives Easterling, Nye

COUNTY MATCHING REQUIREMENTS FOR CHILD PROTECTIVE SERVICES

Sec. 237. State Assistance to counties for child protective services shall be matched by counties at the rate of twenty-five percent (25%) effective July 1, 1993. Counties may use federal funds or county funds to meet matching requirements.

Requested by: Representatives Nye, Easterling, Dickson,
Senators Richardson, Hyde, Walker

CAROLINA ACCESS PROGRAM/EYE CARE

Sec. 238. Medicaid patients who receive health care through the Carolina Access Program may receive eye care directly from licensed optometrists.

Requested by: Senators Daniel, Richardson, Hyde, Walker,
Representatives Diamont, Nye, Easterling

LIMITING ERISA PLAN REQUIREMENTS

Sec. 238.1. Effective upon ratification of this act, Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-50-151. ERISA plans may not require Medicaid to pay first.

An employee benefit plan as defined in ERISA shall not include any provision which, because an individual is provided or is eligible for benefits or service pursuant to a State plan under Title XIX of the Social Security Act (Medicaid), has the effect of limiting or excluding coverage or payment for any health care for that individual under the terms of the employee benefit plan, provided that the individual is one who would otherwise be covered or entitled to benefits or services under the employee benefit plan."

Requested by: Senators Richardson, Hyde, Walker,
Representatives Nye, Easterling, Dickson

DOMICILIARY CARE REIMBURSEMENT RATE INCREASE

Sec. 239. Effective July 1, 1993, the maximum monthly rate for residents in domiciliary care facilities shall be nine hundred thirty-eight dollars ($938.00) for ambulatory residents and nine hundred seventy-nine dollars ($979.00) for semi-ambulatory residents.

Requested by: Representatives Nye, Easterling, Dickson,
Senators Richardson, Hyde, Walker

REST HOME PAYMENT METHOD

Sec. 240. (a) The Department of Human Resources shall develop a plan for a vendor payment methodology for domiciliary care facilities. The plan's proposed methodology shall include:

(1) A direct payment for mandated services, including:
a. Direct and indirect costs associated with minimum wage law;
b. Direct and indirect costs associated with Workers' Compensation law; and
c. Direct and indirect costs associated with Occupational Safety and Health Act law; and
(2) A direct payment for associated administrative costs, including:
a. Direct and indirect costs associated with insurance inflation management; and
b. Direct and indirect costs associated with an equitable return on investment.

(b) The Department of Human Resources shall submit the plan in a report to the 1993 General Assembly and to the Fiscal Research Division by March 1994. The report shall include a five-year fiscal impact analysis of the cost of implementing the proposed methodology.

(c) The Department of Human Resources shall also develop any other plan that it wishes the General Assembly to consider for rest home reimbursement and shall present this plan, including a five-year fiscal impact analysis of the cost of implementing the proposed methodology, in the same report prescribed in subsection (b) of this section.

(d) The Department of Human Resources shall not implement any plan for rest home reimbursement developed pursuant to this section until specifically authorized to do so by the General Assembly.

Requested by: Representatives Easterling, Nye, Dickson,
Senators Richardson, Hyde, Walker

PILOT SUBSIDY TO DOMICILIARY HOMES FOR SERVICES TO DEVELOPMENTALLY DISABLED RESIDENTS

Sec. 241. Notwithstanding the provisions of G.S. 143-23, the Secretary of Human Resources, with the approval of the Office of State Budget and Management, may use, to the extent possible, any funds appropriated or otherwise available to the Department in the 1993-94 fiscal year to conduct a pilot of a subsidy to homes for the aged and disabled and family care homes to support the provision of habilitative and related services needed by developmentally disabled persons who reside there. The Department shall present the results of the pilot to the General Assembly by July 1, 1994.

Requested by: Representatives Nye, Easterling, Dickson,
Senators Richardson, Hyde, Walker

DHR MONITORING DOMICILIARY CARE FACILITIES' COMPLIANCE WITH LICENSURE REQUIREMENTS

Sec. 242. G.S. 131D-2(b) is amended by inserting a new subdivision to read:
"(1a) In addition to the licensing and inspection requirements mandated by subdivision (1) of this subsection, the Department shall ensure that domiciliary care facilities required to be licensed by this Article are monitored for licensure compliance on a regular basis. In carrying out this requirement, the Department shall work with county departments of social services to do the routine monitoring and to have the Division of Facility Services oversee this monitoring and perform any follow-up inspection called for."

Requested by: Senator Richardson, Representatives Easterling, Nye

CAREGIVER SUPPORT SHARING

Sec. 243. (a) Of the funds appropriated to the Division of Aging, Department of Human Resources, by this act for the 1993-95 fiscal biennium, the sum of one million eight thousand dollars ($1,008,000) for the 1993-94 fiscal year and the sum of one million eight thousand dollars ($1,008,000) for the 1994-95 fiscal year shall be used for services that support family caregivers of elderly persons with functional disabilities,

whether physical or mental, who want to stay in their homes rather than be institutionalized, but who need assistance with the activities of daily living in order to remain at home. The services that may be purchased from funds received under this section include:

(1) Respite Care;
(2) Adult Day Care;
(3) Stipends and other related costs for senior companions, modeled after the federal Senior Companion Program; and
(4) Other related services that meet needs not now adequately addressed by the services described in subdivisions (1) through (3) of this subsection.

(b) The Division of Aging shall expend funds for these services according to the population of persons 70 years of age or older in each region. The Division of Aging shall use a minimum of ninety-five percent (95%) of the funds it receives under this section for the services described in subdivisions (1) through (4) of subsection (a) of this section and may only use a maximum of five percent (5%) for technical assistance as described in subsection (c) of this section. The Division of Aging shall choose providers in accordance with procedures under the Older Americans Act. Funds allocated by the Division pursuant to this section shall be allocated by October 1 of each fiscal year.

(c) The Division of Aging may contract for technical assistance. The technical assistance shall include training assistance, coordination of various service delivery and funding sources, and ideas for innovative ways to build a lasting system of services for family caregivers.

Requested by: Senator Richardson, Representatives Nye, Easterling

SENIOR CENTER OUTREACH

Sec. 244. (a) Of the funds appropriated to the Department of Human Resources, Division of Aging, by this act for the 1993-95 fiscal biennium, four hundred three thousand eight hundred dollars ($403,800) for the 1993-94 fiscal year and four hundred three thousand eight hundred dollars ($403,800) for the 1994-95 fiscal year shall be used by the Division of Aging to enhance senior center programs as follows:

(1) To test "satellite" services provided by existing senior centers to unserved or underserved areas; or
(2) To provide start-up funds for new senior centers.

All of these funds shall be allocated by October 1 of each fiscal year.

(b) Prior to funds being allocated pursuant to this section for start-up funds for a new senior center, the county commissioners of the county in which the new center will be located shall:

(1) Formally endorse the need for such a center;
(2) Formally agree on the sponsoring agency for the center; and
(3) Make a formal commitment to use local funds to support the ongoing operation of the center.

(c) State funding shall not exceed ninety percent (90%) of reimbursable costs.

Requested by: Senator Richardson, Representatives Easterling, Nye

RURAL/PRIMARY CARE INITIATIVES

Sec. 245. G.S. 131E-76 is amended by adding two new subdivisions to read:

"(6) 'Primary care hospital' means a hospital which has been designated as a primary care hospital by the North Carolina Department of Human Resources, Office of Rural Health and Resource Development. To be designated as a primary care hospital under this subdivision, the hospital must be located in a rural community, provide primary care inpatient services that do not include inpatient surgery, and provide outpatient services which may include outpatient surgery. A primary care hospital shall have a maximum annual average daily census of 15 patients and may have psychiatric and long-term care distinct part units. A primary care hospital must be part of a rural hospital network.

(7) 'Rural hospital network' means an alliance of members that shall include at least one primary care hospital and one other hospital. To qualify as a rural hospital network, the members must submit a comprehensive, written memorandum of understanding to the Department of Human Resources for the Department's approval. The memorandum of understanding must include provisions for patient referral and transfer, a plan for network-wide emergency services, and a plan for sharing patient information and services between hospital members including medical staff credentialing, risk management, quality assurance, and peer review."

Requested by: Senator Richardson, Representatives Nye, Easterling

DAY CARE FUNDS MATCHING REQUIREMENT

Sec. 246. No local matching funds may be required by the Department of Human Resources as a condition of any locality's receiving any State day care funds appropriated by this act unless federal law requires such a match.

Requested by: Senator Richardson, Representatives Easterling, Nye

DAY CARE

Sec. 247. Except for the allocation of support costs from federal grants by the General Assembly or the reallocation of federal grant funds by the Office of State Budget and Management, the Department of Human Resources shall distribute the funds appropriated and otherwise available to it for the purchase of day care for minor children of needy families so as to serve the greatest number of children possible.

Requested by: Senator Richardson, Representatives Nye, Easterling

DAY CARE RATES

Sec. 248. (a) Rules for the monthly schedule of payments for the purchase of day care services for low-income children shall be established by the Social Services Commission pursuant to G.S. 143B-153(8)a., in accordance with the following requirements:

(1) For day care facilities, as defined in G.S. 110-86(3), in which fewer than fifty percent (50%) of the enrollees are subsidized by State or federal funds, the State shall continue to pay the same fee paid by private paying parents for a child in the same age group in the same facility.

(2) Facilities in which fifty percent (50%) or more of the enrollees are subsidized by State or federal funds may choose annually one of the following payment options:
   a. The facility's payment rate for fiscal year 1985-86; or
   b. The market rate, as calculated annually by the Division of Child Development in the Department of Human Resources.

(3) A market rate shall be calculated for each county and for each age group or age category of enrollees and shall be representative of fees charged to unsubsidized private paying parents for each age group of enrollees within the county. The county market rates shall be calculated from facility fee schedules collected by the Division of Child Development on a routine basis. The Division shall also calculate a statewide market rate for each age category. The Social Services Commission shall adopt rules to establish minimum county rates that use the statewide market rates as a reference point.

(4) Child day care homes as defined in G.S. 110-86(4) and other home-based day care arrangements that are not required to be regulated by the State licensing agency may be paid the market rate for day care homes, which shall be calculated at least biennially by the Division of Child Development according to the method described in subdivision (3) of subsection (a) of this section.

(b) Facilities licensed pursuant to Article 7 of Chapter 110 of the General Statutes may participate in the program that provides for the purchase of care in day care facilities for minor children of needy families. No separate licensing requirements shall

be used to select facilities to participate. In addition, day care facilities shall be required to meet any additional applicable requirements of federal law or regulations.

Day care homes as defined in G.S. 110-86(4) from which the State purchases day care services shall meet the standards established by the Child Day Care Commission pursuant to G.S. 110-101 and G.S. 110-105.1 and any additional requirements of State law or federal law or regulations. Child care arrangements exempt from State regulation pursuant to Article 7 of Chapter 110 of the General Statutes shall meet the requirements established by other State law and by the Social Services Commission.

(c) County departments of social services shall continue to negotiate with day care providers for day care services below those rates prescribed by subsection (a) of this section. County departments shall purchase day care services so as to serve the greatest number of children possible with existing resources.

Requested by: Senator Richardson, Representatives Easterling, Nye

DAY CARE ALLOCATION FORMULA

Sec. 249. (a) To simplify current day care allocation methodology and more equitably distribute State day care funds, the Department of Human Resources shall apply the following allocation formula to all noncategorical federal and State day care funds used to pay the costs of necessary day care for minor children of needy families:

(1) One-third of budgeted funds shall be distributed according to the county's population in relation to the total population of the State;

(2) One-third of the budgeted funds shall be distributed according to the number of children under 6 years of age in a county who are living in families whose income is below the State poverty level in relation to the total number of children under 6 years of age in the State in families whose income is below the poverty level; and

(3) One-third of budgeted funds shall be distributed according to the number of working mothers with children under 6 years of age in a county in relation to the total number of working mothers with children under 6 years of age in the State.

(b) A county's initial allocation shall not be less than that county's initial allocation was in fiscal year 1990-91 under the formula prescribed by Section 102 of Chapter 500 of the 1989 Session Laws. However, if the total amount available to allocate is less than the amount allocated by formula in the 1990-91 fiscal year, a county's allocation may be less than the county's initial allocation was in that fiscal year.

Requested by: Senator Richardson, Representatives Nye, Easterling

DHR EMPLOYEES/IN-KIND MATCH

Sec. 250. Notwithstanding the limitations of G.S. 143B-139.4, the Secretary of the Department of Human Resources may assign employees of the Office of Rural Health and Resource Development to serve as in-kind match to nonprofit corporations working to establish health care programs that will improve health care access while controlling costs.

Requested by: Senator Richardson, Representatives Easterling, Nye

COMMUNITY-BASED ALTERNATIVES PARTICIPATION

Sec. 251. County governments participating in the Community-Based Alternatives Program shall certify annually to the Division of Youth Services, Department of Human Resources, that Community-Based Alternatives Aid to Counties shall not be used to duplicate or supplant other programs within the county.

Requested by: Senator Richardson, Representatives Nye, Easterling

SUPPLEMENTAL HEAD START FUNDS

Sec. 252. Supplemental Head Start funds appropriated in this act to the Department of Human Resources shall continue to be allocated to those counties currently receiving these funds.

Requested by: Senator Richardson, Representatives Gardner, Easterling, Nye

COUNTY DAY CARE ENCOURAGEMENT

Sec. 253. (a) The General Assembly encourages all counties to use all their initial child care allocations by actively and aggressively pursuing all existing child care resources currently available. The Department of Human Resources, Division of Child Development, shall reevaluate its allocation/reversion/reallocation timetable to balance equitably the needs of those counties that have had difficulty using their initial allocations in a timely fashion with the needs of those counties who have used the reverted allocations to excellent purpose.

(b) The General Assembly encourages counties to use creative and innovative methods of enriching their existing day care, such as by using volunteers from senior citizen centers in day care, and to identify any State law or policy bars that may currently exist to these methods.

(c) The General Assembly encourages counties that now provide certain child care payments directly to parents rather than directly to the provider to reevaluate this practice in order to ensure that the method of payment properly reflects both the needs of the individual families and the day care community.

(d) The Department of Human Resources shall report quarterly to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office on the implementation of this section.

Requested by: Representatives Easterling, Nye, Dickson,
Senators Richardson, Hyde, Walker

EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES

Sec. 254. (a) Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 10B. Early Childhood Initiatives.

"§ 143B-168.10. Early childhood initiatives; findings.

The General Assembly finds, upon consultation with the Governor, that every child can benefit from, and should have access to, high-quality early childhood education and development services. The economic future and well-being of the State depend upon it. To ensure that all children have access to quality early childhood education and development services, the General Assembly further finds that:

(1) Parents have the primary duty to raise, educate, and transmit values to young preschool children;

(2) The State can assist parents in their role as the primary caregivers and educators of young preschool children; and

(3) There is a need to explore innovative approaches and strategies for aiding parents and families in the education and development of young preschool children.

"§ 143B-168.11. Early childhood initiatives; intent; North Carolina Partnership for Children, Inc.

It is the intent of the General Assembly, upon consultation with the Governor, to support through financial and other means, the North Carolina Partnership for Children, Inc., a nonprofit corporation which has as its mission the development of a comprehensive, long-range strategic plan for early childhood development and the provision, through public and private means, of high-quality early childhood education and development services for children and families.

"§ 143B-168.12. Early childhood initiatives; North Carolina Partnership for Children, Inc.; conditions; powers and duties; local demonstration projects; statewide needs and resource assessment; rule making; reporting requirements.

(a) As a condition for receiving funds appropriated to the North Carolina Partnership for Children, Inc., members of the Board of Directors of the North Carolina Partnership for Children, Inc., shall consist of four ex officio members and 29 appointed members.

The four ex officio members shall be the Secretary of the Department of Human Resources, the Secretary of the Department of Environment, Health, and Natural Resources, the Superintendent of Public Instruction, and the President of the Department of Community Colleges. The appointed members shall be appointed as follows: six by the Speaker of the House of Representatives, six by the President *Pro Tempore* of the Senate, and 17 by the Governor. Each of the members appointed by the President *Pro Tempore* of the Senate shall reside in a separate one of the following congressional districts: 1st, 3rd, 5th, 7th, 9th, and 11th. Each of the members appointed by the Speaker of the House of Representatives shall reside in a separate one of the following congressional districts: 2nd, 4th, 6th, 8th, 10th, and 12th. Four of the members appointed by the Governor shall be members of the party other than the Governor's party.

As a further condition for receiving funding, the North Carolina Partnership for Children, Inc., shall agree that it shall adopt procedures for its operations that are comparable to those of Article 33C of Chapter 143 of the General Statutes, the Open Meetings Law, and Chapter 132 of the General Statutes, the Public Records Law, and provide for enforcement by the Department. The corporation shall be subject to audit and review by the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. The State Auditor shall conduct annual financial and compliance audits of the corporation.

(b) As a condition for receiving funding appropriated to it, the North Carolina Partnership for Children, Inc., shall oversee the development and implementation of 12 local demonstration projects. Each demonstration project shall be coordinated by a new local, private, nonprofit 501(c)(3) organization responsible for developing a comprehensive, collaborative, long-range plan of services to children and families in the service-delivery area. The board of directors of each local nonprofit organization shall consist of members including representatives of public and private nonprofit health and human service agencies, day care providers, the business community, foundations, county and municipal governments, local education units, and families. The Department of Human Resources, in cooperation with the North Carolina Partnership for Children, Inc., may specify in its requests for applications the local agencies that shall be represented on the Board.

As a further condition for receiving funding, these local nonprofit organizations shall agree that they shall adopt procedures for their operations that are comparable to those of Article 33C of Chapter 143 of the General Statutes, the Open Meetings Law, and Chapter 132 of the General Statutes, the Public Records Law, and provide for enforcement by the Department. The organizations shall be subject to audit and review by the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. The State Auditor shall conduct annual financial and compliance audits of the organizations.

The Department of Human Resources shall develop a statewide process, in cooperation with the North Carolina Partnership for Children, Inc., to select the local demonstration projects. The 12 local demonstration projects developed and implemented shall be located in the 12 congressional districts, one to a district.

An existing local, private, nonprofit 501(c)(3) organization in the community may apply to serve as the coordinator of a demonstration project if the governance of the project meets the objective of decision making by a broad range of public and private health and human services providers.

(c) Funds appropriated to be allocated to the local demonstration projects for services to children and families shall be used to expand coverage and improve the quality of services. These funds shall not be allocated to any local demonstration project until the Secretary of the Department of Human Resources, upon recommendation of the North Carolina Partnership for Children, Inc., has approved this local allocation. All local plans shall be approved by the Secretary.

(d) Funds appropriated to support the local strategic planning process and activities of the North Carolina Partnership for Children, Inc., the local nonprofit organizations, and

start-up and related activities shall be available for these purposes upon the effective date of enactment of this Part.

(e) Communities shall be given the maximum flexibility and discretion practicable in developing their plans. Depending on local, regional, or statewide needs, funds may be used to support activities and services that shall be made available and accessible to providers, children, and families on a voluntary basis. These activities and services may include:

(1) Child day care services, including:
   a. Start-up funding for day care providers;
   b. Assistance to enable child day care providers to conform to licensing and building code requirements;
   c. Needs and resources assessments for child day care services;
   d. Child day care resources and referral services;
   e. Enhancement of the quality of child day care provided;
   f. Technical assistance for child day care providers; and
   g. Evaluation of plan implementation of child day care services;

(2) Family- and child-centered services, including early childhood education and child development services, including:
   a. Enhancement of the quality of family- and child-centered services provided;
   b. Technical assistance for family- and child-centered services;
   c. Needs and resource assessments for family- and child-centered services;
   d. Home-centered services; and
   e. Evaluation of plan implementation of family- and child-centered services; and

(3) Other appropriate activities and services for child day care providers and for family- and child-centered services, including:
   a. Staff and organizational development, leadership and administrative development, technology assisted education, and long-range planning; and
   b. Procedures to ensure that infants and young children receive needed health, immunization, and related services.

(f) The Department of Human Resources, in cooperation with the North Carolina Partnership for Children, Inc., shall develop a needs and resource assessment for each county. Of the funds appropriated to it to implement this Part, the Department may make available funds to each county for one year to an appropriate private nonprofit entity or to the county to perform this assessment.

(g) The Department of Human Resources, in cooperation with the North Carolina Partnership for Children, Inc., shall adopt any rules necessary to implement this section, including rules to ensure that no State funds or local funds used to supplant these State funds shall be used for personnel sick leave and annual leave benefits not allowed to State employees.

(h) The Department of Human Resources shall report (i) quarterly to the Joint Legislative Commission on Governmental Operations and (ii) to the General Assembly and the Governor by April 1, 1994, and by March 1, 1995, on the ongoing results of all the local demonstration projects' work, including all details of the use to which the allocations were put, and on the continuing plans of the North Carolina Partnership for Children, Inc., and of the Department of Human Resources, together with legislative proposals, including proposals to implement the program statewide."

(b) Of the funds appropriated to the Department of Human Resources, the sum of twenty million dollars ($20,000,000) for the 1993-94 fiscal year and the sum of twenty-eight million four hundred forty thousand dollars ($28,440,000) for the 1994-95 fiscal year to implement subsection (a) of this section. From the funds appropriated by this subsection, the Department shall provide funds for services prescribed in subsection

(a) of this section, for necessary State, regional, and local administration of this Part, and for the activities of the North Carolina Partnership for Children, Inc., consistent with the provisions of subsection (a) of this section.

(c) Effective January 1, 1994, G.S. 110-91(7) reads as rewritten:

"(7) Staff-Child Ratio. — In determining the staff-child ratio, all children younger than 13 years shall be counted. The Commission shall adopt rules regarding staff-child ratios, group sizes and multi-age groupings for each category of facility other than for infants and toddlers, provided that ~~such~~ these rules ~~and regulations~~ shall be no less stringent than those currently required for staff-child ratios as enacted in Section 156(e) of Chapter 757 of the 1985 Session Laws. The staff-child ratios and group sizes for infants and toddlers shall be no less stringent than as follows:

Age	Ratio	Group Size
0 to 12 months	5	10
12 to 24 months	6	12
2 to 3 years	10	20."

(c1) Notwithstanding any other provision of law to the contrary, religious sponsored facilities operating under G.S. 110-106, and not receiving any State or federal child care subsidies, including subsidies paid by the State or local service agency directly to the facility or to the parent of a child enrolled in the facility, shall have until June 30, 1994, to comply with the lower staff-child ratios for children under age 3 if the religious sponsored facility files with the Department of Human Resources a notice of intent to delay compliance with the ratios and a statement of assurance that the facility will not accept any public child-care subsidy funds until compliance with the ratios is achieved. All religious sponsored facilities shall comply fully with the provisions of G.S. 110-91(7) by July 1, 1994.

(d) Of the funds appropriated to the Department of Human Resources the sum of one million four hundred thousand dollars ($1,400,000) for the 1993-94 fiscal year and the sum of two million two hundred sixteen thousand two hundred ninety-three dollars ($2,216,293) for the 1994-95 fiscal year, shall be used to increase the reimbursement rate for day care providers to implement subsection (c) of this section.

Requested by: Representatives Nye, Easterling, Dickson,
Senators Richardson, Hyde, Walker

EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES PLAN

Sec. 255. Counties participating in the Early Childhood Education and Development Initiatives authorized by Part 10B of Article 3 of Chapter 143B of the General Statutes, if enacted by the 1993 General Assembly by the effective date of this act, may use the county's allocation of State and federal child care funds to subsidize child care according to the county's Early Childhood Education and Development Initiatives Plan as approved by the Department of Human Resources. The use of federal funds shall be consistent with the appropriate federal regulations. Day care providers shall, at a minimum, comply with the applicable requirements for State licensure or registration pursuant to Article 7 of Chapter 110 of the General Statutes, with other applicable requirements of State law or rule, including rules adopted for nonregistered day care by the Social Services Commission, and with applicable federal regulations.

Requested by: Senator Richardson, Representatives Easterling, Nye

CHILD DAY CARE REVOLVING LOAN FUND

Sec. 256. Notwithstanding any law to the contrary, funds budgeted for the Child Day Care Revolving Loan Fund may be transferred to and invested by the financial institution contracted to operate the Fund. The principal and any income to the Fund may be used to make loans, reduce loan interest to borrowers, serve as collateral for borrowers, pay the contractor's cost of operating the Fund, or to pay the Department's cost of administering the program.

Requested by: Senator Richardson, Representatives Nye, Easterling

EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES QUALITY ASSURANCE/ACCOUNTABILITY

Sec. 257. (a) The General Assembly finds, in consultation with the Governor, that it is essential to begin to develop comprehensive programs that provide high quality early childhood education and development services locally for children and their families. The General Assembly also finds that it is equally essential that these programs be developed in a manner that will provide both quality assurance and performance-based accountability to the children, their families, their communities, and the State.

(b) The Department of Human Resources shall develop and implement a performance-based evaluation system to evaluate the Early Childhood Education and Development Initiatives authorized by Part 10B of Article 3 of Chapter 143B of the General Statutes, if enacted. The Department shall design this system:

(1) To incorporate the elements of a formative evaluation, including process and efficiency studies, and of a summative evaluation, including outcome and effectiveness studies, in order to:

a. Provide information to the Department and to the General Assembly on how to improve and refine the Programs;

b. Enable the Department and the General Assembly to assess the overall quality and impact of the existing Programs and any future ones; and

c. Enable the Department and the General Assembly to determine whether to make the Early Childhood Education and Development Initiatives statewide;

(2) To focus the Programs, as they develop and continue, on quality assurance, by making quality a central and on-going priority and to ensure that quality improvement efforts address outcomes, such as functions and processes, rather than persons, specific details, or paperwork;

(3) To use reliable statistical methods to measure performance of processes, functions, efforts, and outcomes, which methods shall allow adequate tracking of children and families through the program and into the school system, in order to provide a real, objective measure of the outcome of the Programs; and

(4) To provide a detailed fiscal analysis of the use to which State funds for these Programs are put.

(c) The Department shall report to the General Assembly by October 1, 1993, on the system it has developed, prior to the beginning of the system's implementation. It shall report every three months after that date on the implementation of the system and on the cumulative results of the evaluations as they occur. The Department shall present a final cumulative report to the General Assembly by February 1, 1995.

Requested by: Representatives Easterling, Nye, Dickson,
Senators Richardson, Hyde, Walker

HEALTH CENTERS' PURCHASE OF MEDICATIONS

Sec. 258. Notwithstanding any provisions of law to the contrary, State rural health centers and federally funded community and migrant health centers shall be permitted to purchase medications by participating in contracts administered by the Department of Administration, Division of Purchase and Contracts.

Requested by: Senators Richardson, Hyde, Walker,
Representatives Nye, Easterling, Dickson

JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES

Sec. 259. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 12I.

"Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives.

"§ 120-70.90. Creation and membership of Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives.

The Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives is established. The Committee consists of 12 members as follows:

(1) Six members of the Senate appointed by the President *Pro Tempore* of the Senate; and

(2) Six members of the House of Representatives appointed by the Speaker of the House of Representatives.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1995 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

"§ 120-70.91. Purpose and powers of Committee.

(a) The Committee shall examine, on a continuing basis, the Early Childhood Education and Development Initiatives established by Section 254 of this act, in order to make ongoing recommendations to the General Assembly on ways to improve the provision of these programs and services. In this examination, the Committee shall study the budgets, programs, and policies of the 12 local projects, their development and implementation by the North Carolina Partnership for Children, Inc., and their oversight by the Department of Human Resources, to determine whether to recommend that the General Assembly should continue the Initiatives, expand them, or make them statewide and, if the Initiatives are continued, expanded, or made statewide, continue to study the budgets, programs, and policies of the Initiatives, their continued development and their oversight, to determine how to enable the Initiatives to provide the best, most cost-effective, and most equitable early childhood education and development services within the scope of the Initiatives' services and programs.

(b) At the same times and intervals the Department reports to the General Assembly pursuant to Section 257 of this act, the Department shall report to the Committee on the implementation of the Initiatives. After the final report presented pursuant to Section 257, the Department shall continue to report to the Committee every three months. If the Initiatives are discontinued, the Committee terminates.

(c) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

"§ 120-70.92. Organization of Committee.

(a) The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is seven members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Legislative Services Commission, through the Legislative Adminis-

trative Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.

(d) The Legislative Services Commission may allocate monies from available funds for the work of the Committee."

Requested by: Representative Barnes, Easterling, Nye,
Senators Richardson, Hyde, Walker

STATE ABORTION FUND ELIGIBILITY CRITERIA

Sec. 259.1. (a) The Social Services Commission shall adopt rules governing the eligibility of applicants to receive services under the State Abortion Fund. Eligibility for services shall be limited to women whose income is below the federal poverty level, as revised annually, or who are eligible for Medicaid, and:

(1) The woman is a victim of rape or incest;
(2) The woman is mentally retarded;
(3) The woman is a minor;
(4) A physician, selected by the woman, has advised that the woman's mental or physical health could be impaired by the pregnancy; or
(5) A physician has determined that a fetal deformity is present.

(b) Except as otherwise provided under subsection (a) of this section, eligibility rules adopted by the Commission may not be based on the applicant's race, creed, color, national origin, marital status, age, or handicapping condition.

(c) Services provided under this section shall be in accordance with the provisions of G.S. 14-45.1 governing when abortion is lawful.

(d) No State funds in excess of one million two hundred twelve thousand dollars ($1,212,000) per fiscal year shall be expended for the State Abortion Fund during the 1993-94 fiscal year or the 1994-95 fiscal year.

PART 24. DEPARTMENT OF AGRICULTURE

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

TIMBER SALES FUNDS FOR MAINTENANCE OF STATE FARMS FOREST LANDS

Sec. 260. From funds from the sale of timber deposited with the State Treasurer under G.S. 146-30 to the credit of the Department of Agriculture in a capital improvement account, the sum of twenty thousand dollars ($20,000) is transferred to the Reserve for Forest Management for expenditure in fiscal year 1993-94, and the sum of twenty thousand dollars ($20,000) is transferred to the Reserve for Forest Management for expenditure in fiscal year 1994-95. These sums are in addition to any funds already in that Reserve.

Requested by: Senators Kaplan, Martin of Pitt, Cochrane,
Representatives Bowman, DeVane, H. Hunter

CAPITAL BILL CONTENTS

Sec. 260.1. G.S. 146-30 reads as rewritten:

"**§ 146-30. Application of net proceeds.**

(a) The net proceeds of any disposition made in accordance with this Subchapter shall be handled in accordance with the following priority: First, in accordance with the provisions of any trust or other instrument of title whereby title to such real property was heretofore acquired or is hereafter acquired; second, as provided by any other act of the General Assembly; third, the net proceeds shall be deposited with the State Treasurer. Provided, however, nothing herein shall be construed as prohibiting the disposition of any State lands by exchange for other lands, but if the appraised value in fee simple of any property involved in the exchange is at least twenty-five thousand dollars ($25,000), then such exchange may not be made without consultation with the Joint Legislative Commission on Governmental Operations.

(b) For the purposes of this Subchapter, the term 'net proceeds' means the gross amount received from the sale, lease, rental, or other disposition of any State lands, less

(1) Such expenses incurred incident to that sale, lease, rental, or other disposition as may be allowed under rules and regulations adopted by the Governor and approved by the Council of State;

(2) Amounts paid pursuant to G.S. 105-296.1, if any; and

(3) A service charge to be paid into the State Land Fund.

(c) The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this Subchapter, the net proceeds derived from the sale of land or products of land owned by or under the supervision and control of the Wildlife Resources Commission, or acquired or purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net proceeds derived from the sale of land or timber from land owned by or under the supervision and control of the Department of Agriculture shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Agriculture, to be used for such specific capital improvement projects or other purposes as are provided by transfer of funds from those accounts in the ~~Current Operations~~ Capital Improvement Appropriations Act. Provided further, the net proceeds derived from the sale of park land owned by or under the supervision and control of the Department of Environment, Health, and Natural Resources shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Administration to be used for the purpose of park land acquisition as provided by transfer of funds from those accounts in the ~~Current Operations~~ Capital Improvement Appropriations Act. In the ~~Current Operations~~ Capital Improvement Appropriations Act, line items for purchase of park and agricultural lands will be established for use by the Departments of Administration and Agriculture. The use of such funds for any specific capital improvement project or land acquisition is subject to approval by the Director of the Budget. No other use may be made of funds in these line items without approval by the General Assembly except for incidental expenses related to the project or land acquisition. Additionally with the approval of the Director of the Budget, either Department may request funds from the Contingency and Emergency Fund when the necessity of prompt purchase of available land can be demonstrated and funds in the capital improvement accounts are insufficient. Provided further, the net proceeds derived from the sale of any portion of the land in or around the unincorporated area known as Butner on or after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account to the credit of the Hospital to provide water and sewers and to bring those streets in the unincorporated area known as Butner not on the State highway system up to standards adequate for acceptance on the system, according to a plan adopted by the Department of Administration, and the Office of State Budget and Management, with the approval of the Board of County Commissioners of Granville County, to build industrial access roads to industries on the Butner lands, to construct new city streets on the Butner lands, extend water and sewer service on the Butner lands, and repair storm drains on the Butner lands."

Requested by: Senators Martin of Pitt, Cochrane,
Representatives Bowman, DeVane, H. Hunter, Nesbitt, Easterling

GRASSROOTS SCIENCE PROGRAM

Sec. 260.2. Of the funds appropriated in this act to the Department of Agriculture for the Grassroots Science Program, the sum of four hundred fifty thousand dollars ($450,000) for fiscal year 1993-94 and the sum of four hundred fifty thousand dollars for fiscal year 1994-95 are allocated as grants-in-aid for each fiscal year as follows:

Catawba Science Center	$50,000
Discovery Place	$50,000
Imagination Station	$50,000

North Carolina Museum of Life and Science	$50,000
Rocky Mount Children's Museum	$50,000
Schiele Museum of Natural History	$50,000
Sci Works Science Center and Environmental Park of Forsyth County	$50,000
Natural Science Center of Greensboro	$50,000
Western North Carolina Nature Center	$15,000
The Health Adventure Museum of Pack Place Education, Arts and Science Center, Inc.	$35,000

PART 25. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Requested by: Senator Martin of Pitt, Representatives DeVane, Bowman

TECHNICAL REVIEW COMMITTEE APPOINTMENTS

Sec. 261. G.S. 143-215.74B reads as rewritten:

"**§ 143-215.74B. Committee established.**

Detailed plans for implementing the program shall be reviewed and suggested changes and reasons therefor shall be given by a committee consisting of the Master of the North Carolina State Grange, President of the North Carolina Farm Bureau Federation, the North Carolina Commissioner of Agriculture, the Dean of the School of Agriculture and Life Sciences at North Carolina State University, the Dean of the School of Agriculture at North Carolina Agricultural and Technical State University, the Chairman of the State Soil and Water Conservation Commission, the President of the North Carolina Association of Soil and Water Conservation Districts, the Executive Director of the Wildlife Resources ~~Commission,~~ Commission or a designee, and the Director of the Division of Marine ~~Fisheries.~~ Fisheries or a designee. The committee shall review the program prior to expenditure of any funds for the program. Certification documenting the committee's review of the program shall be made in writing to the Speaker of the House of Representatives, the President of the Senate, the Chairmen of the Appropriations Committees of the Senate and the House of Representatives, the Director of the Fiscal Research Division of the Legislative Services Office, and the Legislative Library."

Requested by: Senator Martin of Pitt, Representatives DeVane, Bowman

HAZARDOUS WASTE INSPECTORS

Sec. 262. As industry is permitted that is subject to G.S. 130A-295.02 requiring the establishment of resident inspectors, the Department of Environment, Health, and Natural Resources may request through the Office of State Budget and Management the authorization to establish new positions and support costs necessary to comply with G.S. 130A-295.02. The Department shall report these positions as a continuation item in its next biennial budget request.

Requested by: Representatives Gottovi, DeVane, Bowman, H. Hunter, Senators Martin of Pitt, Cochrane

OYSTER MANAGEMENT

Sec. 263. G.S. 143B-289.5 as amended by Chapter 8 of the 1993 Session Laws reads as rewritten:

"**§ 143B-289.5. Marine Fisheries Commission — members; selection; removal; compensation; quorum; services.**

(a) Members, Selection. — The Marine Fisheries Commission shall consist of ~~15~~ 17 members appointed by the Governor. The Governor shall select the members so that all the following interests are represented:

(1) Four who shall at the time of appointment represent commercial fishing interests. Of the four, three ~~who~~ shall at the time of appointment be actively connected with and have experience in commercial fishing, as demonstrated by deriving at least fifty percent (50%) of earned income

from taking and selling food resources living in coastal fishing waters. The spouse of a commercial fisherman may be appointed under this subdivision provided that either spouse meets the criteria set forth ~~herein;~~ herein. Of the four, one shall at the time of appointment be actively connected with and have experience in seafood processing and distribution as demonstrated by deriving at least fifty percent (50%) of earned income from activities involving processing and distributing seafood;

(2) Four who shall at the time of appointment be actively connected with and have experience in sport fishing;

(2a) Three who shall at the time of appointment represent shellfishing interests;

(3) Three who shall at the time of appointment have special training and expertise in marine or estuarine sciences or the environment affecting the marine and estuarine resources;

~~(4) Two who shall at the time of appointment be actively connected with and have experience in seafood processing and distribution as demonstrated by deriving at least fifty percent (50%) of earned income from activities involving processing and distributing seafood;~~

(5) ~~Two~~ Three at large who shall at the time of appointment have knowledge of and experience related to the subjects and persons regulated by the Commission.

In making appointments to and filling vacancies upon the Commission, the Governor shall give due consideration to securing appropriate representation of women and minorities.

(b) Terms. — Members shall serve staggered terms of office of six years. Commission members may continue to serve until their successors have been appointed. Each member of the Commission, before assuming the duties of his office, shall take an oath for the faithful performance of his duties.

(c) Vacancies. — Vacancies on the Commission occurring for any reason shall be filled by the Governor. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

(d) Removal. — Commission members may be removed by the Governor for misconduct, incompetence, or neglect of duty. Regular attendance at Commission meetings is a duty of each member. The Commission shall develop procedures for declaring any seat on the Commission to be vacant upon failure by a member to perform his duty.

(e) Residential Qualifications. — In appointing four members of the Commission pursuant to G.S. 143B-289.5(a)(1), the Governor shall cause at least one resident of each of the following areas to be appointed: (1) Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Martin, Northampton, Pasquotank, Perquimans, Tyrrell and Washington Counties; (2) Beaufort, Hyde and Pamlico Counties; (3) Carteret, Craven and Jones Counties; (4) Bladen, Brunswick, Columbus, New Hanover, Onslow and Pender Counties. Persons appointed to the Commission seats created pursuant to ~~G.S. 143B-289.5(a)(4)~~ G.S. 143B-289.5(a)(2a) shall be residents of one of the counties listed above. No more than three members appointed by the Governor may reside in any of the areas defined above.

(f) Office May Be Held Concurrently With Others. — Membership on the Marine Fisheries Commission is hereby declared to be an office that may be held concurrently with other elective or appointive offices permitted to be held by one person under G.S. 128-1.1.

(g) Compensation. — Members of the Commission who are State officers or employees shall receive no per diem compensation for serving on the Commission, but shall be reimbursed for their expenses in accordance with G.S. 138-6. Members of the Commission who are full-time salaried public officers or employees other than State officers or employees shall receive no per diem compensation for serving on the Commission, but shall be reimbursed for their expenses in accordance with G.S. 138-6

in the same manner as State officers or employees. All other Commission members shall receive per diem compensation and reimbursement in accordance with the compensation rate established in G.S. 93B-5.

(h) Quorum. — A majority of the Commission of the duly appointed members shall constitute a quorum for the transaction of business. No vacancy in the membership of the Commission shall impair the rights of a quorum to exercise all the rights and to perform all the duties of the Commission.

(i) Staff. — All clerical and other services required by the Commission shall be supplied by the Fisheries Director and the Department of Environment, Health, and Natural Resources.

(j) Legal Services. — The Attorney General shall act as attorney for the Commission and shall initiate actions in the name of, and at the request of, the Commission, and shall represent the Commission in the hearing of any appeal from or other review of any order of the Commission."

Requested by: Representatives Gottovi, DeVane, Bowman, H. Hunter,
Senators Martin of Pitt, Cochrane

FUNDS TO STUDY EFFECTIVENESS OF CAMA

Sec. 264. Of the funds appropriated to the Department of Environment, Health, and Natural Resources in this act, the sum of fifty thousand dollars ($50,000) for the 1993-94 fiscal year shall be used for the Coastal Futures Committee, provided these funds are matched on the basis of two dollars ($2.00) of non-State funds for every one dollar ($1.00) of State funds, to be used to provide staff and materials in the Division of Coastal Management to coordinate the year-long efforts of the volunteer Committee. The purpose of the Committee is to manage a year-long comprehensive study of the successes and failures of the 20 years of the Coastal Area Management Act (CAMA).

Requested by: Senator Martin of Pitt, Representatives DeVane, Bowman

FUNDS FOR VOLUNTARY REMEDIAL ACTIONS

Sec. 265. (a) During the 1993-94 fiscal year, the Secretary of the Department of Environment, Health, and Natural Resources may contribute from the Inactive Hazardous Sites Cleanup Fund up to ten percent (10%) of the cost, not to exceed fifty thousand dollars ($50,000) per site, of implementing a voluntary remedial action program at up to three high priority sites that substantially endanger public health or the environment.

(b) No later than April 1, 1994, the Department of Environment, Health, and Natural Resources shall report to the General Assembly. This report shall contain the location of the sites for which a voluntary remedial action program was implemented under subsection (a) of this section, the rationale for the State contributing to the cost of that remedial action, and the amount of the contribution made from the Inactive Hazardous Sites Cleanup Fund.

Requested by: Senator Martin of Pitt, Representatives DeVane, Bowman

SUPERFUND PROGRAM FUNDS

Sec. 266. (a) The Department of Environment, Health, and Natural Resources may use available funds, with the approval of the Office of State Budget and Management, in order to provide the ten percent (10%) cost share required for Superfund cleanups on the National Priority List sites. These funds may be in addition to those appropriated for this purpose.

(b) The Department of Environment, Health, and Natural Resources and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations the amount and the source of the funds used pursuant to subsection (a) of this section within 30 days of the expenditure of these funds.

Requested by: Representatives Bowman, DeVane, H. Hunter,
Senators Martin of Pitt, Cochrane

GOVERNOR'S WASTE MANAGEMENT BOARD'S ASSETS TRANSFERRED

Sec. 267. All positions, property, unexpended balances of appropriations, allocations, and other refunds, including the functions of budgeting and purchasing, are transferred from the Governor's Waste Management Board to the Office of Environmental Education in the Department of Environment, Health, and Natural Resources.

Requested by: Senator Ballance, Representative DeVane

HAZARDOUS WASTE REDUCTION AND MANAGEMENT PLAN

Sec. 268. The Department of Environment, Health, and Natural Resources shall not approve any permit for a commercial hazardous waste incinerator or a commercial hazardous waste treatment facility until the Department has developed and adopted a hazardous waste reduction and management plan and has determined that additional commercial hazardous waste treatment capacity is needed.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

DENTAL HEALTH PROGRAM

Sec. 269. G.S. 130A-366 reads as rewritten:

"**§ 130A-366. Department to establish dental health program.**

(a) The Department shall establish and administer a dental health program for the delivery of preventive, educational and dental care services to preschool children, school-age children, and adults. The program shall include, but not be limited to, providing teacher training, adult and child education, consultation, screening and referral, technical assistance, community coordination, field research and direct patient care. The primary emphasis of the program shall be the delivery of preventive, educational, and dental care services to preschool children and school-age children.

(b) The Commission shall adopt rules necessary to implement the program."

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

COMMUNICABLE DISEASE CONTROL AID TO COUNTIES FLEXIBILITY

Sec. 270. (a) For the 1993-94 and 1994-95 fiscal years, the Department of Environment, Health, and Natural Resources may combine and allocate funds appropriated for Aid to Counties in the Acute Communicable Disease Control Fund, the Tuberculosis Control Fund, and the Sexually Transmitted Disease Control Fund into one Acute Communicable Disease Control Aid to Counties Grant. Communicable Disease Aid to Counties funding to local health departments and other authorized recipients will be based on a general communicable disease formula to be developed by the Department of Environment, Health, and Natural Resources.

(b) The Department of Environment, Health, and Natural Resources, in conjunction with local health departments, will maintain a system to monitor and identify Aid to Counties communicable disease expenditures by each communicable disease group. The Department shall report to the Joint Legislative Commission on Governmental Operations not later than October 1, 1994, on Aid to Counties expenditures by county for each communicable disease group and the purpose of the expenditures for the 1993-94 fiscal year. The report shall also include an evaluation of the effectiveness of combining Aid to Counties funding into one grant fund and the effectiveness of the formula used to allocate funds.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

PHARMACEUTICAL FUNDS/SEXUALLY TRANSMITTED DISEASE CONTROL PROGRAM

Sec. 271. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, Division of Epidemiology, ninety thousand dollars ($90,000) in each fiscal year of the biennium shall be transferred from the pharmaceuticals line item in the Tuberculosis Control Program to the pharmaceuticals line item in the Sexually Transmitted Disease Control Program.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
DWI TEST CHANGES

Sec. 272. (a) Amounts collected under G.S. 20-16.5(j) for fiscal years 1993-94 and 1994-95 and designated for the alcohol testing program of the Injury Control Section of the Department of Environment, Health, and Natural Resources shall not revert to the General Fund unless the amounts exceed the amounts appropriated in subsection (b) of this section.

Beginning with the 1995-96 fiscal year, any funds collected under G.S. 20-16.5(j) that are designated for the alcohol testing program of the Injury Control Section of the Department of Environment, Health, and Natural Resources and are not needed for that program shall be transferred quarterly to the Governor's Highway Safety Program for grants to local law enforcement agencies for training concerning enforcement of the laws on driving while impaired. Except for amounts transferred during the fourth quarter of a fiscal year, the Governor's Highway Safety Program shall expend funds transferred to it under this section in the fiscal year in which they are received. Amounts received by the Governor's Highway Safety Program during the fourth quarter of a fiscal year shall not revert and shall be expended by the following September 30.

(b) There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources the sum of one million ninety-six thousand eight hundred ninety-seven dollars ($1,096,897) for the 1993-94 fiscal year and the sum of one million ninety-one thousand nine hundred seven dollars ($1,091,907) for the 1994-95 fiscal year to fund the statewide chemical alcohol testing program administered by the Injury Control Section of the Department. If the revenues raised pursuant to subsection (a) of this section are less than one million ninety-six thousand eight hundred ninety-seven dollars ($1,096,897) for the 1993-94 fiscal year or one million ninety-one thousand nine hundred seven dollars ($1,091,907) for the 1994-95 fiscal year, the appropriations made in this subsection are reduced accordingly.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
ASBESTOS HAZARD MANAGEMENT FUNDS

Sec. 273. The fees established and collected pursuant to Article 19 of Chapter 130A of the General Statutes are appropriated to the Department of Environment, Health, and Natural Resources to support the Asbestos Hazard Management Program.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
ELIGIBILITY STANDARDS FOR PARTICIPATION IN DEPARTMENT REIMBURSEMENT PROGRAMS ESTABLISHED

Sec. 274. G.S. 130A-29(c) is amended by adding a new subdivision to read:

"(5a) Establishing eligibility standards for participation in Department reimbursement programs;".

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
MATERNAL AND CHILD HEALTH PROGRAM FUNDS DO NOT REVERT

Sec. 275. (a) G.S. 130A-124 reads as rewritten:

"**§ 130A-124. Department to establish maternal and child health program.**

(a) The Department shall establish and administer a maternal and child health program for the delivery of preventive, diagnostic, therapeutic and habilitative health services to women of childbearing years, children and other persons who require these services. The program may include, but shall not be limited to, providing professional education and consultation, community coordination and direct care and counseling.

(b) The Commission shall adopt rules necessary to implement the program.

(c) Prior year refunds received by the Children's Special Health Services Program that are not encumbered or spent during a fiscal year shall not revert to the General Fund but shall remain in the Department for purchase of care and contracts in the Program. Funds appropriated for the purchase of care and contracts in the Program that are

encumbered and not spent during a fiscal year shall not revert to the General Fund but shall remain in the Department for the purchase of care and contracts in the Program."

(b) This section becomes effective June 30, 1993.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

ADOLESCENT PREGNANCY PREVENTION PROJECTS

Sec. 276. Article 5 of Chapter 130A of the General Statutes is amended by adding the following new Part to read:

"Part 6. Adolescent Pregnancy Prevention Projects.

"**§ 130A-131.15. Department to establish program.**

(a) The Department shall establish and administer a program to distribute funds appropriated for adolescent pregnancy prevention projects.

(b) The Commission shall adopt rules necessary to implement the program.

(c) The Department shall evaluate all of the adolescent pregnancy projects funded as a result of this program at least yearly and shall report its findings to the Commission for Health Services, the Joint Legislative Commission on Governmental Operations, and the Chairmen of the House Appropriations Subcommittee on Natural and Economic Resources, and the Senate Appropriations Committee on Natural and Economic Resources by April 1 of each year. The evaluation shall be conducted by a firm or individual external to the Department. Any evaluation of these projects shall include a study of the effectiveness of the project in reducing the pregnancy rate within the target population.

(d) The Commission shall be responsible for monitoring the Department's administration of the Adolescent Pregnancy Prevention Program. The Department shall manage and fund the Adolescent Pregnancy Prevention Program projects as follows:

(1) Applications. Any local agency or organization or combination of agencies and organizations may apply to the Department for an allocation of money to operate a project aimed at preventing adolescent pregnancy. The application shall contain an analysis of the adolescent pregnancy and related problems in the locality the project would serve, and a description of how the project would attempt, over a period of at least five years, to prevent the problems. The application shall state how much money is needed to operate the project and how the money shall be spent. The Department shall conduct annually a proposal-writing session that shall be attended by a representative of any project that wishes to apply for funding; that session shall define the criteria for accountability and evaluation that the Department requires of projects. That session shall also provide information about additional funding sources to which projects might turn to satisfy the matching requirements of subdivision (5) of this subsection.

(2) Proposal Requirements. The Department shall apply the following minimum standards to projects applying for first-year funding:

a. Each project shall have a plan of action that extends for at least five years for prevention of adolescent pregnancy.

b. Each project shall have realistic, specific, and measurable goals and objectives for the prevention of adolescent pregnancy.

c. Each project, before submitting its proposal, shall send a representative to the proposal-writing session held by the Department.

(3) Operating Standards. The Department shall apply the following minimum operating standards:

a. Each project shall have a Board of Advisors composed of members from outside the sponsoring agency of the project. The Board of Advisors shall include representatives from at least four of the following: media, government, charitable organizations, private business, and medical institutions. The Boards of Advisors shall meet at least quarterly and advise project staff on project policies and operations.

b. Each project shall comply with reporting, contracting, and evaluation requirements of the Department.

c. Each project shall define and maintain cooperative ties with other community institutions.

d. Each project shall demonstrate its ability to attract financial support from sources other than the State, including sources in the local community.

(4) Criteria for Project Selection. For first-year funding, the Department shall choose from among the applicants that meet the minimum standards in subdivision (2) of this subsection the best selection of projects according to the following criteria:

a. Adequacy of proposed staff to meet project objectives;

b. Appropriateness of project strategies to reduce adolescent pregnancy;

c. Level of community support, including endorsement from the appropriate local government entity and documentation from the appropriate local government entity and from community organizations that opportunity has been given for citizen input into the proposed program, and that there is community support for the proposal. Documentation may include letters or statements of support from citizens or community organizations, or statements that community support was expressed at public hearings. A public hearing is not required by this paragraph;

d. Degree of need of the locality, including that the county has a significant adolescent pregnancy problem as evidenced by its attributable risk score developed by the State Center for Health and Environmental Statistics; and

e. Other appropriate criteria.

The Department shall make its recommendations for funding to the Commission. The Commission shall make the final determination of which projects are to be funded. The Commission shall consider the recommendations of the Department but shall not be bound by them. The Commission shall notify the projects that are to be funded by June 1 of each year.

(5) Schedule of Funding. If the Commission, upon consultation with the Department, finds that a project it has chosen for first-year funding continues to meet the operating standards of subdivisions (2) and (3) of this subsection, funding for that project shall continue, to the extent of available money, for an additional four years. The level of funding provided by the Department to approved projects shall be set according to the following schedule:

a. First year, eighty percent (80%) of the project's annual budget not to exceed the maximum award established by the Commission for Health Services;

b. Second year, ninety percent (90%) of the State appropriations or federal block grant funds awarded in the first year;

c. Third year, seventy-five percent (75%) of the State appropriations or federal block grant funds awarded in the first year;

d. Fourth year, sixty-five percent (65%) of the State appropriations or federal block grant funds awarded in the first year; and

e. Fifth year, fifty percent (50%) of the State appropriations or federal block grant funds awarded in the first year.

The portion of a project's budget that must come from sources other than State or federal block grant funds may be provided as in-kind contributions as well as cash.

(6) Five-Year Limit on Funding. No project shall receive State funding if it has previously received State funding for five full years. Any project that has received State funding before July 1, 1990, will be eligible for consideration for an additional five years' State support, according to the schedule. The Commission may fund any such project that meets the minimum standards if it determines, after considering the experience and impact of the project and measuring its application against those of other applicants, that it should be funded.

(7) Maximum Level of Funding. The Commission for Health Services shall by rule determine the maximum annual amount that may be made to any one project.

(8) As adolescent pregnancy prevention project grant funds decrease, a project shall maintain its original budget level, less the amount expended for start-up costs. The Department shall develop guidelines for determining start-up costs, which guidelines shall be uniform for all projects. Local match percentage may come from any in-kind source or newly generated funds, public or private, available to the project."

Requested by: Senators Martin of Pitt, Hoyle, Representatives Bowman, DeVane

LIABILITY INSURANCE PREMIUMS

Sec. 277. (a) The Department of Environment, Health, and Natural Resources may use funds available from lapsed salaries to pay premiums for liability coverage for medical personnel as authorized in this act.

(b) The Office of State Budget and Management shall prepare a report on professional liability insurance for State medical personnel. The report shall include:

(1) Identification of all State agencies, including the university system, which provide professional liability insurance for their medical personnel;

(2) Whether the insurance identified in subdivision (1) of this section is provided through self-insurance by the State agency, through payment of insurance premiums, or by other means;

(3) The annual cost of the insurance provided by the State agency, and the source of the funding used to pay this cost;

(4) Whether personnel for whom each State agency provides the liability coverage are administrators or active medical practitioners; and

(5) Types of medical personnel covered by the liability insurance provided by the State agency.

The Office of State Budget and Management shall submit the report required under this subsection to the Joint Legislative Commission on Governmental Operations not later than January 7, 1994.

Requested by: Representatives Bowman, DeVane, H. Hunter, Senators Martin of Pitt, Cochrane

PURCHASE OF VACCINES FOR CHILDHOOD IMMUNIZATION

Sec. 278. The Communicable Disease Section of the Division of Epidemiology, Department of Environment, Health, and Natural Resources, is encouraged to purchase vaccines for childhood immunizations from North Carolina pharmaceutical companies when these North Carolina companies offer comparable quality vaccines at the same or lower prices than non-State companies.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane, H. Hunter

WIC PROGRAM FUNDS

Sec. 279. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the Women, Infants, and Children Program (WIC), the sum of five hundred thousand dollars ($500,000) in the 1993-94 fiscal year and the sum of one million two hundred thousand dollars ($1,200,000) for the 1994-95 fiscal year shall, if sufficient federal food funds are available, be used for the WIC program as follows:

(1) Not more than $290,000 or not less than $160,000 in the 1993-94 fiscal year, and not more than $700,000 or not less than $400,000 in the 1994-95 fiscal year to establish new WIC Programs in Head Start or other private or public nonprofit agencies to serve additional mothers, infants, and children. The Department shall utilize these funds for local program operations including staff to provide eligibility determination, nutrition education, and health care referrals. In selecting the new WIC programs, the Department shall consider accessibility to the target population including location and hours of operation.

(2) Not more than $210,000 or not less than $80,000 in the 1993-94 fiscal year, and not more than $500,000 or not less than $200,000 in the 1994-95 fiscal year to renovate facilities of existing programs where space constraints limit program expansion, and to fund rental costs in areas where accessible donated space is not available. In selecting the facilities, the Department shall consider accessibility to the target population including location and extended hours of operation. In determining whether to fund rental of space, the Department shall ensure that options for using donated accessible space have been considered. Not more than $65,000 of the funds allocated under this subdivision in the 1993-94 fiscal year, and not more than $150,000 in the 1994-95 fiscal year shall be used for the rental of space.

(3) Not more than $105,000 or not less than $40,000 in the 1993-94 fiscal year, and not more than $250,000 or not less than $100,000 in the 1994-95 fiscal year to purchase physician-prescribed special formulas and nutritional supplements for infants, children, and pregnant women.

(4) Not more than $60,000 or not less than $20,000 in each fiscal year of the 1993-95 biennium to provide the required State match to the WIC farmers' market project.

If sufficient federal food funds are not available, then funds appropriated in this act for the WIC program shall be used to supplement federal food funds and any balance in funds remaining after such supplemental use shall be used in accordance with subdivisions (1) through (4) of this section to the extent that funds are available to meet the funding requirements of each subdivision.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane, H. Hunter

LEAD POISONING PREVENTION FUNDS

Sec. 280. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the Women, Infants, and Children Program (WIC), the sum of three hundred thirty-one thousand ninety-five dollars ($331,095) for the 1993-94 fiscal year and the sum of one million thirty-one thousand ninety-five dollars ($1,031,095) for the 1994-95 fiscal year shall be allocated to the Lead Poisoning Prevention Program for early identification (blood screening for lead), medical management, and environment investigation and abatement. The funds allocated pursuant to this section for the 1993-94 fiscal year shall be used for positions and operating expenses. Funds allocated pursuant to this section for the 1994-95 fiscal year shall be used for positions, operating expenses, and Aid-to-Counties.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

COMMISSION FOR HEALTH SERVICES VACCINATION RULES

Sec. 281. (a) The Commission for Health Services shall, pursuant to G.S. 130A-152 and G.S. 130A-433, adopt rules establishing reasonable fees for the administration of vaccines and rules limiting the requirements that can be placed on children, their parents, guardians, or custodians as a condition for receiving vaccines provided by the State. These rules shall become effective January 1, 1994.

(b) Effective January 1, 1994, G.S. 130A-433 reads as rewritten:

"**§ 130A-433. Contracts for purchase of vaccines; distribution; fee; rules.**

(a) Notwithstanding any law to the contrary, the Secretary may enter into contracts with the manufacturers and suppliers of covered vaccines and with other public entities

either within or without the State for the purchase of covered vaccines and may provide for the distribution or sale of the covered vaccines to health care providers. Local health departments shall distribute the covered vaccines at the request of the Department. ~~The Secretary may charge a fee for providing a covered vaccine to a health care provider. The fee shall be set at an amount that covers the cost of the vaccine to the Department, plus the cost to the Department of storing and distributing the vaccine.~~ The Secretary shall adopt rules to implement this ~~Article.~~ Article except for subsection (b) of this section.

(b) A health care provider who receives vaccine from the State may charge no more ~~than the cost of the vaccine and a reasonable fee for the administration of the vaccine.~~ than a reasonable fee established by the Commission for Health Services for the administration of the vaccine. Vaccines provided by the State to local health departments for administration shall be administered at no cost to the patient."

Requested by: Representatives Bowman, DeVane, H. Hunter,
Senators Martin of Pitt, Cochrane

IMMUNIZATION RECEIPTS

Sec. 282. Immunization receipts received in the 1993-94 and 1994-95 fiscal years by the Department of Environment, Health, and Natural Resources for reimbursement for childhood vaccines provided to Medicaid recipients that exceed the Medicaid reimbursement amount established in the Department's continuation budget for the 1993-94 and 1994-95 fiscal years, and refunds from federal excise taxes on childhood vaccines may be used in the 1993-94 fiscal year and the 1994-95 fiscal year for the following purposes:

(1) To push forward the schedule for providing measles, mumps, and rubella (MMR) vaccines to children ages 8 to 18;
(2) To pay for the cost of purchasing approved vaccines if that cost exceeds the highest prices charged in the 1992-93 fiscal year; and
(3) To partially fund an automated immunization registry system that will track the number and type of vaccines received by each child. Specified receipts that can be used for this purpose shall not exceed the amount unavailable from federal and private funds.

Any of these funds remaining on June 30, 1995, shall revert to the General Fund.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane, H. Hunter

RURAL OBSTETRICAL CARE INCENTIVE

Sec. 283. Of the eight hundred thousand dollars ($800,000) appropriated in this act for the 1993-95 fiscal biennium to the Division of Maternal and Child Health, Department of Environment, Health, and Natural Resources, for the Rural Obstetrical Care Incentive Program, the Division may, each fiscal year, use four hundred thousand dollars ($400,000) as follows:

(1) To increase the maximum amount per provider per year to no more than seven thousand five hundred dollars ($7,500);
(2) To increase the number of counties served; and
(3) To increase the maximum any county may receive each year.

General surgeons who provide cesarean section backup to family physicians in counties where there are no obstetricians or where there are no obstetricians willing or able to provide such backup are also eligible for the program. Physicians and certified nurse midwives covered under the Rural Obstetrical Care Incentive Program shall participate in an obstetrical care coverage plan developed by their local health department or community, migrant, or rural health center, and shall agree to provide services to pregnant women regardless of their ability to pay for the services.

Requested by: Representatives Diamont, Bowman, DeVane, H. Hunter,
Senators Walker, Martin of Pitt, Cochrane

INFANT MORTALITY FUNDS

Sec. 284. (a) Of the funds appropriated in this act from the General Fund to the Department of Environment, Health, and Natural Resources for the Governor's Commission on the Reduction of Infant Mortality, the sum of fifty thousand dollars ($50,000) for the 1993-94 fiscal year shall be used to contract with outside evaluators to determine the extent to which the public and private health, social services and mental health, developmental disabilities, and substance abuse services systems in each county meet the health needs of pregnant women and infants up to age one, and of children ages one to five. The study shall include, but not be limited to: an examination of the percentage of pregnant women in each county that receive early and continuous prenatal care; the extent to which eligible pregnant women, infants, and children are receiving nutritional supplements, case management and other necessary health, social, mental health, and other support services; and the extent to which children are receiving age-appropriate immunizations. The study shall determine what barriers, if any, exist in each county which prevent pregnant women, infants, and children under the age of five from receiving timely and necessary health services. The Governor's Commission on the Reduction of Infant Mortality shall report its findings to the General Assembly on or before May 15, 1994.

(b) The Department of Environment, Health, and Natural Resources shall prepare a plan to ensure that local health departments are providing or arranging for the services necessary to meet the health care needs of pregnant women, infants, and children under age five. The plan shall include a description of rules, policies, and procedures, and any changes in State law, necessary to:

(1) Identify counties in which excessive infant and child morbidity and mortality exist;
(2) Provide local health departments in these identified counties with assistance in developing and implementing improvement plans; and
(3) Ensure that these local health departments meet appropriate improvement goals.

In order to ensure that improvement goals are met, the Department's plan shall include a compliance system. The compliance system may include: heightened technical assistance; targeting of additional resources; withholding of federal or State funds; administrative changes, including formation of district health departments where appropriate; the appointment of caretaker administrators or public health boards; or any other measure necessary to ensure that the health care needs of pregnant women, infants, and children under age five are being met.

The Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, shall submit this report to the General Assembly no later than May 15, 1994.

(c) Of the funds appropriated in this act from the General Fund to the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, the sum of three hundred seventy-five thousand dollars ($375,000) for the 1993-94 fiscal year and the sum of seven hundred fifty thousand dollars ($750,000) for the 1994-95 fiscal year shall be used to expand the existing Comprehensive Adolescent Health Projects. Ten additional grants will be available to be awarded each year of the biennium. To receive funding, each project must arrange for or provide preventive and primary medical care and mental health services, including, but not limited to: preventive services to delay early sexual involvement, treatment of minor problems and injuries, referrals and follow-up treatments for serious illnesses and injuries, referrals for alcohol and other drug abuse, sexually transmitted diseases, and immunizations. The Comprehensive Adolescent Health Care Projects shall be developed with the participation of the public schools, local health departments, area mental health programs, community migrant and rural health centers, private physicians, and other appropriate community programs.

Requested by: Representatives Easterling, Diamont, Bowman, DeVane, H. Hunter, Luebke,
Senators Martin of Pitt, Cochrane

CHILD FATALITY PREVENTION SYSTEM

Sec. 285. (a) Article 62 of Chapter 143 of the General Statutes reads as rewritten:

"ARTICLE 62.

"North Carolina Child Fatality ~~Review Team; North Carolina Child Fatality Task Force and Study.~~ Prevention System.

"§ 143-571. Declaration of public policy.

The General Assembly finds that it is the public policy of this State to prevent the abuse and neglect of children and child deaths. The General Assembly further finds that the prevention of the abuse and neglect of children and child deaths is a community responsibility; that professionals from disparate disciplines have responsibilities for children and have expertise that can promote child safety and well-being; and that multidisciplinary reviews of the abuse and neglect of children and child deaths can lead to a greater understanding of the causes and methods of preventing these deaths. It is, therefore, the intent of the General Assembly, through this Article, to establish ~~a multidisciplinary task force to study the incidence and causes of child deaths and to develop a mechanism for multidisciplinary child death reviews. It is further the intent of the General Assembly that the task force, based upon its study and its expertise, make recommendations to the General Assembly and the Governor for changes to law, rule, and policy that will support the safe and healthy development of our children. It is also the intent of the General Assembly to establish a State Child Fatality Review Team to review certain child deaths.~~ a statewide multidisciplinary, multiagency child fatality prevention system, to be phased in by July 1, 1995, consisting of the State Team established in G.S. 143-575 and the Local Teams established in G.S. 143-576.1. The purpose of the system is to assess the records of selected cases in which children are being served by child protective services and the records of all deaths of children in North Carolina from birth to age 18 in order to (i) develop a community-wide approach to the problem of child abuse and neglect, (ii) understand the causes of childhood deaths, (iii) identify any gaps or deficiencies that may exist in the delivery of services to children and their families by public agencies that are designed to prevent future child abuse, neglect, or deaths, and (iv) make and implement recommendations for changes to laws, rules, and policies that will support the safe and healthy development of our children and prevent future child abuse, neglect, and deaths.

"§ 143-572. Definitions.

The following definitions apply in this Article:

(1) Local ~~team. — A local multidisciplinary child abuse and neglect review team established for a county.~~ Team. — A Community Child Protection Team or a Child Fatality Prevention Team.

(2) State Team. — The North Carolina Child Fatality ~~Review~~ Prevention Team.

(3) Task Force. — The North Carolina Child Fatality Task Force.

(4) Team Coordinator. — The Child Fatality Prevention Team Coordinator.

(5) Additional Child Fatality. — Any death of a child that did not result from suspected abuse or neglect and about which no report of abuse or neglect had been made to the county department of social services within the previous 12 months.

"§ 143-573. Task Force — creation; membership; vacancies.

(a) There is created the North Carolina Child Fatality Task Force within the Department of Environment, Health, and Natural Resources for budgetary purposes only.

(b) The Task Force shall be composed of ~~29~~ 30 members, 12 of whom shall be ex officio members, ~~three~~ four of whom shall be appointed by the Governor, seven of whom shall be appointed by the Speaker of the House of Representatives, and seven of whom

shall be appointed by the President *Pro Tempore* of the Senate. The ex officio members other than the Chief Medical Examiner may designate representatives from their particular departments, divisions, or offices to represent them on the Task Force. The members shall be as follows:

(1) The Chief Medical Examiner;
(2) The Attorney General;
(3) The Director of the Division of Social Services;
(4) The Director of the State Bureau of Investigation;
(5) The Director of the Division of Maternal and Child Health of the Department of Environment, Health, and Natural Resources;
(6) The Director of the Governor's Youth Advocacy and Involvement Office;
(7) The Superintendent of Public Instruction;
(8) The Chairman of the State Board of Education;
(9) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services;
(10) The Secretary of the Department of Human Resources;
(11) The Secretary of the Department of Environment, Health, and Natural Resources;
(11.1) The Director of the Administrative Office of the Courts;
(12) A director of a county department of social services appointed by the Governor upon recommendation of the President of the North Carolina Association of County Directors of Social Services;
(13) A representative from a Sudden Infant Death Syndrome counseling and education program appointed by the Governor upon recommendation of the Director of the Division of Maternal and Child Health of the Department of Environment, Health, and Natural Resources;
(14) A representative from the North Carolina Child Advocacy Institute appointed by the Governor upon recommendation of the President of the Institute;
(14.1) A director of a local department of health, appointed by the Governor upon the recommendation of the President of the North Carolina Association of Local Health Directors;
(15) A representative from a private group, other than the North Carolina Child Advocacy Institute, that advocates for children, appointed by the Speaker of the House of Representatives upon recommendation of private child advocacy organizations;
(16) A pediatrician, licensed to practice medicine in North Carolina, appointed by the Speaker of the House of Representatives upon recommendation of the North Carolina Pediatric Society;
(17) A representative from the North Carolina League of Municipalities appointed by the Speaker of the House of Representatives upon recommendation of the League;
(18) Two public members appointed by the Speaker of the House of Representatives;
(19) A county or municipal law enforcement officer appointed by the President *Pro Tempore* of the Senate upon recommendation of organizations that represent local law enforcement officers;
(20) A district attorney appointed by the President *Pro Tempore* of the Senate upon recommendation of the President of the North Carolina Conference of District Attorneys;
(21) A representative from the North Carolina Association of County Commissioners appointed by the President *Pro Tempore* of the Senate upon recommendation of the Association;

(22) Two public members appointed by the President *Pro Tempore* of the Senate; and

(23) Two members of the Senate appointed by the President *Pro Tempore* of the Senate and two members of the House of Representatives appointed by the Speaker of the House of Representatives.

(c) All members of the Task Force are voting members. Vacancies in the appointed membership shall be filled by the appointing officer who made the initial appointment. The Speaker of the House of Representatives shall call the first meeting no later than October 1, 1991. At the first meeting the members shall elect a chair who shall preside for the duration of the Task Force.

"§ 143-574. Task Force — duties.

The Task Force shall:

(1) Undertake a statistical study of the incidence and causes of child deaths in this State during 1988 and 1989, and establish a profile of child deaths. The study shall include (i) an analysis of all community and private and public agency involvement with the decedents and their families prior to death, and (ii) an analysis of child deaths by age, cause, and geographic distribution;

(2) Develop a system for multidisciplinary review of child deaths. In developing such a system, the Task Force shall study the operation of existing local teams. The Task Force shall also consider the feasibility and desirability of local or regional review teams and, should it determine such teams to be feasible and desirable, develop guidelines for the operation of the teams. The Task Force shall also examine the laws, rules, and policies relating to confidentiality of and access to information that affect those agencies with responsibilities for children, including State and local health, mental health, social services, education, and law enforcement agencies, to determine whether those laws, rules, and policies inappropriately impede the exchange of information necessary to protect children from preventable deaths, and, if so, recommend changes to them;

(3) Receive and consider reports from the State Team; and

(4) Perform any other studies, evaluations, or determinations the Task Force considers necessary to carry out its mandate.

"§ 143-575. State Team — creation; membership; vacancies.

(a) There is created the North Carolina Child Fatality ~~Review~~ Prevention Team within the Department of Environment, Health, and Natural Resources for budgetary purposes only.

(b) The State Team shall be composed of ~~nine~~ eleven members of whom ~~eight~~ nine members are ex officio and ~~one is~~ two are appointed. The ex officio members other than the Chief Medical Examiner may designate a representative from their departments, divisions, or offices to represent them on the State Team.

(1) The Chief Medical Examiner, who shall chair the State Team;

(2) The Attorney General;

(3) The Director of the Division of Social ~~Services;~~ Services, Department of Human Resources;

(4) The Director of the State Bureau of Investigation;

(5) The Director of the Division of Maternal and Child Health ~~Division~~ of the Department of Environment, Health, and Natural Resources;

(6) The Superintendent of Public Instruction;

(7) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse ~~Services; and~~ Services, Department of Human Resources;

(7.1) The Director of the Administrative Office of the Courts;

(8) The pediatrician appointed pursuant to G.S. 143-573(b)(16) to the Task ~~Force.~~ Force;

(9) A public member, appointed by the Governor; and

(10) The Team Coordinator.

(c) All members of the State Team are voting members. Vacancies in the appointed membership shall be filled by the appointing officer who made the initial appointment.

"§ 143-576. State Team — duties.

The State Team shall:

(1) Review current deaths of children when those deaths are attributed to child abuse or neglect or when the decedent was reported as an abused or neglected juvenile pursuant to G.S. 7A-543 at any time before death; ~~and~~

(2) Report to the Task Force during the existence of the Task Force, in the format and at the time required by the Task Force, on the State Team's activities and its recommendations for changes to any law, rule, and policy that would promote the safety and well-being of children; ~~and~~

(3) Upon request of a ~~local team,~~ Local Team, provide technical assistance to the ~~team.~~ Team;

(4) Periodically assess the operations of the multidisciplinary child fatality prevention system, and make recommendations for changes as needed;

(5) Work with the Team Coordinator to develop guidelines for selecting child deaths to receive detailed, multidisciplinary death reviews by Local Teams that review cases of additional child fatalities; and

(6) Receive reports of findings and recommendations from Local Teams that review cases of additional child fatalities, and work with the Team Coordinator to implement recommendations.

"§ 143-576.1. Community Child Protection Teams; Child Fatality Prevention Teams; creation and duties.

(a) Community Child Protection Teams are established in every county of the State. Each Community Child Protection Team shall:

(1) Review, in accordance with the procedures established by the director of the county department of social services under G.S. 143-576.4:

a. Selected active cases in which children are being served by child protective services; and

b. Cases in which a child died as a result of suspected abuse or neglect, and

1. A report of abuse or neglect has been made about the child or the child's family to the county department of social services within the previous 12 months, or

2. The child or the child's family was a recipient of child protective services within the previous 12 months.

(2) Submit annually to the board of county commissioners recommendations, if any, and advocate for system improvements and needed resources where gaps and deficiencies may exist.

In addition, each Community Child Protection Team may review the records of all additional child fatalities and report findings in connection with these reviews to the Team Coordinator.

(b) Any Community Child Protection Team that determines it will not review additional child fatalities shall notify the Team Coordinator. In accordance with the plan established under G.S. 143-576.3(1), a separate Child Fatality Prevention Team shall be established in that county to conduct these reviews. Each Child Fatality Prevention Team shall:

(1) Review the records of all cases of additional child fatalities.

(2) Submit annually to the board of county commissioners recommendations, if any, and advocate for system improvements and needed resources where gaps and deficiencies may exist.

(3) Report findings in connection with these reviews to the Team Coordinator.

(c) All reports to the Team Coordinator under this section shall include:

(1) A listing of the system problems identified through the review process, and recommendations for preventive actions;
(2) Any changes that resulted from the recommendations made by the Local Team;
(3) Information about each death reviewed; and
(4) Any additional information requested by the Team Coordinator.

"§ 143-576.2. Local Teams; composition.

(a) Each Local Team shall consist of representatives of public and nonpublic agencies in the community that provide services to children and their families and other individuals who represent the community. No single team shall encompass a geographic or governmental area larger than one county.

(b) Each Local Team shall consist of the following persons:
(1) The director of the county department of social services, and a member of the director's staff;
(2) A local law enforcement officer, appointed by the board of county commissioners;
(3) An attorney from the district attorney's office, appointed by the district attorney;
(4) The executive director of the local community action agency, as defined by the Division of Economic Opportunity, Department of Human Resources, or the executive director's designee;
(5) The superintendent of each local school administrative unit located in the county, or the superintendent's designee;
(6) A member of the county board of social services, appointed by the chair of that board;
(7) A local mental health professional, appointed by the director of the area authority established under Chapter 122C of the General Statutes;
(8) The local guardian **ad litem** coordinator, or the coordinator's designee;
(9) The director of the local department of public health; and
(10) A local health care provider, appointed by the local board of health.

In addition, a Local Team that reviews the records of additional child fatalities shall include the following four additional members:
(1) An emergency medical services provider or firefighter, appointed by the board of county commissioners;
(2) A district court judge, appointed by the chief district judge in that district;
(3) A county medical examiner, appointed by the Chief Medical Examiner;
(4) A representative of a local day care facility or Head Start program, appointed by the director of the county department of social services; and
(5) A parent of a child who died before reaching the child's eighteenth birthday, to be appointed by the board of county commissioners.

The Team Coordinator shall serve as an ex officio member of each Local Team that reviews the records of additional child fatalities. The board of county commissioners may appoint a maximum of five additional members to represent county agencies or the community at large to serve on any Local Team. Vacancies on a Local Team shall be filled by the original appointing authority.

(c) Each Local Team shall elect a member to serve as chair at the Team's pleasure.

(d) Each Local Team shall meet at least four times each year.

(e) The director of the local department of social services shall call the first meeting of the Community Child Protection Team. The director of the local department of health, upon consultation with the Team Coordinator, shall call the first meeting of the Child Fatality Prevention Team. Thereafter, the chair of each Local Team shall schedule the time and place of meetings, in consultation with these directors, and shall prepare the agenda. The chair shall schedule Team meetings no less often than once per quarter and often enough to allow adequate review of the cases selected for review. Within three months of election, the chair shall participate in the appropriate training developed under this Article.

"§ 143-576.3. Child Fatality Prevention Team Coordinator; duties.

The Child Fatality Prevention Team Coordinator shall serve as liaison between the State Team and the Local Teams that review records of additional child fatalities and shall provide technical assistance to these Local Teams. The Team Coordinator shall:

(1) Develop a plan to establish Local Teams that review the records of additional child fatalities in each county by July 1, 1995.

(2) Develop model operating procedures for these Local Teams that address when public meetings should be held, what items should be addressed in public meetings, what information may be released in written reports, and any other information the Team Coordinator considers necessary.

(3) Provide structured training for these Local Teams at the time of their establishment, and continuing technical assistance thereafter.

(4) Provide statistical information on all child deaths occurring in each county to the appropriate Local Team, and assure that all child deaths in a county are assessed through the multidisciplinary system.

(5) Monitor the work of these Local Teams.

(6) Receive reports of findings, and other reports that the Team Coordinator may require, from these Local Teams.

(7) Report the aggregated findings of these Local Teams to each Local Team that reviews the records of additional child fatalities and to the State Team.

(8) Evaluate the impact of local efforts to identify problems and make changes.

"§ 143-576.4. Community Child Protection Teams; duties of the director of the county department of social services.

In addition to any other duties as a member of the Community Child Protection Team, and in connection with the reviews under G.S. 143-576.1(a)(1), the director of the county department of social services shall:

(1) Assure the development of written operating procedures in connection with these reviews, including frequency of meetings, confidentiality policies, training of members, and duties and responsibilities of members;

(2) Assure that the Team defines the categories of cases that are subject to its review;

(3) Determine and initiate the cases for review;

(4) Bring for review any case requested by a Team member;

(5) Provide staff support for these reviews;

(6) Maintain records, including minutes of all official meetings, lists of participants for each meeting of the Team, and signed confidentiality statements required under G.S. 143-578, in compliance with applicable rules and law; and

(7) Report quarterly to the county board of social services, or as required by the board, on the activities of the Team.

"§ 143-576.5. Local Teams; duties of the director of the local department of health.

In addition to any other duties as a member of the Local Team, and in connection with reviews of additional child fatalities, the director of the local department of health shall:

(1) Distribute copies of the written procedures developed by the Team Coordinator under G.S. 143-576.3 to the administrators of all agencies represented on the Local Team and to all members of the Local Team;

(2) Maintain records, including minutes of all official meetings, lists of participants for each meeting of the Local Team, and signed confidentiality statements required under G.S. 143-578, in compliance with applicable rules and law;

(3) Provide staff support for these reviews; and

(4) Report quarterly to the local board of health, or as required by the board, on the activities of the Local Team.

"§ 143-576.6. Community Child Protection Teams; responsibility for training of team members.

The Division of Social Services, Department of Human Resources, shall develop and make available, on an ongoing basis, for the members of Local Teams that review active cases in which children are being served by child protective services, training materials that address the role and function of the Local Team, confidentiality requirements, an overview of child protective services law and policy, and Team record keeping.

"§ 143-577. Task Force — reports.

(a) The Task Force shall provide a preliminary report to the Governor and General Assembly, within the first week of the convening of the 1992 Session of the 1991 General Assembly. This preliminary report shall contain at least a summary of preliminary conclusions and recommendations for each of the Task Force's duties, as well as any other recommendations for changes to any law, rule, and policy that it has determined will promote the safety and well-being of children. Any recommendations of changes to law, rule, or policy shall be accompanied by specific legislative or policy proposals and detailed fiscal notes setting forth the costs to the State.

(b) The Task Force shall provide updated reports to the Governor and General Assembly within the first week of the convening of the 1993 General Assembly and within the first week of the convening of the 1994 Session of the 1993 General Assembly. The Task Force shall provide a final report to the Governor and General Assembly within the first week of the convening of the 1995 General Assembly. The final report shall include final conclusions and recommendations for each of the Task Force's duties, as well as any other recommendations for changes to any law, rule, and policy that it has determined will promote the safety and well-being of children. Any recommendations of changes to law, rule, or policy shall be accompanied by specific legislative or policy proposals and detailed fiscal notes setting forth the costs to the State.

(c) After the Task Force provides its final report to the Governor and General Assembly, the Task Force shall cease to be in existence.

"§ 143-578. Access to records.

~~The Task Force and State Team~~ (a) The State Team, the Local Teams, and the Task Force during its existence, shall have access to all medical records, hospital records, and records maintained by this State, any county, or any local agency as necessary to carry out the purposes of this Article, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records. The State Team, the Task Force, and the Local Teams shall not, as part of the reviews authorized under this Article, contact, question, or interview the child, the parent of the child, or any other family member of the child whose record is being reviewed. Any member of a Local Team may share, only in an official meeting of that Local Team, any information available to that member that the Local Team needs to carry out its duties.

~~Task Force and State Team meetings~~ (b) Meetings of the State Team and the Local Teams are not subject to the provisions of Article 33C of Chapter 143 of the General Statutes. However, the Local Teams may hold periodic public meetings to discuss, in a general manner not revealing confidential information about children and families, the findings of their reviews and their recommendations for preventive actions. Minutes of all public meetings, excluding those of executive sessions, shall be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any minutes or any other information generated during any executive session shall be sealed from public inspection.

(c) All otherwise confidential information and records acquired by the ~~Task Force or State Team~~ State Team, the Local Teams, and the Task Force during its existence, in the exercise of their duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the State Team, the Local Teams, and the Task Force. In addition, all otherwise confidential information and records created by a Local Team in the exercise of its duties are confidential; are not subject to discovery or introduction into evidence in any proceedings; and may only be disclosed as necessary to carry out the purposes of the

Local Team. No member of the ~~Task Force, State Team, or person who attends such a meeting~~ State Team, a Local Team, nor any person who attends a meeting of the State Team or a Local Team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meetings. This ~~section does~~ subsection shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge.

(d) Each member of a Local Team and invited participant shall sign a statement indicating an understanding of and adherence to confidentiality requirements, including the possible civil or criminal consequences of any breach of confidentiality.

(e) Cases receiving child protective services at the time of review by a Local Team shall have an entry in the child's protective services record to indicate that the case was received by that Team. Additional entry into the record shall be at the discretion of the director of the county department of social services.

(f) The Social Services Commission shall adopt rules to implement this section in connection with reviews conducted by Community Child Protection Teams. The Health Services Commission shall adopt rules to implement this section in connection with Local Teams that review additional child fatalities. In particular, these rules shall allow information generated by an executive session of a Local Team to be accessible for administrative or research purposes only.

"**§ 143-579. Administration; funding.**

(a) To the extent of funds available, the Chairs of the Task Force and State Team may hire staff or consultants to assist the Task Force and the State Team in completing their duties.

(b) Members, staff, and consultants of the Task Force or State Team shall receive travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as the case may be, paid from funds appropriated to implement this Article and within the limits of those funds.

(c) With the approval of the Legislative Services Commission, legislative staff and space in the Legislative Building and the Legislative Office Building may be made available to the Task Force."

(b) G.S. 143-573 is repealed.

(c) G.S. 143-574 is repealed.

(d) G.S. 143-577 is repealed.

(e) Subsections (b), (c), and (d) of this section become effective February 1, 1995. The rest of this section is effective upon ratification of this act.

Requested by: Representatives Wainwright, Bowman, DeVane, H. Hunter, Senators Martin of Pitt, Cochrane

ON-SITE WASTEWATER SYSTEMS

Sec. 286. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, the sum of twenty-five thousand dollars ($25,000) for the 1993-94 fiscal year and the sum of twenty-five thousand dollars ($25,000) for the 1994-95 fiscal year shall be used to support county alternative on-site sewage system demonstration projects in Eastern North Carolina established prior to 1990. Such projects shall have a technical advisory committee and shall develop and monitor innovative and alternative on-site sewage treatment systems and proper management operating schemes. In addition, such projects shall provide the Department with interim reports on program data collected and information on the use of the funds appropriated pursuant to this section.

Requested by: Representatives Bowman, DeVane, H. Hunter, Senators Martin of Pitt, Cochrane

IMMUNIZATION PLAN

Sec. 287. The Department of Environment, Health, and Natural Resources shall prepare an eight-year plan for implementation of the statewide immunization program. The plan shall identify:

(1) Major program goals,
(2) Major implementation actions to be completed each year,
(3) Annual cost of program implementation by vaccine type, personnel and support, and other costs,
(4) Funding sources, and
(5) Population to be served each year.

The plan shall be provided to the Joint Legislative Commission on Governmental Operations not later than November 1, 1993.

Requested by: Representatives Bowman, DeVane, H. Hunter,
Senators Martin of Pitt, Cochrane

CANCER COORDINATION AND CONTROL

Sec. 288. Article 1B of Chapter 130A of the General Statutes is amended by adding a new Part to read:

"Part 4. Advisory Committee on Cancer Coordination and Control.

"§ 130A-33.50. Advisory Committee on Cancer Coordination and Control established; membership, compensation.

(a) The Advisory Committee on Cancer Coordination and Control is created in the Department of Environment, Health, and Natural Resources.

(b) The Committee shall have 24 members, including the Secretary of the Department of Environment, Health, and Natural Resources, who shall chair the Committee. The members of the Committee shall elect a vice-chair from among the Committee membership. The Committee shall meet at the call of the chair. Six of the members shall be legislators, three of whom shall be appointed by the Speaker of the House of Representatives, and three of whom shall be appointed by the President *Pro Tempore* of the Senate. Two of the members shall be cancer survivors, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President *Pro Tempore* of the Senate. The remainder of the members shall be appointed by the Governor as follows:

(1) One member from the Department of Environment, Health, and Natural Resources;
(2) Three members, one from each of the following: the Department of Human Resources, the Department of Public Instruction, and the North Carolina Community College System;
(3) Four members representing the cancer control programs at North Carolina medical schools, one from each of the following: the University of North Carolina at Chapel Hill School of Medicine, the Bowman Gray School of Medicine, the Duke University School of Medicine, and the East Carolina University School of Medicine;
(4) One member who is an oncology nurse representing the North Carolina Nurses Association;
(5) One member representing the Cancer Committee of the North Carolina Medical Society;
(6) One member representing the Old North State Medical Society;
(7) One member representing the American Cancer Society, North Carolina Division, Inc.;
(8) One member representing the North Carolina Hospital Association;
(9) One member representing the North Carolina Association of Local Health Directors;
(10) One member who is a primary care physician licensed to practice medicine in North Carolina.

Except for the Secretary of the Department of Environment, Health, and Natural Resources, the members shall be appointed for staggered four-year terms and until their successors are appointed and qualify. However, the following appointees shall serve initial two-year terms: two of the legislators appointed by the Speaker of the House of

Representatives; one of the legislators appointed by the President *Pro Tempore* of the Senate; the cancer survivor appointed by the President *Pro Tempore* of the Senate; and the members representing the Department of Human Resources, the Department of Public Instruction, the University of North Carolina at Chapel Hill School of Medicine, the Bowman Gray School of Medicine, the Cancer Committee of the North Carolina Medical Society, the Old North State Medical Society, the North Carolina Hospital Association, and the North Carolina Association of Local Health Directors. The Governor may remove any member of the Committee from office in accordance with the provisions of G.S. 143B-13. Members may succeed themselves for one term and may be appointed again after being off the Committee for one term.

(c) The Speaker of the House of Representatives, the President *Pro Tempore* of the Senate, and the Governor shall make their appointments to the Committee not later than 30 days after the adjournment of the 1993 Regular Session of the General Assembly. A vacancy on the Committee shall be filled by the original appointing authority, using the criteria set out in this section for the original appointment.

(d) To the extent that funds are made available, members of the Committee shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 138-5.

(e) A majority of the Committee shall constitute a quorum for the transaction of its business.

(f) The Committee may use funds allocated to it to employ an administrative staff person to assist the Committee in carrying out its duties. The Secretary of Environment, Health, and Natural Resources shall provide clerical and other support staff services needed by the Committee.

"§ 130A-33.51. Advisory Committee on Cancer Coordination and Control; responsibilities.

(a) The Advisory Committee on Cancer Coordination and Control has the following responsibilities:

(1) To recommend to the Secretary a plan for the statewide implementation of an interagency comprehensive coordinated cancer control program;

(2) To identify and examine the limitations and problems associated with existing laws, regulations, programs, and services related to cancer control;

(3) To examine the financing and access to cancer control services for North Carolina's citizens, and advise the Secretary on a coordinated and efficient use of resources;

(4) To identify and review health promotion and disease prevention strategies relating to the leading causes of cancer mortality and morbidity;

(5) To recommend standards for:

a. Oversight and development of cancer control services;

b. Development and maintenance of interagency training and technical assistance in the provision of cancer control services;

c. Program monitoring and data collection;

d. Statewide evaluation of locally based cancer control programs;

e. Coordination of funding sources for cancer control programs; and

f. Procedures for awarding grants to local agencies providing cancer control services.

(b) The Committee shall submit a written report not later than May 1, 1994, and not later than October 1 of each subsequent year, to the Governor and to the Joint Legislative Commission on Governmental Operations. The report shall address the progress in implementation of a cancer control program. The report shall include an accounting of funds expended and anticipated funding needs for full implementation of recommended programs."

Requested by: Senators Martin of Pitt, Cochrane,
Representatives Bowman, DeVane, H. Hunter

SOIL AND WATER CONSERVATION DISTRICT SUPERVISORS' EXPENSES

Sec. 289. Of the funds appropriated in this act to the Division of Soil and Water Conservation, Department of Environment, Health, and Natural Resources, two hundred eighty-nine thousand five hundred ninety-four dollars ($289,594) for the 1993-94 fiscal year and two hundred eighty-nine thousand five hundred ninety-four dollars ($289,594) for the 1994-95 fiscal year shall be used for the per diem and travel expenses of the Soil and Water Conservation District Supervisors.

Requested by: Senator Martin of Pitt, Representatives DeVane, Bowman

SALES TAX TRANSFER TO WILDLIFE RESOURCES FUND

Sec. 290. (a) G.S. 105-164.44B reads as rewritten:

"§ 105-164.44B. Transfer to Wildlife Resources Fund of taxes on hunting and fishing supplies and equipment.

Each fiscal year, the Secretary of Revenue shall transfer at the end of each quarter from the State sales and use tax net collections received by the Department of Revenue under Article 5 of Chapter 105 of the General Statutes to the State Treasurer for the Wildlife Resources Fund, one fourth of ~~two million eight hundred thirty-four thousand six hundred seventy-five dollars ($2,834,675)~~ three million seven hundred thirty-one thousand one hundred sixteen dollars ($3,731,116) plus or minus the percentage of that amount by which the total collection of State sales and use taxes increased or decreased during the preceding fiscal ~~year.~~ year plus the cost of any legislative salary increase for employees of the Wildlife Resources Commission."

(b) G.S. 105-164.44B, as amended by subsection (a) of this section, reads as rewritten:

"§ 105-164.44B. Transfer to Wildlife Resources Fund of taxes on hunting and fishing supplies and equipment.

Each fiscal year, the Secretary of Revenue shall transfer at the end of each quarter from the State sales and use tax net collections received by the Department of Revenue under Article 5 of Chapter 105 of the General Statutes to the State Treasurer for the Wildlife Resources Fund, one fourth of ~~three million seven hundred thirty-one thousand one hundred sixteen dollars ($3,731,116)~~ the amount transferred the preceding fiscal year plus or minus the percentage of that amount by which the total collection of State sales and use taxes increased or decreased during the preceding fiscal ~~year plus the cost of any legislative salary increase for employees of the Wildlife Resources Commission.~~ year."

(c) Subsection (a) of this section expires June 30, 1994.

(d) Subsection (b) of this section becomes effective July 1, 1994.

Requested by: Senator Martin of Pitt, Representatives DeVane, Bowman

COASTAL BOATING GUIDE

Sec. 291. The Wildlife Resources Commission shall use funds available to it for the 1993-94 fiscal year to publish and distribute the North Carolina Coastal Boating Guide.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane, James

DISMAL SWAMP STATE PARK

Sec. 292. (a) During the 1994-95 fiscal year, the Division of Parks and Recreation, Department of Environment, Health, and Natural Resources shall update the master plan for the Dismal Swamp State Park. This update shall be conducted with public participation, including a public hearing.

(b) The Division of Parks and Recreation shall ensure that the fire lines in the Dismal Swamp State Park are adequately maintained for fire suppression purposes.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
B.R.I.D.G.E. YOUTHFUL OFFENDERS/PARK MAINTENANCE

Sec. 293. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, Division of Parks and Recreation, for the pilot program to supervise county jail inmates working in State parks, one hundred thousand dollars ($100,000) for the 1993-94 fiscal year and one hundred thousand dollars ($100,000) for the 1994-95 fiscal year shall be allocated to the Division of Forest Resources to establish and support two positions for the B.R.I.D.G.E. Youthful Offenders Program (the Building, Rehabilitating, Instructing, Developing, Growing, and Employing Youthful Offenders Program) and for Program operating expenses. The Division of Forest Resources shall enter into an agreement with the Division of Parks and Recreation whereby the Division of Forest Resources shall use B.R.I.D.G.E. youthful offenders to perform maintenance and repairs in State parks.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
PARKS RECEIPTS

Sec. 294. The Department of Environment, Health, and Natural Resources shall use any overrealized receipts from the Division of Parks and Recreation's sale of pine straw, timber, or any other forest products for the maintenance of State parks and State reservoirs.

PART 26. DEPARTMENT OF COMMERCE

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
MCNC

Sec. 295. (a) MCNC shall provide quarterly reports on all of its programs to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division. These reports shall include information on the activities and accomplishments during the past fiscal year, itemized expenditures during the past fiscal year with sources of funding, planned activities, and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next 12 months. The quarterly report on the activities of the Supercomputer program shall identify the users of the Supercomputer, the major projects conducted by the users, and the potential benefits of the projects.

(b) MCNC shall provide a report containing detailed budget information to the Office of State Budget and Management in the same manner as State departments and agencies in preparation for biennium budget requests. Specific salary information will be provided upon written request by the Chairmen of the Joint Legislative Commission on Governmental Operations or the Chairmen of the House Appropriations Subcommittee on Natural and Economic Resources and the Chairman of the Senate Appropriations Committee on Natural and Economic Resources.

(c) The funds appropriated in this act to MCNC shall be used as follows:

	FY 1993-94	FY 1994-95
Microelectronics Program	$4,768,966	$4,768,966
Grants Program	-0-	-0-
Administration & Support	2,000,000	2,000,000
Supercomputer	5,224,705	5,224,705
Telecommunications	4,006,329	4,006,329

(d) Of the funds appropriated to MCNC for the Microelectronics Program, four million seven hundred sixty-eight thousand nine hundred sixty-six dollars ($4,768,966) in each fiscal year is contingent upon a dollar-for-dollar match in non-State funds.

(e) MCNC shall reduce the amounts appropriated to it by three hundred twenty thousand dollars ($320,000) in each fiscal year. The reductions may be taken in any of the programs listed in subsection (c) of this section.

(f) If MCNC finds it necessary to make changes in the program allocations specified in subsection (a) of this section, MCNC shall report such changes to the Joint Legislative Commission on Governmental Operations 30 days before the reallocation.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
INDUSTRIAL DEVELOPMENT FUND/LOCAL MATCH

Sec. 296. Local governments requesting financial assistance from the Industrial Development Fund shall demonstrate to the satisfaction of the Department of Commerce that it would be an economic hardship for the local government to match State assistance from the Fund with local funds.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
NC MANUFACTURING DIRECTORY PROCEEDS

Sec. 297. (a) The Department of Commerce may expend for industrial promotional advertising any amount collected from the sales of the North Carolina Manufacturing Directory above the sum of one hundred fifty-five thousand dollars ($155,000) already budgeted for the 1993-94 and 1994-95 fiscal years.

(b) The Department shall submit quarterly reports to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division. These reports shall include the amount of proceeds collected from the sales of the Directory and the amount spent on advertising pursuant to the provisions of this section.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
HOME PROGRAM MATCHING FUNDS

Sec. 298. (a) Funds appropriated in this act to the Department of Commerce for the federal HOME Program shall be transferred to the Housing Finance Agency in the Office of the Governor and shall be used by the Agency to match federal funds appropriated for the HOME Program. In allocating State funds appropriated to match federal HOME Program funds, the Agency shall give priority to HOME Program projects, as follows:

(1) First priority to projects that are located in counties designated as severely distressed counties under G.S. 105-130.40(c) or G.S. 105-151.17(c); and

(2) Second priority to projects that benefit persons and families whose incomes are fifty percent (50%) or less of the median family income for the local area, with adjustments for family size, according to the latest figures available from the U.S. Department of Housing and Urban Development.

The Housing Finance Agency shall report to the General Assembly by April 1 of each year concerning the status of the HOME Program and shall include in the report information on priorities met, types of activities funded, and types of activities not funded.

(b) If the United States Congress changes the HOME Program such that matching funds are not required for a given program year, then the Agency may not spend the matching funds appropriated under this act for that program year.

(c) Funds appropriated in this act to match federal HOME Program funds shall not revert to the General Fund on June 30, 1994, and on June 30, 1995.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
COMMUNITY DEVELOPMENT BLOCK GRANT REPORTS

Sec. 299. The Department of Commerce shall report on a quarterly basis to the House Appropriations Subcommittee on Natural and Economic Resources and the Senate Appropriations Committee on Natural and Economic Resources on the Community Development Block Grant. Each report shall include a listing and description of the most recent grant awards, the status of the administration of each component of the block grant, the current status of next year's program design, and a description of any proposed or necessary changes to the program design.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane
TOURISM PROMOTION FUNDS

Sec. 300. Funds appropriated in this act to the Department of Commerce for tourism promotion grants shall be allocated according to per capita income,

unemployment, and population growth in an effort to direct funds to counties most in need in terms of lowest per capita income, highest unemployment, and slowest population growth, in the following manner:

(1) Counties 1 through 20 are each eligible to receive a maximum grant of $7,500 for each fiscal year, provided these funds are matched on the basis of one non-State dollar for every four State dollars.

(2) Counties 21 through 50 are each eligible to receive a maximum grant of $3,500 for two of the next three fiscal years, provided these funds are matched on the basis of one non-State dollar for every three State dollars.

(3) Counties 51 through 100 are each eligible to receive a maximum grant of $3,500 for alternating fiscal years, beginning with the 1991-92 fiscal year, provided these funds are matched on the basis of four non-State dollars for every State dollar.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

PETROLEUM OVERCHARGE ATTORNEYS' FEES

Sec. 301. (a) Unless prohibited by federal law, rule, or regulation or preexisting settlement agreement, no later than October 1, 1989, the North Carolina Attorney General shall direct the withdrawal of all funds received in the cases of United States v. Exxon and Stripper Well that are held in accounts or reserves located out-of-State for payment of attorneys' fees and reasonable expenses incurred in connection with oil overcharge litigation authorized by the Attorney General. The Attorney General shall deposit these funds, and all funds to be received from petroleum overcharge funds in the future for attorneys' fees and reasonable expenses, into the Special Reserve for Oil Overcharge Funds.

(b) All attorneys' fees and reasonable expenses incurred in connection with oil overcharge litigation shall be paid by the State Treasurer from petroleum overcharge funds that have been received by this State and deposited into the Special Reserve for Oil Overcharge Funds.

(c) Notwithstanding any other provision of law, the Attorney General may authorize the payment of attorneys' fees and reasonable expenses from the Special Reserve for Oil Overcharge Funds without further action of the General Assembly, and funds are hereby appropriated from the Special Reserve for Oil Overcharge Funds for the 1993-94 fiscal year and for the 1994-95 fiscal year for that purpose.

Requested by: Senators Martin of Pitt, Cochrane,
Representatives Bowman, DeVane, H. Hunter

PETROLEUM OVERCHARGE FUNDS ALLOCATION

Sec. 302. (a) The funds and interest thereon received from the case of United States v. Exxon are deposited in the Special Reserve for Oil Overcharge Funds. There is appropriated from the Special Reserve to the Department of Commerce the sum of one million seven hundred thousand dollars ($1,700,000) for the 1993-94 fiscal year and the sum of one million seven hundred thousand dollars ($1,700,000) for the 1994-95 fiscal year to be used for projects under the State Energy Conservation Plan.

(b) There is appropriated from funds and interest thereon received from the United States Department of Energy's Stripper Well Litigation (MDL378) which remain in the Special Reserve for Oil Overcharge Funds to the Department of Commerce the sum of three million seven hundred thousand dollars ($3,700,000) for the 1993-94 fiscal year and three million dollars ($3,000,000) for the 1994-95 fiscal year to be allocated as follows:

(1) $3,200,000 for the 1993-94 fiscal year and $3,000,000 for the 1994-95 fiscal year for the Low Income Weatherization Program; and

(2) $500,000 for the 1993-94 fiscal year for the Transportation Information Management System (TIMS) in the Department of Public Instruction.

(c) Any funds remaining in the Special Reserve for Oil Overcharge Funds after the allocations made pursuant to subsections (a) and (b) of this section may be expended

only as authorized by the General Assembly. All interest or income accruing from all deposits or investments of cash balances shall be credited to the Special Reserve for Oil Overcharge Funds.

(d) The funds and interest thereon received from the Diamond Shamrock Settlement which remain in a reserve in the Office of State Budget and Management for the Division of Energy to administer the petroleum overcharge funds pursuant to Section 112 of Chapter 830 of the 1987 Session Laws shall continue to be available to the Division of Energy in the Department of Commerce on an as-needed basis.

(e) The Department of Commerce shall submit comprehensive annual reports to the Office of State Budget and Management and the General Assembly by May 15, 1994, and January 31, 1995, which detail the use of all petroleum overcharge funds. Any State department or agency that has received petroleum overcharge funds shall provide all information requested by the Department of Commerce for the purpose of preparing these reports.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

BIOTECHNOLOGY CENTER

Sec. 303. (a) The North Carolina Biotechnology Center shall recapture funds spent in support of successful research efforts in the nonacademic private sector.

(b) The North Carolina Biotechnology Center shall provide funding for biotechnology and related bioscience applications under its Economic and Corporate Development Program.

(c) The North Carolina Biotechnology Center shall provide quarterly reports on all of the Center's programs to the Joint Legislative Commission on Governmental Operations. The initial report shall include information on the activities and accomplishments during the past fiscal year, itemized expenditures during the past fiscal year with sources of funding, planned activities and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next 12 months. Subsequent reports shall include quarterly updates of the initial report.

(d) The North Carolina Biotechnology Center shall provide a report containing detailed budget, personnel, and salary information to the Office of State Budget and Management and to the Fiscal Research Division in the same manner as State departments and agencies in preparation for biennium budget requests.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

RURAL ECONOMIC DEVELOPMENT CENTER

Sec. 304. (a) Of the funds appropriated in this act to the Rural Economic Development Center the sum of one million four hundred seventy thousand dollars ($1,470,000) for the 1993-94 fiscal year and the sum of one million four hundred seventy thousand dollars ($1,470,000) for the 1994-95 fiscal year shall be used for the administrative costs of the Center and for its pilot projects and research. No more than four hundred thousand dollars ($400,000) of the funds appropriated for each fiscal year may be used for the administrative costs of the Rural Economic Development Center, Inc.

(b) The Rural Economic Development Center, Inc., shall provide quarterly reports on the Center's programs to the Joint Legislative Commission on Governmental Operations. The initial report shall include information on the activities and accomplishments during the past fiscal year, itemized expenditures during the past fiscal year with sources of funding, planned activities and accomplishments for at least the next 12 months, and itemized anticipated expenditures with sources of funding for the next 12 months. Subsequent reports shall include quarterly updates of the information in the initial report.

(c) The Rural Economic Development Center, Inc., shall provide a report containing detailed budget, personnel, and salary information to the Office of State Budget and Management in the same manner as State departments and agencies in preparation for biennium budget requests.

(d) Not more than fifty percent (50%) of the interest earned on State funds appropriated to the Rural Economic Development Center, Inc., may be used by the Rural Economic Development Center, Inc., for administrative purposes, including salaries and fringe benefits.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

HOUSING PROGRAMS TRANSFER

Sec. 305. (a) The statutory authority, powers, duties, and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Housing Coordination and Policy Council, the HOME Program, the Permanent Housing for the Handicapped Homeless Program, and the Comprehensive Housing Affordability Strategy, are transferred from the Division of Community Assistance, Department of Commerce, to the Housing Finance Agency.

(b) G.S. 122A-5 is amended by adding the following new subdivisions to read:

"(24) To advise the Governor regarding the coordination of public and private low- and moderate-income housing programs;

(25) To participate in and administer federal housing programs, including housing rehabilitation, construction of new housing, assistance to the homeless, and home ownership assistance;".

(c) Part 1A of Article 10 of Chapter 143B of the General Statutes is repealed.

(d) Chapter 122A of the General Statutes is amended by adding the following sections to read:

"**§ 122A-5.10. Housing Coordination and Policy Council; creation; duties.**

(a) There is created the Housing Coordination and Policy Council in the Office of the Governor. The Housing Coordination and Policy Council shall have the following functions and duties:

(1) To advise the Governor regarding the coordination of various public and private low- and moderate-income housing programs;

(2) To advise the Governor in the preparation of an overall, comprehensive State housing plan with specific recommendations to address identified areas of need, which report shall be presented to the General Assembly;

(3) To advise the Governor with respect to the best use of housing resources; and

(4) To advise the Governor regarding any other matter relating to housing the Governor may refer to it.

(b) Nothing herein shall abrogate the existing statutory responsibility of any other agency to develop housing plans and policies relating to specific housing programs.

"**§ 122A-5.11. Council membership; compensation; procedures.**

(a) The Housing Coordination and Policy Council shall consist of 15 representatives, as follows:

(1) Two members of the N.C. Housing Partnership who are experienced with housing programs for low-income persons, as designated by the chair.

(2) Two members of the Community Development Council who are experienced with federal, State, and local housing programs, as designated by the chair.

(3) Two members of the N.C. Housing Finance Agency Board of Directors who are experienced with real estate finance and development, as designated by the chair.

(4) One member of the Weatherization Policy Advisory Council who is experienced with community weatherization programs, as designated by the chair.

(5) One member of the Governor's Advocacy Council for Persons with Disabilities who is familiar with the housing needs of the disabled.

(6) The executive director of the Commission of Indian Affairs, or a designee familiar with Indian housing programs.

(7) The Deputy Secretary or Assistant Secretary of Community Development and Housing, or a designee familiar with housing programs related to community development and housing functions.

(8) The assistant secretary of the Division of Aging, or a designee familiar with the housing programs of the Division.

(9) The executive director of the N.C. Housing Finance Agency, or a designee familiar with the housing programs of the Agency.

(10) The director of the Division of Mental Health, or a designee familiar with housing for those with mental disabilities.

(11) The executive director of the N.C. Human Relations Commission, or a designee familiar with federal and State fair housing laws.

(12) A chair designated by the Governor.

(b) All members except those serving ex officio shall be appointed by the Governor. The Governor shall designate one member of the Council to serve as Chair.

(c) The initial members of the Council other than those serving ex officio shall be appointed to serve for terms of four years and until their successors are appointed and qualified. Any appointment to fill a vacancy created by resignation, dismissal, death, or disability of a member shall be for the balance of the term.

(d) Members of the Council may receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(e) A majority of the Council shall constitute a quorum for the transaction of business.

(f) All clerical and other services required by the Council shall be supplied by the Housing Finance Agency.

"§ 122A-5.12. Council meetings; report.

(a) The Housing Coordination and Policy Council shall meet at least quarterly and may hold special meetings at any time and place within the State at the call of the Chair or upon written request of a majority of the members.

(b) The Council shall assist in the preparation and filing of an annual written report which contains a review of work completed, a review of ongoing activities, and housing policy recommendations. This report shall be filed with the General Assembly and the Governor by May 1."

Requested by: Senators Martin of Pitt, Cochrane,
Representatives Bowman, DeVane, H. Hunter

HOUSING PROGRAM REIMBURSEMENT

Sec. 305.1. The Housing Finance Agency shall reimburse the Department of Commerce in the amount of General Fund monies expended by the Department of Commerce between July 1, 1993, and the effective date of this act to support the housing programs transferred from the Department of Commerce to the Housing Finance Agency pursuant to Section 305 of this act.

Requested by: Senators Martin of Pitt, Cochrane,
Representatives Bowman, DeVane, H. Hunter

WORKER TRAINING TRUST FUND

Sec. 306. (a) There is appropriated from the Worker Training Trust Fund to the Employment Security Commission of North Carolina the sum of five million five hundred thirty-nine thousand nine hundred sixty-four dollars ($5,539,964) for the 1993-94 fiscal year and the sum of five million five hundred thirty-nine thousand nine hundred sixty-four dollars ($5,539,964) for the 1994-95 fiscal year for the operation of local offices.

(b) Notwithstanding G.S. 96-5(c), there is appropriated from the Special Employment Security Administration Fund to the Employment Security Commission of North Carolina, the sum of two million dollars ($2,000,000) for the 1993-94 fiscal year and the sum of two million dollars ($2,000,000) for the 1994-95 fiscal year for administration of the Veterans Employment Program, Employment Services Program, and Unemployment Insurance Program.

(c) Supplemental federal funds or other additional funds received by the Employment Security Commission for similar purposes shall be expended prior to the expenditure of funds appropriated by this section.

(d) Notwithstanding the provisions of G.S. 96-5(f), there is appropriated from the Worker Training Trust Fund to the following agencies the following sums for the 1993-94 and the 1994-95 fiscal years for the following purposes:

(1) $2,400,000 for the 1993-94 fiscal year and $2,400,000 for the 1994-95 fiscal year to the Department of Economic and Community Development, Division of Employment and Training, for the Employment and Training Grant Program;

(2) $1,000,000 for the 1993-94 fiscal year and $1,000,000 for the 1994-95 fiscal year to the North Carolina Department of Labor for customized training of the unemployed and the working poor for specific jobs needed by employers through the Department's Pre-Apprenticeship Division;

(3) $2,826,658 for the 1993-94 fiscal year and $1,528,067 for the 1994-95 fiscal year to the North Carolina Department of Human Resources to assist welfare recipients in gaining employment through the federally funded Job Opportunities and Basic Skills Program in such a way as to gain the maximum match of federal funds for the State dollars appropriated;

(4) $1,746,000 for the 1993-94 fiscal year and $1,746,000 for the 1994-95 fiscal year to the North Carolina Department of Community Colleges to continue the Focused Industrial Training Program;

(5) $225,000 for the 1993-94 fiscal year to the Employment Security Commission for the North Carolina Occupational Information Coordinating Committee to develop and operate an interagency system to track former participants in State education and training programs; and

(6) $300,000 for the 1993-94 fiscal year and $300,000 for the 1994-95 fiscal year to the Department of Community Colleges for a training program in entrepreneurial skills to be operated by North Carolina REAL Enterprises.

Requested by: Representatives Gottovi, Bowman, DeVane, H. Hunter, Senators Martin of Pitt, Cochrane

TOURISM ADVERTISING PROGRAM

Sec. 307. The Department of Commerce shall review its tourism advertising program and shall ensure that the program addresses the promotion of tourism in rural areas of the State.

Requested by: Senators Martin of Pitt, Cochrane, Representatives Bowman, DeVane, H. Hunter

CENTER FOR COMMUNITY SELF-HELP FUNDS

Sec. 308. (a) Of the funds appropriated in this act to the Department of Commerce, the sum of one million five hundred thousand dollars ($1,500,000) for the 1993-94 fiscal year shall be allocated to the Center for Community Self-Help to further a statewide program of lending to small businesses and other economic development projects in rural and other depressed or disadvantaged communities throughout North Carolina, provided these funds are matched on the basis of one dollar ($1.00) of funds from the Center for Community Self-Help or its affiliates for every one dollar ($1.00) of State funds. The appropriation shall be equally allocated among the eastern, central, and western regions of North Carolina. Loans or loan guarantees made under the program shall be conditioned on the unavailability of loans for the same purposes from private lenders upon reasonably equivalent terms and conditions. Payments of principal shall be available for further loans.

(b) The Center for Community Self-Help shall submit, within 180 days after the close of its fiscal year, audited financial statements to the State Auditor. All records pertaining to the use of State funds shall be made available to the State Auditor upon request. The Center for Community Self-Help shall make quarterly reports on the use of

State funds to the State Auditor, in form and format prescribed by the State Auditor or his designee. The Center for Community Self-Help shall make a written report by May 1 of each year for the next three years to the General Assembly on the use of the funds allocated under this section.

(c) The Center for Community Self-Help shall report to the Joint Legislative Commission on Governmental Operations, the House Appropriations Subcommittee on Natural and Economic Resources, the Senate Appropriations Committee on Natural and Economic Resources, and the Department of Commerce on a quarterly basis for the next three years.

(d) The Office of the State Auditor may conduct an annual end-of-year audit of the revolving fund for economic development lending created by this appropriation for each year of the life of the revolving fund.

(e) If the Center for Community Self-Help dissolves, the corporation shall transfer the remaining assets of the revolving fund to the State and shall refrain from disposing of the revolving fund assets without approval of the State Treasurer.

(f) The Department of Commerce shall disburse this appropriation within 15 working days of the receipt of a request for the funds from the Center for Community Self-Help. The request shall include a commitment of the matching funds by the Center for Community Self-Help or its affiliates.

Requested by: Representatives Nesbitt, Bowman, DeVane, H. Hunter, Senators Martin of Pitt, Cochrane

WESTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

Sec. 309. (a) Chapter 158 of the General Statutes is amended by adding a new section to read:

"**§ 158-8.1. Creation of Western North Carolina Regional Economic Development Commission.**

(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce.

(b) The Commission shall consist of 15 members appointed as follows:

(1) Three members shall be appointed by the Governor;

(2) Two members appointed by the Lieutenant Governor;

(3) Five members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) Five members shall be appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate in accordance with G.S. 120-121; and

(c) The appointing authority shall designate two of the initial appointees pursuant to subsection (b)(1), one of the initial appointees pursuant to subsection (b)(2), two of the initial appointees pursuant to subsection (b)(3), and two of the initial appointees pursuant to subsection (b)(4) to serve for terms ending June 30, 1995; the remainder of the initial appointees shall serve for terms ending June 30, 1997. Their successors shall serve for four-year terms ending on June 30 quadrennially thereafter.

Any appointment to fill a vacancy on the Commission shall be for the balance of the unexpired term. Vacancies in appointments made by the General Assembly shall be in accordance with G.S. 120-122.

(d) Members of the Commission who are State employees shall receive travel expenses as provided in G.S. 138-6. Other Commission members shall receive per diem and travel expenses as provided in G.S. 138-5.

(e) In addition to the powers and duties granted to economic development commissions in this Article, the Western North Carolina Regional Economic Development Commission shall:

(1) Survey Western North Carolina and determine the assets, liabilities, and resources that the region contribute to the economic development process.

(2) Develop and evaluate alternatives for Western North Carolina economic development.

(3) Develop a preferred economic development plan for the region and establish strategies for implementing the plan.

(4) Coordinate activities with and enter into contracts with any nonprofit corporation created to assist the Commission in carrying out its powers and duties.

(5) Report to the General Assembly by March 31 each year on the work of the Commission."

(b) Of the funds appropriated in this act from the General Fund to the Department of Commerce, the sum of six hundred thousand dollars ($600,000) for the 1993-94 fiscal year and the sum of one million two hundred fifty thousand dollars ($1,250,000) for the 1994-95 fiscal year shall be allocated to the Western North Carolina Regional Economic Development Commission for the activities of the Commission. These funds shall not revert at the end of each fiscal year.

Requested by: Representatives H. Hunter, DeVane, Bowman,
Senators Martin of Pitt, Cochrane

NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

Sec. 309.1. (a) Chapter 158 of the General Statutes is amended by adding a new section to read:

"**§ 158-8.2. Creation of Northeastern North Carolina Regional Economic Development Commission.**

(a) There is created the Northeastern North Carolina Regional Economic Development Commission to facilitate economic development and tourism development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce.

(b) The Commission shall consist of 17 members appointed as follows:

(1) Five members shall be appointed by the Governor, including one developer of northeastern North Carolina, one banker, one county commissioner from Camden, Currituck, Pasquotank, or Perquimans Counties, and one county commissioner from Beaufort, Bertie, Chowan, or Martin Counties;

(2) Five members shall be appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate in accordance with G.S. 120-121, including one developer of northeastern North Carolina, one banker, and one county commissioner from Dare, Hyde, Tyrrell, or Washington Counties;

(3) Five members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, including one developer of northeastern North Carolina, one banker, and one county commissioner from Halifax, Hertford, Gates, or Northampton Counties;

(4) The Secretary of Commerce or a designee; and

(5) The Secretary of Environment, Health, and Natural Resources, or a designee.

Any person appointed to the Commission in a categorical appointment as a county commissioner may hold such office in addition to the offices permitted by G.S 128-1.1.

(c) The appointing authority shall designate two of the initial appointees pursuant to subsection (b)(1), one of the initial appointees pursuant to subsection (b)(2), two of the initial appointees pursuant to subsection (b)(3), and two of the initial appointees pursuant to subsection (b)(4) to serve for terms ending June 30, 1995; the remainder of the initial appointees shall serve for terms ending June 30, 1997. Their successors shall serve for four-year terms ending on June 30 quadrennially thereafter.

(d) Any appointment to fill a vacancy on the Commission shall be for the balance of the unexpired term. Vacancies in appointments made by the General Assembly shall be in accordance with G.S. 120-122.

(e) The Commission shall appoint an economic development advisory board made up of no more than seven members to advise and assist the Commission in adopting and implementing an economic development program. The Commission shall also appoint a tourism advisory board made up of no more than seven members to advise and assist the Commission in adopting and implementing a tourism development program. Members of the Commission may serve on these advisory boards.

(f) In addition to the powers and duties granted to economic development commissions in this Article, the Northeastern North Carolina Regional Economic Development Commission shall:

(1) Adopt and implement an economic development program, with the assistance of the economic development advisory board, as follows:
   a. Survey northeastern North Carolina and determine the assets, liabilities, and resources that the region contribute to the economic development process;
   b. Enhance economic development activities that use the area's natural resources;
   c. Develop and evaluate alternatives for northeastern North Carolina economic development;
   d. Develop a preferred economic development plan for the region and establish strategies for implementing the plan;
   e. Conduct feasibility studies to determine the nature and placement of economic developments for maximum economic impact;
   f. Identify potential sites for economic development; and
   g. Carry out other activities to develop and promote economic development;

(2) Adopt and implement a tourism development program, with the advice and assistance of the tourism advisory board, as follows:
   a. Adopt, implement, and update a water-based tourism development strategy;
   b. Provide assistance to developers with requirements for tourism development, as deemed necessary by the Commission;
   c. Conduct feasibility studies to determine the nature and placement of tourism developments for maximum economic impact;
   d. Identify sites for tourism development; and
   e. Carry out other activities to develop and promote water-based tourism;

(3) Coordinate activities with and enter into contracts with any nonprofit corporation created to assist the Commission in carrying out its powers and duties; and

(4) Report to the General Assembly by March 31 each year on the work of the Commission.

(g) The Governor shall appoint and set the salary of a Director of Economic Development who shall coordinate the Commission's activities with regard to the economic development program. The Governor shall appoint and set the salary of a Director of Tourism who shall coordinate the Commission's activities with regard to the tourism program.

Within the limits of funds available, the Commission may hire and fix the compensation of any other personnel necessary to its operations, contract with consultants for any services as it may require, and contract with the State of North Carolina or the federal government, or any agency or department thereof, for any services as may be provided by those agencies. The Commission may carry out the provisions of any contracts as it may enter.

Within the limits of funds available, the Commission may lease, rent, or purchase, or otherwise obtain suitable quarters and office space for its staff, and may lease, rent, or purchase necessary furniture, fixtures, and other equipment.

(h) Members of the Commission who are State employees shall receive travel expenses as provided in G.S. 138-6. Other Commission members shall receive per diem and travel expenses as provided in G.S. 138-5. Members of the advisory boards who are State employees shall receive travel expenses as provided in G.S. 138-6 for participating in meetings and other official activities authorized by the Commission. Other members of the advisory boards shall receive per diem and travel expenses as provided in G.S. 138-5 for participating in meetings and other official activities authorized by the Commission."

(b) G.S. 120-123 is amended by adding a new subdivision to read:

"(60) The Northeastern North Carolina Regional Economic Development Commission, as established by G.S. 158-8.2."

(c) Of the funds appropriated in this act from the General Fund to the Department of Commerce, the sum of six hundred thousand dollars ($600,000) for the 1993-94 fiscal year and the sum of one million two hundred fifty thousand dollars ($1,250,000) for the 1994-95 fiscal year shall be allocated to the Northeastern North Carolina Regional Economic Development Commission for the activities of the Commission. These funds shall not revert at the end of each fiscal year.

Requested by: Representatives DeVane, H. Hunter, Bowman,
Senators Martin of Pitt, Cochrane

SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

Sec. 309.2. (a) Chapter 158 of the General Statutes is amended by adding a new section to read:

"**§ 158-8.3. Creation of Southeastern North Carolina Regional Economic Development Commission.**

(a) There is created the Southeastern North Carolina Regional Economic Development Commission to serve Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland Counties. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce.

(b) The Commission shall consist of 15 members appointed as follows:

(1) Three members shall be appointed by the Governor;

(2) Two members shall be appointed by the Lieutenant Governor;

(3) Five members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121;

(4) Five members shall be appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate in accordance with G.S. 120-121; and

(c) The appointing authority shall designate two of the initial appointees pursuant to subsection (b)(1) of this section, one of the initial appointees pursuant to subsection (b)(2) of this section, two of the initial appointees pursuant to subsection (b)(3) of this section, and two of the initial appointees pursuant to subsection (b)(4) of this section to serve for terms ending June 30, 1995; the remainder of the initial appointees shall serve for terms ending June 30, 1997. Their successors shall serve for four-year terms ending on June 30 quadrennially thereafter.

Any appointment to fill a vacancy on the Commission shall be for the balance of the unexpired term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.

(d) Members of the Commission who are State employees shall receive travel expenses as provided in G.S. 138-6. Other Commission members shall receive per diem and travel expenses as provided in G.S. 138-5.

(e) In addition to the powers and duties granted to economic development commissions in this Article, the Southeastern North Carolina Regional Economic Development Commission shall:

(1) Survey southeastern North Carolina and determine the assets, liabilities, and resources that the region contributes to the economic development process;

(2) Develop and evaluate alternatives for southeastern North Carolina economic development;

(3) Develop a preferred economic development plan for the region and establish strategies for implementing the plan;

(4) Coordinate activities with and enter into contracts with any nonprofit corporation created to assist the Commission in carrying out its powers and duties; and

(5) Report to the General Assembly by March 31 each year on the work of the Commission."

(b) Of the funds appropriated in this act from the General Fund to the Department of Commerce, the sum of six hundred thousand dollars ($600,000) for the 1993-94 fiscal year and the sum of one million two hundred fifty thousand dollars ($1,250,000) for the 1994-95 fiscal year shall be allocated to the Southeastern North Carolina Regional Economic Development Commission for the activities of the Commission. These funds shall not revert at the end of each fiscal year.

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

ECONOMIC DEVELOPMENT FUNDS

Sec. 310. (a) Of the funds appropriated in this act to the Department of Commerce, three hundred thousand dollars ($300,000) for the 1993-94 fiscal year shall be allocated for the Land Loss Prevention Project, Inc., to provide free legal representation to low-income financially distressed small farmers. The Land Loss Prevention Project, Inc., shall not use these funds to represent farmers who have income and assets that would make them financially ineligible for legal services pursuant to Title 45, Part 1611 of the Code of Federal Regulations. The Land Loss Prevention Project, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(b) Of the funds appropriated in this act to the Department of Commerce, two hundred fifty thousand dollars ($250,000) for the 1993-94 fiscal year shall be allocated for the North Carolina Coalition of Farm and Rural Families, Inc., for its Small Farm Economic Development Project. These funds shall be used to foster economic development within the State's rural farm communities by offering financial, marketing, and technical assistance to small and limited resource farmers. The North Carolina Coalition of Farm and Rural Families, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(c) Of the funds appropriated in this act to the Department of Commerce, two hundred thousand dollars ($200,000) for the 1993-94 fiscal year shall be allocated to the North Carolina Institute for Minority Economic Development, Inc., to foster minority economic development within the State through policy analysis, information and technical assistance, and resource expansion. The North Carolina Institute for Minority Economic Development, Inc., shall research and identify key issues affecting the economic well-being of the State's ethnic minority community and issue annual reports with appropriate recommendations; provide information and technical assistance to organizations with minority economic development-based projects in common areas of

need and interests; develop a resource bank of data and information; facilitate training in appropriate areas of need; and provide technical assistance to minority construction contractors. The North Carolina Institute for Minority Economic Development, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

Requested by: Representatives Bowman, DeVane, H. Hunter,
Senators Martin of Pitt, Cochrane

TECHNOLOGY EXTENSION PROJECT DEVELOPMENT

Sec. 311. In developing the Technology Extension Project for which funds have been appropriated in this act to the Department of Commerce, the Department shall seek input from and coordinate with existing small business assistance programs. Small business assistance programs with whom the Department shall coordinate shall include, but not be limited to, business assistance programs in the Department of Community Colleges and the State University System, and business incubator programs.

Requested by: Senators Perdue, Martin of Pitt, Cochrane,
Representatives Bowman, DeVane, H. Hunter

ECONOMIC DEVELOPMENT BOARD/PLAN

Sec. 313. (a) G.S. 143B-434 reads as rewritten:

"§ 143B-434. Economic Development Board — creation, duties, membership.

(a) Creation and Duties. — There is created within the Department of Commerce an Economic Development Board. ~~The Board shall advise the Secretary of Commerce on:~~ The Board shall have the following duties:

(1) To provide economic and community development planning for the State.

(2) To recommend economic development policy to the Secretary of Commerce, the General Assembly, and the Governor. The recommendations may cover the following issues as well as any other economic development policy issues:

a. Use of tax abatements and other incentives to motivate economic development.

b. Definition of which specific activities and programs should be considered economic development activities and programs for the purpose of receiving State appropriations.

c. The role of institutions of higher education in economic development.

d. The use of State funds to leverage private nonprofit economic development initiatives.

e. The linkage of workforce preparedness activities and initiatives, and economic development planning.

(3) To recommend annually to the Governor biennial and annual appropriations for economic development programs.

(4) To develop and update annually a comprehensive strategic economic development plan, as provided in G.S. 143B-434.1.

~~(1) The formulation of a program for the economic development of the State of North Carolina; and~~

~~(2) The formulation of a budget and the hiring of the head of each division of the Department of Commerce concerned with the expansion of the travel and tourism industry.~~

~~The Secretary shall prepare the budget of the Department and shall hire the heads of the above-mentioned divisions who shall serve at his pleasure.~~ The Board shall meet at least quarterly at the call of its ~~chairman~~ chair or the Secretary. Each quarter the Secretary shall report to the Board on the program and progress of this State's economic development.

(b) Membership. — The Economic Development Board shall consist of ~~26~~ 36 members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. Four members of the House of Representatives appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, four members of the Senate appointed by the General Assembly upon the recommendation of the President *Pro Tempore* of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the Lieutenant Governor, shall serve as members of the Board. The Governor shall appoint the remaining 23 members of the Board, provided that effective with the terms beginning July 1, 1997, one of those appointees shall be a representative of a nonprofit organization involved in economic development and two of those appointees shall be county economic development representatives. The Governor shall designate a chair and a vice-chair from among the members of the Board. Appointments to the Board made by the Governor for terms beginning July 1, 1997, and appointments to the Board made by the General Assembly for terms beginning July 1, 1993, should reflect the ethnic and gender diversity of the State as nearly as practical.

~~The Secretary of Commerce, the President of the Senate or his appointee, and the Speaker of the House of Representatives or his appointee, shall be members of the Board. The Governor shall appoint 23 members of the Board. Of his appointees, the Governor shall appoint at least one member residing in each congressional district of the State.~~

~~The initial appointments by the Governor shall be made on or after the date of ratification, 11 terms to expire July 1, 1979, and 11 terms to expire on July 1, 1981. Thereafter, at the expiration of each stipulated term of office all appointments made by the Governor shall be for a term of four years. The initial term of the person appointed to represent the 12th Congressional District shall commence January 3, 1993, and expire June 30, 1995. Any vacancy occurring in the membership of the Economic Development Board appointed by the Governor shall be filled by the Governor for the unexpired term. The Governor shall have the authority to remove any member of the Economic Development Board appointed by the Governor.~~

~~The Governor shall designate from among the members of the Economic Development Board a chairman and a vice-chairman. The Secretary of Commerce or his designee shall serve as Secretary of the Economic Development Board. If a vacancy occurs in the office of the Lieutenant Governor, the President pro tempore shall fill the vacancy. If a vacancy occurs in the office of the Speaker of the House of Representatives, the Speaker pro tempore shall fill the vacancy.~~

The initial appointments to the Board shall be for terms beginning on the date of ratification of the Current Operations Appropriations Act of 1993. Of the initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial appointments made by the General Assembly, two terms made upon the recommendation of the Speaker of the House of Representatives and two terms made upon the recommendation of the President *Pro Tempore* of the Senate shall be designated to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term of four years.

The Governor shall make a replacement appointment to serve for the unexpired term in the case of a vacancy, provided that a vacancy in a term appointed by the General Assembly shall be filled in accordance with G.S. 120-122.

The members of the Economic Development Board ~~appointed by the Governor~~ shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and agencies generally pursuant to G.S. 138-5 and 138-6, as the case may ~~be; provided, however, that the chairman of the Economic Development Board and the Lieutenant Governor shall not be entitled to receive per diem in addition to salary.~~ be. The members of the Economic Development Board who are members of the General

Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1.

(c) Advice and Staff. — The Secretaries of Administration, State, and Transportation, the Commissioners of Agriculture and Labor, and the State Treasurer, or their designees, shall advise the Board on economic development activities within the responsibility of their respective departments. Clerical and professional staff support to the Economic Development Board shall be provided by an Interagency Economic Development Group composed of representatives of the following State agencies:

(1) The Department of Administration.
(2) The Department of Agriculture.
(3) The Employment Security Commission.
(4) The Department of Labor.
(5) The Department of Transportation.

The Department of Commerce shall have the responsibility for coordinating the activities and efforts of the Interagency Economic Development Group.

~~(b) All clerical and other services required by the Economic Development Board shall be supplied by the Secretary of Commerce.~~

~~(c) It shall be the duty of the chairman of the Economic Development Board:~~

~~(1) To organize the work of the Economic Development Board into committees with respect to the divisions of the Department of Commerce concerned with the expansion of existing industry, the recruitment of new industry and the expansion of the travel and tourism industries and~~

~~(2) To assign responsibilities to each committee.~~"

(b) G.S. 143B-433(a) reads as rewritten:

"(a)(1) The North Carolina Alcoholic Beverage Control Commission,
(2) The North Carolina Utilities Commission,
(3) The Employment Security Commission,
(4) The North Carolina Industrial Commission,
(5) State Banking Commission,
(6) Savings and Loan Association Division,
(7) The State Savings Institutions Commission,
(8) Credit Union Commission,
(9) The North Carolina Milk Commission,
(10) The North Carolina Mutual Burial Association Commission,
(11) North Carolina Cemetery Commission,
(12) The North Carolina Rural Electrification Authority,
(13) Repealed by Session Laws 1985, c. 757, s. 179(d),
(14) North Carolina Science and Technology Research Center,
(15) The North Carolina State Ports Authority,
(16) North Carolina National Park, Parkway and Forests Development Board,
(17) Economic Development Board,
(18) Labor Force Development Board,
(19) Energy Policy Board,
(20) Energy Division,
(21) Navigation and Pilotage Commissions established by Chapter 76 of the General ~~Statutes,~~ Statutes.

~~(22) The North Carolina Technological Development Authority.~~"

(c) Part 2 of Article 10 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-434.1. Comprehensive Strategic Economic Development Plan.

(a) Definitions. — The following definitions apply in this section:

(1) Board. — The Economic Development Board.
(2) Department. — The Department of Commerce.
(3) Economic distress. — The presence of at least one trend indicator or at least one status indicator:

a. Trend indicators:
1. Weighted average age of industrial plants exceeding statewide average age.
2. Loss of population over the most recent three- to five-year period.
3. Below average job growth over the most recent three- to five-year period.
4. Outmigration over the most recent three- to five-year period.
5. Decline in real wages over the most recent three- to five-year period.
6. Above average rate of business failures over the most recent three- to five-year period.

b. Status indicators:
1. Per capita income below the State average.
2. Earnings or wages per job below the State average.
3. Unemployment above the State average.
4. Poverty rate above the State average.
5. Below average fiscal capacity.

(4) Plan. — The Comprehensive Strategic Economic Development Plan.

(5) Region. — One of the major geographic regions of the State defined in the Plan as an economic region based on compatible economic development factors.

(b) Board to Prepare Plan. — The Board shall prepare the Plan by April 1, 1994. The Board shall review and update this Plan by April 1 of each year. The original Plan shall cover a period of four years and each annual update shall extend the time frame by one year so that a four-year plan is always in effect. The Board shall provide copies of the Plan and each annual update to the Governor and the Joint Legislative Commission on Governmental Operations. The Plan shall encompass all of the components set out in this section.

(c) Purpose. — The purpose of this section is to require the Board to apply strategic planning principles to its economic development efforts. This requirement is expected to result in:

(1) The selection of a set of priority development objectives that recognizes the increasingly competitive economic environment and addresses the changing needs of the State in a more comprehensive manner.

(2) The effective utilization of available and limited resources.

(3) A commitment to achieve priority objectives and to sustain the process.

(d) Public and Private Input. — At each stage as it develops and updates the Plan, the Board shall solicit input from all parties involved in economic development in North Carolina, including:

(1) Each of the programs and organizations that, for State budget purposes, identifies economic development as one of its global goals.

(2) Local economic development departments and regional economic development organizations.

(3) The Board of Governors of The University of North Carolina.

The Board shall also hold hearings in each of the Regions to solicit public input on economic development before the initial Plan is completed. The purposes of the public hearings are to:

(1) Assess the strengths and weaknesses of recent regional economic performance.

(2) Examine the status and competitive position of the regional resource base.

(3) Identify and seek input on issues that are key to improving the economic well-being of the Region.

The Board shall hold additional hearings from time to time to solicit public input regarding economic development activities.

Each component of the Plan shall be based on this broad input and, to the extent possible, upon a consensus among all affected parties. The Board shall coordinate its planning process with any State capital development planning efforts affecting State infrastructure such as roads and water and sewer facilities.

(e) Environmental Scan. — The first step in developing the Plan shall be to develop an environmental scan based on the input from economic development parties and the public and on information about the economic environment in North Carolina. To prepare the scan, the Board shall gather the following information. Thereafter, the information shall be updated periodically.

(1) Compilation of the latest economic and demographic data on North Carolina by State, Region, and county including population, population projections, employment, and employment projections, income and earnings status and outlook, migration and commuting patterns, unemployment, poverty, and other similar data.

(2) Compilation of the latest data on the strength of the business environment by State, Region, and county with emphasis on the dynamics of job creation: start-ups, expansions, locations, contractions, and failures. Special assessments are to be made of rural, small, and minority business components of overall activity.

(3) Compilation of the latest data on labor compensation, construction costs, utility rates, payroll costs, taxes, and other cost data normally considered by manufacturing firms and new businesses and shall be tabulated by State, Region, and county.

(4) Compilation of data on assets within the State and by Region and county to include the following:

a. Available buildings, bona fide industrial parks, and sites.

b. Characteristics of the available labor force (number, demographic attributes, skill levels, etc.).

c. Special labor situations, such as military base discharges and large plant closings.

d. Available infrastructure capacities by county and Region including water, sewer, electrical, natural gas, telecommunication, highway access, and other pertinent services.

e. The fiscal capacity of counties and localities within counties to support the infrastructure development necessary to participate in the development process.

f. Analyses of assimilative capacity of riverine, estuarine, or ocean outfalls, or other environmental cost considerations.

g. Proximity analyses of counties in close alignment with major urban areas in bordering states.

h. Special educational and research capabilities.

i. Special transportation situations such as major airports, ports, and railyards.

j. Available data on the performance, contribution, and impact each economic sector (including, but not limited to, agriculture, finance, manufacturing, public utilities, trade, services, tourism, and government) is having on individual counties, Regions, and the State.

k. Available tourist and service assets.

l. Analyses of seasonal population and absentee ownership in resort and tourism areas and their impact on the delivery of public services.

m. Cost and availability of natural gas and electricity.

(5) Compilation and analyses of data on economic and industrial changes in competitor states by Region, as applicable. This data shall be entered into a database and kept current. It shall include, specifically, all new plant

location information such as origin of the plant, Standard Industrial Classification Code, employment, and investment.

(6) Compilation of cost data, policies, and strategies in competitive Southeastern states as well as other United States regions and foreign countries.

(7) Compilation of incentives and special programs being offered by other states.

(8) Compilation and analyses of other data relating to economic development such as regulatory or legal matters, structural problems, and social considerations, e.g. unemployment, underemployment, poverty, support services, equity concerns, etc.

(9) The cost of doing business in North Carolina and other competing states, as it may affect decisions by firms to locate in this State.

(10) Competitive assets within the State and by Region and county, including infrastructure, tourist assets, natural resources, labor, educational and research resources, and transportation.

(11) Other information relating to economic development such as regulatory or legal matters and social considerations.

(f) Needs Assessment. — The Board, using data from the public input sessions and the environmental scan, shall prepare an assessment of economic development strengths, weaknesses, threats, and opportunities within the State by Region and by county. An assessment shall also be conducted of each county to determine distressed areas existing within the county. The assessment will include the identification of key development issues within each geographic area and options available to address each issue.

(g) Vision and Mission Statements. — The Board shall develop a vision statement for economic development that would describe the preferred future for North Carolina and what North Carolina would be like if all economic development efforts were successful. The Board shall then develop a mission statement that outlines the basic purpose of each of North Carolina's economic development programs. Because special purpose nonprofit organizations are uniquely situated to conduct the entrepreneurial and high-risk activity of investing in and supporting new business creation in the State, they should be assigned a dominant role in this key component of economic development activity.

(h) Goals and Objectives. — The Board using data from the public input and the environmental scan, shall formulate a list of goals and objectives. Goals shall be long-range, four years or more, and shall address both needs of economically distressed Regions and counties as well as opportunities for Regions and counties not distressed. The goals shall be developed with realism but should also be selected so as to encourage every Region and county within the State to develop to its maximum potential. Objectives shall be one year or less in scope and shall, if achieved, lead to the realization of the goals formulated by the Board as provided in this section.

Both goals and objectives should be stated largely in economic terms, that is, they should be related to specific population, employment, demographic targets, or economic sector targets. Both efficiency and equity considerations are to be addressed and balanced with special emphasis placed on the needs of disadvantaged or economically distressed populations and communities. The goals and objectives should not state how the economic targets are to be reached, but rather what the economic conditions will be if they are obtained. So that the progress of North Carolina's economic development efforts can be monitored, the Board shall set objectives for each goal that allow measurement of progress toward the goal. Objectives should be quantifiable and time-specific in order to serve as performance indicators.

(i) Formulation of Economic Development Strategy. — The Plan shall have as its action component a strategy set forth in a blueprint for directing resources of time and dollars toward the satisfaction of the goals and objectives stated in subsection (h) of this section. As a practical consequence of the economic environment, a focus on the competitiveness of indigenous industries and entrepreneurial development is required.

The Plan shall include a strategy for the coordination of initiatives and activities for workforce preparedness, funded by federal or State sources, including, but not limited to, vocational education, applied technology education, remedial education, and job training, and the achievement of the economic development goals of the Plan. A balance of opportunity between rural and urban regions and between majority and minority populations should be an overriding consideration. Equity of opportunity for counties and communities across the State will involve the explicit consideration of local fiscal capacity and the fiscal ability to support development activities.

The concept of differentiation should be employed. The Plan should recognize the various strengths and weaknesses of the State and its component regions, subregions, and, in some cases, individual counties. The concept of market segmentation should be employed. Different Regions and subregions of the State should be promoted to different markets.

(j) Implementation Plan. — Based upon all of the foregoing steps, the Board shall establish an implementation plan assigning to the appropriate parties specific responsibilities for meeting measurable objectives. The implementation plan shall contain all necessary elements so that it may be used as a means to monitor performance, guide appropriations, and evaluate the outcomes of the parties involved in economic development in the State.

(k) Annual Report. — The Plan shall contain a section devoted to measuring results, to be called 'An Annual Report on Economic Development for the State of North Carolina'. The Annual Report shall contain a comparison of actual results with stated goals and objectives and significant and meaningful statistics to allow policymakers to adjust strategy and tactics as necessary to achieve the formulated goals.

The Annual Report shall break down data by Regions and counties including:

(1) The net job change (expansions minus contractions) by the various economic sectors of the county, Region, and State.

(2) Realized capital investment in plants and equipment by new and expanding industry in each county, Region, and State.

(3) Manufacturing changes by county, Region, and State that affect the value of firms, total payrolls, average wages, value of shipments, contributions to gross State product, and value added.

(4) The net change in the number of firms by county, Region, and State with statistics on the dynamics of change: relocations in versus relocations out; births versus deaths; and expansions versus contractions.

(5) A measure of the status and performance of all sectors of the county, Region, and State economy including, but not limited to, manufacturing, agriculture, trade, finance, communications, transportation, utilities, services, and travel and tourism.

(6) An assessment of the relative status and performance of rural business development as opposed to that in urban areas.

(7) An analysis of the status of minority-owned businesses throughout the State.

(8) An assessment of the development capability of the various Regions of the State in terms of their environmental, fiscal, and administrative capacity. Those areas that are handicapped by barriers to development should be highlighted.

(9) An evaluation of the State's economic performance as indicated by the above statistics with the goals and objectives outlined in the Plan.

(l) Accountability. — The Board shall make all data, plans, and reports available to the General Assembly and the Joint Legislative Commission on Governmental Operations at appropriate times and upon request. The Board shall prepare and make available on an annual basis public reports on each of the major sections of the Plan and the Annual Report indicating the degree of success in attaining each development objective."

(d) The Department of Commerce shall establish a planning unit within its executive offices to support the Economic Development Board's ongoing role in economic and community development planning. The unit should consist of two professional staff plus necessary support staff. The planning unit shall assist the Board in coordinating the planning process, monitoring and updating the plan, and collecting and analyzing the data necessary for planning.

(e) Part 2 of Article 10 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-437C. Allocation of economic development responsibilities.

The Economic Development Board created in G.S. 143B-434 shall coordinate economic development efforts among the various agencies and entities, including those created by executive order of the Governor, that receive economic development appropriations and the Board shall recommend to the Governor and to the General Assembly the assignment of key responsibilities for different aspects of economic development. The Board shall recommend to the Governor and to the General Assembly resource allocation and planning designed to encourage each agency to focus on its area of primary responsibility and not diffuse its resources by conducting activities assigned to other agencies."

(f) The terms of all current members of the Economic Development Board shall expire on the date of ratification of this act.

Requested by: Representatives Nesbitt, Bowman, DeVane, H. Hunter, Senators Martin of Pitt, Cochrane

FIVE-YEAR ECONOMIC DEVELOPMENT PLANS

Sec. 314. The Department of Commerce shall develop five-year plans for the economic development of the far-western, northwestern, northeastern, and southeastern regions of the State and a five-year plan for the economic development of the various minority communities across the State. The Department shall also develop plans for each of these four regions of the State and a plan for the various minority communities that assumes that twenty-five million dollars ($25,000,000) is available for expenditure over a five-year period for each of the four regions and for the various minority communities.

The Department shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division prior to March 1, 1994, on the plan it develops.

Requested by: Senators Perdue, Martin of Pitt, Cochrane, Representatives Bowman, DeVane, H. Hunter

STUDY STATE PORTS STATUS AS SEPARATE AGENCY

Sec. 314.1. The Economic Development Board of the Department of Commerce shall study the North Carolina State Ports Authority's status as a State agency. The study shall include the appropriateness of the Authority's current status and recommendations on the future status of the Authority. The Board shall report the results of its study to the Joint Legislative Commission on Governmental Operations not later than April 1, 1994.

Requested by: Senators Perdue, Martin of Pitt, Cochrane, Representatives Bowman, DeVane, H. Hunter

STUDY CONTINUED NECESSITY FOR PORTS RAILWAY COMMISSION

Sec. 314.2. The Economic Development Board of the Department of Commerce shall study whether the North Carolina Ports Railway Commission provides a necessary service to the State and thus should be continued or abolished. The Board shall report the results of its study to the Joint Legislative Commission on Governmental Operations not later than April 1, 1994.

Requested by: Representatives Bowman, DeVane, H. Hunter,
Senators Martin of Pitt, Cochrane

INDUSTRIAL RECRUITMENT COMPETITIVE FUND

Sec. 314.3. Of the funds appropriated in this act to the Department of Commerce, the sum of five million dollars ($5,000,000) for the 1993-94 fiscal year shall be used to establish within the Department of Commerce the Industrial Recruitment Competitive Fund. The purpose of the Fund is to provide financial assistance to those businesses or industries deemed by the Governor to be vital to a healthy and growing State economy and that are making significant efforts to establish or expand in North Carolina. Monies allocated from the Fund shall be used for the following purposes:

(1) Installation or purchase of equipment;
(2) Structural repairs, improvements, or renovations of existing buildings to be used for expansion; and
(3) Construction of or improvements to new or existing water, sewer, gas, or electric utility distribution lines or equipment for existing buildings.

Monies may also be used for construction of or improvements to new or existing water, sewer, gas, or electric utility distribution lines or equipment to serve new or proposed industrial buildings used for manufacturing and industrial operations. The Governor may adopt guidelines and procedures for the commitment of monies from the Fund. Beginning November 1, 1993, the Governor shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the Legislative Services Office on the commitment, allocation, and use of monies from the Fund.

PART 27. DEPARTMENT OF LABOR

Requested by: Senator Martin of Pitt, Representatives Bowman, DeVane

OSHA POSITIONS

Sec. 315. (a) The Department of Labor may use funds appropriated to the Department of Labor for the Occupational Safety and Health Act of North Carolina (SHANC) program to fully fund enforcement personnel in the Compliance Bureau of the OSHANC program, provided the Department of Labor certifies to the Office of State Budget and Management that no federal match is available for the 1993-94 fiscal year and for the 1994-95 fiscal year.

(b) If federal Occupational Safety and Health Administration funds are granted to match all or part of the funds for enforcement positions and support that are one hundred percent (100%) State-funded, then State funds equivalent to the federal match shall revert to the General Fund at the end of the fiscal year for which the federal match was received.

PART 27A. EFFECTING OF ACTS CONTINGENT ON FUNDING BY THIS ACT

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

RECOMMENDATIONS OF THE EDUCATIONAL LEADERSHIP TASK FORCE AND THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE CONCERNING SCHOOL ADMINISTRATOR PROGRAMS AT THE CONSTITUENT UNIVERSITY OF NORTH CAROLINA INSTITUTIONS

Sec. 317. Section 8 of Chapter 199 of the 1993 Session Laws reads as rewritten:

"Sec. 8. ~~Sections 5 and 7 of this act shall not become effective unless sufficient funds are appropriated for this purpose.~~ Nothing in this act shall require the General Assembly to appropriate any funds to implement it."

PART 28. MISCELLANEOUS PROVISIONS

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

EFFECT OF HEADINGS

Sec. 318. The headings to the Parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

EXECUTIVE BUDGET ACT REFERENCE

Sec. 319. The provisions of the Executive Budget Act, Chapter 143, Article 1 of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

COMMITTEE REPORT

Sec. 320. (a) The Senate and House Conference Report Base Budget Reductions and Expansion Budget and the Joint Appropriations Committee Senate/House Base and Expansion Budget Conference Report, dated July 8, 1993, which was distributed in the House of Representatives and in the Senate and used to explain this act, shall indicate action by the General Assembly on this act and shall therefore be used to construe this act, as provided in G.S. 143-15 of the Executive Budget Act, and for these purposes shall be considered a part of this act.

(b) The budget enacted by the General Assembly for the maintenance of the various departments, institutions, and other spending agencies of the State for the 1993-95 fiscal biennium is a line item budget, in accordance with the Budget Code Structure and the State Accounting System Uniform Chart of Accounts set out in the Administrative Policies and Procedures Manual of the Office of the State Controller. This budget includes the appropriations made from all sources including the General Fund, Highway Fund, special funds, cash balances, federal receipts, and departmental receipts.

The General Assembly amended the itemized budget requests submitted to the General Assembly by the Director of the Budget and the Advisory Budget Commission, in accordance with the steps that follow and the line item detail in the budget enacted by the General Assembly may be derived accordingly:

(1) Negative reserves set out in the submitted budget were deleted and the totals were increased accordingly.

(2) The base budget was adjusted in accordance with the base budget cuts and additions that were set out in the Senate and House Conference Report Base Budget Reductions and Expansion Budget and the Joint Appropriations Committee Senate/House Base and Expansion Budget Conference Report, dated July 8, 1993.

(3) The expansion budget items were added in accordance with the Senate and House Conference Report Base Budget Reductions and Expansion Budget and the Joint Appropriations Committee Senate/House Base and Expansion Budget Conference Report, dated July 8, 1993, and the accompanying correction sheets. Some of those expansion budget items were in the budget submitted to the General Assembly by the Director of the Budget and the Advisory Budget Commission.

Expansion budget items that were funded from new receipts are included in the budget enacted by the General Assembly with program-level detail.

(4) Transfers of funds supporting programs were made in accordance with the Senate and House Conference Report Base Budget Reductions and Expansion Budget and the Joint Appropriations Committee Senate/House Base and Expansion Budget Conference Report, dated July 8, 1993, and any accompanying correction sheets.

The budget enacted by the General Assembly shall also be interpreted in accordance with the special provisions in this act and in accordance with other appropriate legislation.

In the event that there is a conflict between the line item budget certified by the Director of the Budget and the budget enacted by the General Assembly, the budget enacted by the General Assembly shall prevail.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

MOST TEXT APPLIES ONLY TO 1993-95

Sec. 321. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1993-95 biennium, the textual provisions of this act shall apply only to funds appropriated for and activities occurring during the 1993-95 biennium.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

SEVERABILITY CLAUSE

Sec. 322. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of the act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Requested by: Senators Daniel, Plyler, Representatives Nesbitt, Diamont

EFFECTIVE DATE

Sec. 323. Except as otherwise provided, this act becomes effective July 1, 1993.

Pursuant to Sec. 320, see Addendum for the text of the Senate and House Conference Report Base Budget Reductions and Expansion Budget and the Joint Appropriations Committee Senate/House Base and Expansion Budget Conference Report dated July 8, 1993.

On motion of Senator Daniel, the Conference Report is adopted (39-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 1094, a bill to clarify the law relating to the conditional delivery of motor vehicles and to provide for insurance coverage for vehicles added to existing policies on nonbusiness days.

The bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 467 (Senate Committee Substitute), a bill to provide that each register of deeds is entitled to a second deputy or assistant deputy without being required to provide the county commissioners with a justification, as amended, upon third reading.

Senator Ballance offers Amendment No. 3 which is adopted (21-15).

Senator Odom offers a motion that the vote by which Amendment No. 3 was adopted be reconsidered, which motion prevails (21-19), and the question becomes the adoption of Amendment No. 3. Amendment No. 3 is subsequently adopted (23-17).

Senator Hyde offers a motion that the Senate Committee Substitute bill, as amended, do lie upon the table, seconded by Senator Ballance, which motion prevails. The Senate Committee Substitute bill lies upon the table.

H.B. 787 (Committee Substitute), a bill to authorize the Department of Environment, Health, and Natural Resources to deny a permit for a sanitary landfill or a solid waste incinerator to an applicant that has not submitted an approved solid waste management plan, as amended, upon third reading.

On motion of Senator Cochrane, further consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, July 13.

H.B. 957 (Senate Committee Substitute), a bill to regulate smoking in public places and to establish standards for local governments electing to regulate smoking, as amended, placed earlier today on the Calendar for Monday, July 12.

Senator Ballance withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Monday, July 12, and placed before the Senate for further consideration, upon its third reading.

Senator Sands offers Amendment No. 3 which is adopted (38-2).

Senator Winner of Mecklenburg offers Amendment No. 4 which amends Amendments No. 1 and No. 3. Senator Ballance calls the previous question, seconded by Senator Sands. The call is sustained (33-6). Amendment No. 4 fails of adoption (10-29).

The Senate Committee Substitute bill, as amended, passes its third reading (24-15) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

RECALL FROM COMMITTEE

S.B. 1196, a bill to appropriate funds for economic development in Kinston, referred to the **Appropriations Committee** on May 26.

Senator Plyler offers a motion the bill be recalled from the **Appropriations Committee** and re-referred to the **Capital Expenditures and Improvements Committee**, which motions prevail.

The Chair recalls the bill from the **Appropriations Committee** and re-refers the bill to the **Capital Expenditures and Improvements Committee.**

S.B. 835, a bill to study minority and women-owned business participation in the State's overall procurement, contract, and construction programs, referred to the **Appropriations Committee** on June 20.

Senator Plyler offers a motion the bill be recalled from the **Appropriations Committee** and re-referred to the **Capital Expenditures and Improvements Committee**, which motions prevail.

The Chair recalls the bill from the **Appropriations Committee** and re-referrs the bill to the **Capital Expenditures and Improvements Committee.**

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, duly ratified and sent to the Office of the Secretary of State:

H.B. 1355 (Committee Substitute), an act to establish the percentage rates for the public utility regulatory fee and the insurance regulatory charge, to increase amusement device inspection fees, to increase elevator fees, and to remove the sunset on the Motorcycle Safety Education Program. (Ch. 320)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 27
(House Committee Substitute)

House of Representatives
July 9, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute **SB 27**, A BILL TO BE ENTITLED AN ACT TO MAKE CONTINUATION AND EXPANSION BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Senate having adopted the Conference Report earlier today, the Chair orders the House Committee Substitute bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 152 (Committee Substitute), a bill to modify the Banner Elk room occupancy tax.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 27 (House Committee Substitute), an act to make continuation and expansion budget appropriations for current operations of State departments, institutions, and agencies, and for other purposes. (Ch. 321)

H.B. 31 (Committee Substitute), an act to modify the annual rental charged for water column leases. (Ch. 322)

H.B. 547 (Committee Substitute), an act to clarify that the North Carolina Seafood Industrial Park Authority may charge fees for its services or for the use of its facilities. (Ch. 323)

H.B. 625 (Senate Committee Substitute), an act to amend the law regarding the definition of neglected juvenile. (Ch. 324)

H.B. 898, an act to allow the Town of Cary to levy a motor vehicle tax of up to ten dollars. (Ch. 325)

H.B. 924 (Committee Substitute), an act to provide for the certification of local government property mappers. (Ch. 326)

H.B. 1009 (Senate Committee Substitute), an act to require school principals to report certain acts occurring on school property to law enforcement. (Ch. 327)

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Gunter, the Senate adjourns at 12:52 P.M., to meet Monday, July 12, at 7:00 P.M.

NINETY-SEVENTH DAY

SENATE CHAMBER,
Monday, July 12, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, when the question arises, what do we want, let our clear and resounding answer be, we want to serve. We want to serve You in the persons of our less fortunate brothers and sisters of this world.

"We serve neither for reward nor thanks, but out of gratitude and love. Our reward is always that we have been entrusted and are permitted to serve.

"Now satisfy us with Your Grace and Mercy, so that this day we may walk in peace. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Friday, July 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for tonight to Senator Seymour, Senator Johnson, Senator Walker, and to Senator Sherron, who is attending the Southern Legislative Conference in Mobile, Alabama.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the Office of the Secretary of State:

H.B. 1094, an act to clarify the law relating to the conditional delivery of motor vehicles and to provide for insurance coverage for vehicles added to existing policies on nonbusiness days. (Ch. 328)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 125 (House Committee Substitute), a bill to provide that a purchase money security interest continues when the underlying agreement is modified with same creditor and application of payments in a consumer credit sale is on the basis that the first payments shall be applied to the first purchase to satisfy that and other debts accordingly, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, July 13.

S.B. 493, a bill to implement a recommendation of the Child Fatality Task Force to develop joint training on child abuse and neglect investigations and criminal prosecution, for concurrence in House Amendment No. 1.

Referred to **Rules and Operation of the Senate Committee.**

S.B. 633, a bill to provide for staggered terms for members of the Parole Commission, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow, Tuesday, July 13.

S.B. 709 (House Committee Substitute), a bill to amend the Uniform Commercial Code to clarify and modify the law on layaway contracts, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, July 13.

S.B. 773 (House Committee Substitute), a bill amending the Charter of the City of Durham concerning the effective dates of ordinances annexing territory to the City and annexations by petition, and concerning annexation boundaries, for concurrence in the

House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, July 13.

S.B. 821 (Committee Substitute), a bill to amend the current procedure for the registration of water withdrawals to make the procedure more effective, to provide more useful information, and to impose a late payment fee for late registrations, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, July 13.

S.B. 822, a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public transportation, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 822** (House Committee Substitute), a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public mass transportation, which is placed on the Calendar for tomorrow, Tuesday, July 13.

S.B. 860 (House Committee Substitute), a bill to clarify the Public Records Law with respect to criminal investigative records, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary I Committee.**

S.B. 875 (House Committee Substitute), a bill to regulate interbasin transfers, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, July 13.

S.B. 892 (Committee Substitute), a bill to require that a delinquent juvenile on probation and required to attend school as a condition of probation be required to maintain a passing grade in four courses, for concurrence in House Amendments No. 1 and No 2.

Referred to **Education/Higher Education Committee.**

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

H.B. 781, a bill to permit the City of Durham to proceed with condemnation of real property when ownership is transferred, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the proposed Senate Committee Substitute bill 1199 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

With unanimous consent, Senator Winner of Buncombe offers a motion to the end the Senate Committee Substitute bill be recalled from the **Finance Committee** and placed on the Calendar for tomorrow, Tuesday, July 13, which motions prevail.

The Chair orders the measure recalled from the **Finance Committee** and placed on the Calendar for Tuesday, July 13.

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Friday, July 9, are taken up and disposed of, as follows:

S.B. 164 (House Committee Substitute), a bill to clarify that local governments have the authority to impose civil penalties for violations of the Fire Prevention Code of the State Building Code, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (35-0) and the measure is ordered enrolled.

S.B. 681, a bill to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 681** (House Committee Substitute), a bill to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court and to amend the Loan Broker Act.

On motion of Senator Harris, further consideration of the House Committee Substitute bill is postponed until Monday, July 19.

S.B. 970, a bill to provide that it is a misdemeanor to assemble for the purpose of teaching any techniques to be used for the purpose of intimidating a person because of that person's race, color, religion, nationality, or country of origin, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 970** (House Committee Substitute), a bill to provide that it is a misdemeanor to assemble for the purpose of teaching any techniques to be used for the purpose of committing a crime against a person because of that person's race, color, religion, nationality, or country of origin.

The Senate concurs in the House Committee Substitute bill (37-0), changing the title, and the measure is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of, as follows:

S.J.R. 1296, a joint resolution honoring the life and memory of Henry McMillan Tyson, former member of the General Assembly.

On motion of Senator Sands, consideration of the joint resolution is postponed until Monday, July 19.

S.B. 630, a bill to permit recipients of teaching fellows scholarship loans to repay their commitment to the State by teaching for three consecutive years in school systems located in low-wealth counties, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 630** (House Committee Substitute), a bill to permit recipients of teaching fellows scholarship loans to repay their commitment to the State by teaching for three consecutive years in school systems identified as low-performing or on warning status.

The Senate concurs in the House Committee Substitute bill (38-0), changing the title, and the measure is ordered enrolled.

S.B. 939 (Committee Substitute), a bill to clarify the right of motor vehicle dealers in North Carolina to combine franchises at a single location, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 939** (House Committee Substitute), a bill to clarify certain provisions within Article 12 of Chapter 20 of the General Statutes of North Carolina relating to the right of motor vehicle dealers to combine franchises at a single location and persons who arrange transactions involving the sale of new motor vehicles.

The Senate concurs in the House Committee Substitute bill (42-0), changing the title, and the measure is ordered enrolled.

CONFERENCE REPORT

H.B. 602

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 602**, a bill to establish the Trauma System Act of 1993, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **House Bill 602**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TRAUMA SYSTEM ACT OF 1993, wish to report as follows:

The House concurs in Senate Amendment #1, with an amendment as follows: in Senate Amendment #1 rewrite line 9 to read "private physicians, schools, or universities, except those voluntarily participating in the trauma system, to provide information". The Senate agrees to the same.

The House concurs in Senate Amendment #2.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 7th day of July, 1993.

S/A.P. Sands	S/Charles Beall
S/Fred Folger	S/Lyons Gray
S/James Richardson	S/George Miller
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Sands, the Conference Report is adopted (41-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

H.B. 101 (Senate Committee Substitute)

Senator Plexico, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 101** (Committee Substitute), a bill to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and state-assisted facilities and to the purchase, operation, and maintenance of equipment for such facilities, which proposes to change the title, upon concurrence, to read **H.B. 101** (Senate Committee Substitute), a bill to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and to the purchase, operation, and maintenance of equipment for such facilities, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **House Bill 101**, AN ACT TO EXPAND THE

CURRENT ENERGY POLICY FOR STATE GOVERNMENT TO APPLY TO THE CONSTRUCTION, OPERATION, AND RENOVATION OF STATE FACILITIES AND TO THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR SUCH FACILITIES, Fourth Edition Engrossed 4/6/93, wish to report as follows:

The House concurs in the Senate Committee Substitute, Fourth Edition Engrossed 4/6/93, and the House and Senate agree to the following amendments:

(1) On page 6, line 9, by inserting the word, "and" after the semi-colon;

(2) On page 6, line 10, by deleting the phrase "consumption; and" and by substituting "consumption.";

(3) On page 7, lines 15-30, by rewriting those lines to read:

"'§133-3. Specifications to carry competitive items; substitution of materials.

All architects, engineers, designers, or draftsmen, when ~~designing,~~ providing design services, or writing ~~specifications~~ specifications, directly or indirectly, for materials to be used in any city, county or State work, shall specify in their plans the required performance and design characteristics of such materials. However, when it is impossible or impractical to specify the required performance and design characteristics for such materials, then the architect, engineer, designer or draftsman may use a brand name specification so long as they cite ~~at least~~ three or more examples of items of equal design or ~~their~~ equivalent design, which would ~~be acceptable upon such works.~~ establish an acceptable range for items of equal or equivalent design. The specifications shall state clearly that the cited examples are used only to denote the quality standard of product desired and that they do not restrict bidders to a specific brand, make, manufacturer or specific name; that they are used only to set forth and convey to bidders the general style, type, character and quality of product desired; and that equivalent products will be acceptable. Where it is impossible to specify performance and design characteristics for such materials and impossible to cite three or more items due to the fact that there are not that many items of similar or equivalent design in competition, then as many items as are available shall be ~~specified.~~ cited. On all city, county or State works, the maximum interchangeability and compatibility of cited items shall be required. The brand of product used on a city, county or State work shall not limit competitive bidding on future works. If an architect, engineer, designer, draftsman or owner prefers a particular brand of material, then such brand shall be bid as an alternate to the base bid and in such case the base bid shall cite three or more examples of items of equal or equivalent design, which would establish an acceptable range for items of equal or equivalent design. Substitution of ~~materials~~ materials, items, or equipment of equal or equivalent design shall be submitted to the architect or engineer for approval or ~~disapproval before any such substitutions may be made.~~ disapproval; such approval or disapproval shall be made by the architect or engineer prior to the opening of bids. The purpose of this statute is to mandate and encourage free and open competition on public contracts.'"

(4) On page 7, lines 31-33, by rewriting those lines to read:

"Sec. 8. Sections 1 through 7 of this act are effective upon ratification and apply to all construction and renovation projects for State works that start the design process on or after that date. Section 7.1 of this act is effective upon ratification and applies to all construction and renovation projects for any city, county or State works that start the design process on or after that date."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 8th day of July, 1993.

July 12, 1993

S/J. Clark Plexico
S/Austin Allran
S/Roy A. Cooper, III
S/Fletcher L. Hartsell, Jr.
S/Joseph E. Johnson
S/William N. Martin
S/J. K. Sherron, Jr.

Conferees for the Senate

S/James Fred Bowman
S/Billy James Creech
S/Arlie F. Culp
S/Daniel H. Devane
S/Joe Hackney
S/Paul Luebke
S/Brad Miller

Conferees for the House of Representatives

On motion of Senator Plexico, the Conference Report is adopted (43-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

H.B. 402

Senator Cooper, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 402**, a bill to require that child support payments be continued while the child is enrolled in primary or secondary school, up to graduation or age twenty, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **House Bill 402**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT CHILD SUPPORT PAYMENTS BE CONTINUED WHILE THE CHILD IS ENROLLED IN PRIMARY OR SECONDARY SCHOOL, UP TO GRADUATION OR AGE TWENTY, Second Edition Engrossed 4/29/93, wish to report as follows:

The Senate recedes from its Amendment #1, and substitutes the following amendment:

Amend the bill on page 2, line 12, by deleting the quotation period at the end of the line. Further amend the bill on page 2, line 12, by adding the following between lines 12 and 13:

"In the case of graduation, or attaining age 20, payments shall terminate without order by the court, subject to the right of the party receiving support to show, upon motion and with notice to the opposing party, that the child has not graduated or attained the age of 20.'"

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the ____th day of June, 1993.

S/A.P. Sands
S/Roy A. Cooper, III
S/William N. Martin

Conferees for the Senate

S/Joe Hackney
S/William O. Richardson
S/David T. Flaherty, Jr.
S/Paul R. McCrary
S/Martha B. Alexander
S/Theresa H. Esposito

Conferees for the House of Representatives

On motion of Senator Cooper, the Conference Report is adopted (43-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF STATE CONTROLLER STATE OF NORTH CAROLINA

Office of the Governor
Raleigh, NC 27603-8001

July 8, 1993

The Honorable Dennis Wicker
Lieutenant Governor
State Capitol
Capitol Square
Raleigh, NC 27601

The Honorable Dan Blue
Speaker of the House
Legislative Office Building
Raleigh, NC 27601—1096

The Honorable Marc Basnight
President *Pro Tempore*
Legislative Building - Room 2007
Raleigh, NC 27601—2808

Gentlemen:

Pursuant to G.S. Section 143B-426.37(b), this letter is to submit the name of Edward Renfrow of Johnston County as State Controller. As you are aware, Fred Talton has indicated his intention to resign in the next few days.

Although there are many important items of business currently under consideration by the General Assembly, I ask that you approve Mr. Renfrow's appointment during this year's legislative session.

Thank you for your assistance.

My warmest personal regards.

Sincerely,
S/James B. Hunt, Jr.
Governor

Referred to **Rules and Operation of the Senate Committee.**

RECALL FROM COMMITTEE

S.B. 1028, a bill to appropriate funds to North Carolina Senior Citizens' Federation, Inc., for operating expenses, referred to the **Appropriations Committee** on May 4.

Senator Daniel offers a motion the bill be recalled from the **Appropriations Committee** and re-referred to the **Capital Expenditures and Improvements Committee**, which motions prevail.

The Chair recalls the bill from the **Appropriations Committee** and re-refers the bill to the **Capital Expenditures and Improvements Committee.**

The President recognizes the following pages serving in the Senate this week: Cindy Aikens, Raleigh; Caroline Austin, Raleigh; Sarah Elizabeth Baltimore, Washington; Joshua Allen Bernick, Greensboro; Katherine Boyette, Wilson; Arthur DeRon Cannady, Roseboro; Christina Lynn Causey, Archdale; Blair Chambers, Roxboro; Alison Daughtry, Asheboro; Jed Drake, New Bern; Chiara Maria Grandi, Burlington; David Hodges, Gastonia; Amanda Paige Lanier, Gastonia; Adrian Thomas Miller, Gastonia; Joseph Gilbert Moore, Jr., Raleigh; Alicia D. Nelson, Raleigh; Jennifer Phillips, Wilson; Richard B. Reeve, New Bern; Cameron Smith, Rocky Mount; Bryan Stocks, Raleigh; Tracy S. Tetterton, Bethel; and Amy Michelle Thomas, Cameron.

On motion of Senator Basnight, seconded by Senator Ward, the Senate adjourns at 7:37 P.M. to meet tomorrow, Tuesday, July 13, at 1:30 P.M.

NINETY-EIGHTH DAY

SENATE CHAMBER,
Tuesday, July 13, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. William Simpson, the Senior Minister of Edenton Street United Methodist Church, Raleigh, as follows:

"O God, Creator of our world and Creator of this beautiful State of North Carolina. We offer to You our gratitude for a place to live and work that shows forth the handiwork of the Creator. Remind us, we pray, that all we have is held in trust from You, and that as our righteous Judge we are accountable for all we do with the gifts and resources that we hold for the fleeting years.

"We pray for the leaders of this State and for this august assembly, elected and sent by the people. Never let us be tempted to the expedient and transitory, but let us instead be committed to principles above politics. Encourage us and help us to understand that when we seek to do Your Will first we will not be disappointed in what we receive from Your Hand, but if we fail You, we can never enjoy lasting blessings.

"You, O God, have promised us that the nation that serves You is the nation that is blessed. We gather to serve You in the work of law. Here we surrender the abilities, gifts and graces with which You have endowed us as individuals. By Your Presence and by Your Spirit use all we have for the good of Your people and the high ideals of America and of North Carolina. This we pray in Your Name. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Monday, July 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Seymour for medical reasons; to Senator Sherron who is attending the Southern Legislative Conference in Mobile, Alabama; to Senator Walker, and to Senator Johnson.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 164 (House Committee Substitute), an act to clarify that local governments have the authority to impose civil penalties for violations of the Fire Prevention Code of the State Building Code. (Ch. 329)

S.B. 630 (House Committee Substitute), an act to permit recipients of teaching fellows scholarship loans to repay their commitment to the State by teaching for three consecutive years in school systems identified as low-performing or on warning status. (Ch. 330)

S.B. 939 (House Committee Substitute), an act to clarify certain provisions within Article 12 of Chapter 20 of the General Statutes of North Carolina relating to the right of motor vehicle dealers to combine franchises at a single location and persons who arrange transactions involving the sale of new motor vehicles. (Ch. 331)

S.B. 970 (House Committee Substitute), an act to provide that it is a misdemeanor to assemble for the purpose of teaching any techniques to be used for the purpose of committing a crime against a person because of that person's race, color, religion, nationality, or country of origin. (Ch. 332)

H.B. 1119 (Senate Committee Substitute), an act regarding the establishment of paternity of a child by affidavit, changing the laws of evidence relating to paternity testing in civil actions, and giving priority to the trial of paternity actions. (Ch. 333)

REPORTS OF COMMITTEES

Bills and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee:**

H.B. 554, a bill to allow for certain criminal record checks of employees, applicants for employment, and volunteers in the schools of the Department of Human Resources, with a favorable report.

H.B. 814, a bill to provide that Mecklenburg County park rangers may act as special peace officers on property owned or leased by the City of Charlotte, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill A292 is placed before the Senate for immediate consideration, and on his further motion is adopted.

The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, July 14, for further consideration.

H.B. 1089 (Committee Substitute), a bill relating to the definition of pyrotechnics under Chapter 14 of the North Carolina General Statutes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill A291 is placed before the Senate for immediate consideration, and on his further motion is adopted.

The Chair orders the measure placed on the Calendar for tomorrow, Wednesday, July 14, for further consideration.

By Senator Kaplan for the **Capital Expenditures and Improvements Committee:**

H.B. 618 (Committee Substitute), a bill to remove the expiration date from the law allowing the Department of Transportation to use nonlicensed or noncertified appraisers

in the acquisition of real estate acquired by the Department when the estimated value of the real estate is less than ten thousand dollars, with a favorable report.

H.B. 1001, a bill to encourage local boards of education to renovate old school buildings instead of replacing them, with a favorable report, as amended.

By Senator Sands for the **Rules and Operation of the Senate Committee**:

S.J.R. 482, a joint resolution recognizing North Carolina as the NASCAR Stock Car Racing Capital of the World, with an unfavorable report as to Senate joint resolution, but favorable as to Committee Substitute Senate simple resolution.

On motion of Senator Sands, the rules are suspended, and the proposed Committee Substitute 9724 which changes the joint resolution to a Senate simple resolution, and which changes the title to read **S.R. 482** (Proposed Committee Substitute), a Senate simple resolution honoring the life and memory of Lindsey Guy Dewitt and recognizing North Carolina as the NASCAR Stock Car Racing Capital of the World, is placed on the Calendar for tomorrow, Wednesday, July 14, for adoption.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 162 (House Committee Substitute), a bill to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, to establish a special sports event temporary plate, and to change the fees for dealer plates and transporter plates, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 162** (House Committee Substitute), a bill to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, to establish a special sports event temporary plate, and to change the fees for dealer plates and transporter plates.

Recommitted to the **Finance Committee**.

S.B. 729 (House Committee Substitute), a bill to merge the Franklin County and Franklinton City School Administrative Units, for concurrence in the House Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

S.B. 809 (House Committee Substitute), a bill to make sundry amendments relating to local governments in Orange and Chatham Counties, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, July 14.

S.B. 1141 (House Committee Substitute), a bill to expand the tax credits for qualified business investments and to provide that the tax credits shall sunset for investments made on or after January 1, 1999, for concurrence in the House Committee Substitute bill.

Recommitted to the **Finance Committee**.

H.B. 74 (Committee Substitute), a bill to clarify the prohibition against disclosing tax information, to delete the authority of the Governor to obtain confidential tax information, to add several narrow exceptions to the prohibition to enable State agencies

to perform the duties assigned them by law, and to exclude information submitted on a master tax application from the prohibition.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 1274 (Committee Substitute), a bill to provide that the exemption from the scrap tire tax for tires sold for placement on newly manufactured vehicles shall apply uniformly regardless when the tires were sold.

Referred to **Finance Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 101
(Senate Committee Substitute)

House of Representatives
July 12, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **HB 101**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE CURRENT ENERGY POLICY FOR STATE GOVERNMENT TO APPLY TO THE CONSTRUCTION, OPERATION, AND RENOVATION OF STATE FACILITIES AND TO THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR SUCH FACILITIES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 602

House of Representatives
July 12, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **HB 602**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TRAUMA SYSTEM ACT OF 1993, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 402

House of Representatives
July 12, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **HB 402**, A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT CHILD SUPPORT PAYMENTS BE CONTINUED WHILE THE CHILD IS ENROLLED IN PRIMARY OR SECONDARY SCHOOL, UP TO GRADUATION OR AGE TWENTY, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

APPOINTMENTS BY THE GOVERNOR

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603-8001

July 12, 1993

The Honorable Marc Basnight
Senate President *Pro Tempore*
Legislative Building
Raleigh, North Carolina 27603

Dear Marc:

Pursuant to North Carolina General Statute 135-6, I hereby appoint the following individuals to the Board of Trustees of the Teachers' and State Employees' Retirement System and submit their names for confirmation by the North Carolina Senate.

Lieutenant Colonel Cecil Wilkins, State Highway Patrol, law enforcement officer position. His term will expire April 1, 1997.

Ronald E. Copley, representative of higher education, for reappointment. His term will expire June 30, 1997.

Mana Johnson, retired teacher position. Her term will expire June 30, 1997.

Charles Davis of Morganton, retired state employee position. His term will expire June 30, 1997.

Leigh Wilson, public member, to fill the vacancy created by the resignation of Representative Eugene McCombs. His term will expire April 1, 1996.

Jim Edgerton, Department of Transportation employee position, to fill the vacancy created by the resignation of Clyde Cook. His term will expire April 1, 1995.

Spillman Grice, active state employee position, to fill the vacancy created by the resignation of Donna Creech. His term will expire April 1, 1995.

Please contact my office of Boards and Commissions if you need further information on any of these individuals. Thank you for your attention to this important matter.

My warmest personal regards.

Sincerely,
S/Jim Hunt
Governor

Referred to **Pensions and Retirement Committee.**

July 13, 1993

WITHDRAWAL FROM CALENDAR

S.B. 681 (House Committee Substitute), a bill to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court and to amend the Loan Broker Act, placed by motion on the Calendar for Monday, July 19.

Senator Cooper offers a motion the House Committee Substitute bill be recalled from the Calendar for Monday, July 19, and placed on the Calendar for today, July 13, which motions prevail.

The Chair recalls the House Committee Substitute bill from the Calendar for Monday, July 19, and orders the measure placed on the Calendar for today, July 13, at the end of the regular order of business.

RECALL FROM COMMITTEE

S.B. 802 (House Committee Substitute), a bill to make technical and other changes to the employment security laws, recommitted to the **Manufacturing and Labor Committee** on July 8.

Senator Kerr offers a motion the House Committee Substitute bill be recalled from the **Manufacturing and Labor Committee** and placed on the Calendar for today, July 13, upon its passage, which motion prevails.

The Chair recalls the House Committee Substitute bill from the **Manufacturing and Labor Committee** and places the measure on the Calendar for today, July 13, at the end of the regular order of business.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 815, a bill authorizing Burke County to assist thoroughfare plan implementation, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 844 (Committee Substitute), a bill to provide that Alamance County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing.

With unanimous consent, on motion of Senator Daniel, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until Thursday, July 15.

H.B. 781 (Senate Committee Substitute), a bill to permit the City of Durham to proceed with condemnation of real property when ownership is transferred, upon third reading.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

S.B. 773 (House Committee Substitute), a bill amending the Charter of the City of Durham concerning the effective dates of ordinances annexing territory to the City and annexations by petitions, and concerning annexation boundaries, for concurrence in the House Committee Substitute bill, upon second reading.

The Chair holds the House Committee Substitute bill not to be material and the Senate concurs in the House Committee Substitute bill (42-0) and the measure is ordered enrolled.

S.B. 822 (House Committee Substitute), a bill to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public mass transportation, for concurrence in the House Committee Substitute bill, upon second reading.

The Chair holds the House Committee Substitute bill not to be material and the Senate concurs in the House Committee Substitute bill (41-4) and the measure is ordered enrolled.

H.B. 483 (Senate Committee Substitute), a bill to amend the Dam Safety Law of 1967 to make it more effective.

On motion of Senator Tally, Committee Amendment No. 1 is adopted.

Senator Cochrane offers Amendment No. 2 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 877 (Senate Committee Substitute), a bill to clarify the definition of coin-operated machines, video games, and devices and to increase the punishment for certain gambling offenses.

Senator Richardson offers Amendment No. 1 which is adopted (35-10).

The Senate Committee Substitute bill, as amended, passes its second reading (29-15) and third reading (27-17) and is ordered engrossed and, without objection, sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

H.B. 1092 (Senate Committee Substitute), a bill to require juvenile court counselors to notify school officials in certain cases when a juvenile is adjudicated delinquent and is ordered to attend school as a condition of probation.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 787 (Committee Substitute), a bill to authorize the Department of Environment, Health, and Natural Resources to deny a permit for a sanitary landfill or a solid waste incinerator to an applicant that has not submitted an approved solid waste management plan, as amended, upon third reading.

The Chair orders, without objection, the bill, as amended, temporarily displaced.

H.B. 1092 (Senate Committee Substitute), a bill to require juvenile court counselors to notify school officials in certain cases when a juvenile is adjudicated delinquent and is ordered to attend school as a condition of probation, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 787 (Committee Substitute), a bill to authorize the Department of Environment, Health, and Natural Resources to deny a permit for a sanitary landfill or a solid waste incinerator to an applicant that has not submitted an approved solid waste management plan, as amended, upon third reading, temporarily displaced earlier.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 875 (House Committee Substitute), a bill to regulate interbasin transfers, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 14, for further consideration, upon third reading.

S.B. 125 (House Committee Substitute), a bill to provide that a purchase money security interest continues when the underlying agreement is modified with same creditor and application of payments in a consumer credit sale is on the basis that the first payments shall be applied to the first purchase to satisfy that and other debts accordingly, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (2-43). Senator Winner of Buncombe offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

RECALL FROM COMMITTEE

Senator Plyler offers a motion that the following Senate bills be recalled from the **Appropriations Committee** and re-referred to the **Capital Expenditures and Improvements Committee**, which motions prevail.

S.B. 693, a bill to appropriate funds for the collaborative effort to support new teaching professionals, referred to the **Appropriations Committee** on April 5.

The Chair recalls the bill from the **Appropriations Committee** and re-refers the measure to the **Capital Expenditures and Improvements Committee.**

S.B. 252 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to develop and monitor the outcome measures for major State programs, to establish and implement a State strategic planning process, and to require that the Governor submit to the General Assembly and the General Assembly enact a budget that focuses on program results, referred to the **Appropriations Committee** on April 8.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1037, a bill to appropriate funds to the Department of Public Education for the Tomorrow Academy Pilot Schools, which shall be model progression schools located in an urban and a rural area, referred to the **Appropriations Committee** on May 4.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1073, a bill to appropriate funds for Teen Involvement Projects (TIPS) in Cumberland County, referred to the **Appropriations Committee** on May 6.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1238, a bill to appropriate funds to the Cumberland County Schools Administrative Unit for Project Rap, referred to the **Appropriations Committee** on June 16.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1069, a bill to appropriate funds for a Child Medical Evaluation Program at Moses Cone Hospital in Greensboro, referred to the **Appropriations Committee** on May 6.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1223, a bill to appropriate funds to the Agricultural Finance Authority for the reserve for farm loans, referred to the **Appropriations Committee** on June 7.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1101, a bill to appropriate funds for the Department of Commerce, referred to the **Appropriations Committee** on May 11.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

S.B. 1093, a bill to fund a program to help displaced homemakers, referred to the **Appropriations Committee** on June 21.

The Chair recalls the measure from the **Appropriations Committee** and orders it re-referred to the **Capital Expenditures and Improvements Committee.**

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 125 (House Committee Substitute), a bill to provide that a purchase money security interest continues when the underlying agreement is modified with same creditor and application of payments in a consumer credit sale is on the basis that the first payments shall be applied to the first purchase to satisfy that and other debts accordingly, with the motion of Senator Winner of Buncombe prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Winner of Buncombe (Chairman), Cooper, and Sands, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a special message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (Continued)

H.B. 781 (Senate Committee Substitute), a bill to permit the City of Durham to proceed with condemnation of real property when ownership is transferred, upon second reading, temporarily displaced earlier.

Senator Gulley offers Amendment No. 1 which is adopted (40-0).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Sands, Shaw, Simpson, Smith, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, July 14, for further consideration, upon third reading.

S.B. 633, a bill to provide for staggered terms for members of the Parole Commission, for concurrence in House Amendments No. 1 and No. 2.

The Senate concurs in House Amendments No. 1 and No. 2 (42–0) and the measure is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 101 (Senate Committee Substitute), an act to expand the current energy policy for State government to apply to the construction, operation, and renovation of State facilities and to the purchase, operation, and maintenance of equipment for such facilities. (Ch. 334)

H.B. 402, an act to require that child support payments be continued while the child is enrolled in primary or secondary school, up to graduation or age twenty. (Ch. 335)

H.B. 602, an act to establish the Trauma System Act of 1993. (Ch. 336)

CALENDAR (Continued)

S.B. 709 (House Committee Substitute), a bill to amend the Uniform Commercial Code to clarify and modify the law on layaway contracts, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (43–0) and the measure is ordered enrolled.

S.B. 821 (Committee Substitute), a bill to amend the current procedure for the registration of water withdrawals to make the procedure more effective, to provide more useful information, and to impose a late payment fee for late registrations, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (43–0) and the measure is ordered enrolled.

RECONSIDERATION

H.B. 815, a bill authorizing Burke County to assist thoroughfare plan implementation, passing third reading earlier today.

Senator Hyde offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails, and the question reverts to third reading.

The Chair recalls the measure to the Senate Chamber, and the bill is placed before the Senate for further consideration, upon third reading. The Chair orders, without objection, the bill temporarily displaced.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee:**

S.B. 587 (Committee Substitute No. 2), a bill to create the Workers' Compensation Study Commission, as written by the **Select Committee on S.B. 906**, with a favorable report.

With unanimous consent, the Committee Substitute bill No. 2 is re-referred to the **Rules and Operation of the Senate Committee.**

S.B. 842, a bill for the appointment of temporary managers for long-term care facilities and domiciliary homes, with a favorable report.

S.B. 906 (Committee Substitute No. 2), a bill to make various substantive amendments to the Workers' Compensation Act and to make related changes, as written by the **Select Committee on S.B. 906**, with a favorable report.

With unanimous consent, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee.**

S.B. 1077, a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the proposed Committee Substitute bill 5703, which changes the title to read **S.B. 1077** (Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is re-referred to the **Finance Committee.**

CALENDAR (Continued)

H.B. 815, a bill authorizing Burke County to assist thoroughfare plan implementation, temporarily displaced earlier.

Senator Odom offers Amendment No. 1 which is adopted (44-0), changing the title, upon concurrence, to read **H.B. 815**, a bill authorizing various counties to assist thoroughfare plan implementation. The Chair rules the amendment material, constituting the first reading, and places the bill, as amended, on the Calendar for tomorrow, Wednesday, July 14, upon second reading.

S.B. 681 (House Committee Substitute), a bill to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court and to amend the Loan Broker Act, for concurrence in the House Committee Substitute bill, earlier today placed on the Calendar at the end of the regular order of business.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

S.B. 802 (House Committee Substitute), a bill to make technical and other changes to the employment security laws, for concurrence in the House Committee Substitute bill, earlier today placed on the Calendar at the end of the regular order of business.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled.

RECALL FROM COMMITTEE

S.B. 1043 (Committee Substitute), a bill to require the State Health Director to prepare a medical and health benefits plan, referred to the **Appropriations Committee** on May 20.

Senator Plyler offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and re-referred to the **Rules and Operation of the Senate Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and re-refers the Committee Substitute bill to the **Rules and Operation of the Senate Committee.**

S.B. 12, a bill to establish a grant program to strengthen family resources and appropriate funds for its implementation, as amended, referred to the **Appropriations Committee** on April 8.

Senator Plyler offers a motion the bill, as amended, be recalled from the **Appropriations Committee** and re-referred to the **Capital Expenditures and Improvements Committee**, which motions prevail.

The Chair recalls the bill, as amended, from the **Appropriations Committee** and re-refers the bill, as amended, to the **Capital Expenditures and Improvements Committee.**

On motion of Senator Basnight, seconded by Senator Martin of Pitt, the Senate adjourns at 3:00 P.M. to meet tomorrow, Wednesday, July 14, at 1:30 P.M.

NINETY-NINTH DAY

SENATE CHAMBER,
Wednesday, July 14, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"We have all heard, Dear Lord, of the patience of Job. A first century writer saw it another way when he wrote, indeed we call blessed those who show endurance. You have heard of the endurance of Job and how in the end the Lord was compassionate and merciful to him.

"So whether the better translation is patience or endurance, give your servants here a special measure of each as they write the final chapters of this Session's proposed legislation into law. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, July 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Johnson; to Senator Ward, who is attending the Southern Legislative Conference in Mobile, Alabama; to Senator Seymour for medical reasons; and to Senator Parnell.

On motion of Senator Sands, with unanimous consent, the Chair grants privileges of the Well of the Senate to Senator Charlie Albertson to sing "Place I Gotta Be," a song he wrote and recorded and which patent is currently pending.

On motion of Senator Hunt, with unanimous consent, the Chair grants privileges of the floor to Mrs. Jeanne Lucas.

The Chair extends the courtesies of the gallery to Mr. Du, Vice-Director of Foreign Trade, from China. The Foreign Trade group will meet with the Governor in October.

RECALL FROM COMMITTEE

H.B. 740 (Committee Substitute), a bill to add a relative of a nursing home patient and a relative of a rest home patient to the Nursing Home Penalty Review Committee, referred to the **Rules and Operation of the Senate Committee** on June 21.

Senator Sands offers a motion the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Rules and Operation of the Senate Committee** and re-refers the measure to the **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

H.J.R. 246, a joint resolution honoring the founders of the Town of Aberdeen on its One-Hundredth Anniversary, referred to the **Rules and Operation of the Senate Committee** on March 4.

Senator Sands offers a motion the joint resolution be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, July 15, which motions prevail.

The Chair recalls the joint resolution from the **Rules and Operation of the Senate Committee** and orders it placed on the Calendar for tomorrow, Thursday, July 15, upon its passage.

INTRODUCTION OF BILLS

H.B. 1142 (Committee Substitute), a bill to establish the North Carolina Substance Abuse Professionals Certification Act, upon a message from the House of Representatives on May 27, ordered held in the Clerk's Office for an assessment report.

Senator Sands announces the receipt of an assessment report and offers a motion the Committee Substitute bill be taken from the Clerk's Office, read a first time and referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the Clerk's Office and refers the measure to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Harris:

S.B. 890, a bill to establish the North Carolina Substance Abuse Professionals Certification Act, ordered held in the Clerk's Office on April 19 for an assessment report.

Senator Sands announces the receipt of an assessment report and offers a motion that Rule 40 be suspended to allow the introduction of the bill, which motion prevails by a two-thirds majority vote.

The bill is read a first time and referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 633, an act to provide for staggered terms for members of the Parole Commission. (Ch. 337)

S.B. 679 (Committee Substitute), an act to clarify that a North Carolina court has personal jurisdiction over actions arising from direct and indirect solicitations. (Ch. 338)

S.B. 681 (House Committee Substitute), an act to permit lenders to cure loan documents which might violate the restrictions on late charges as interpreted by the North Carolina Supreme Court and to amend the Loan Broker Act. (Ch. 339)

S.B. 709 (House Committee Substitute), an act to amend the Uniform Commercial Code to clarify and modify the law on layaway contracts. (Ch. 340)

S.B. 729 (House Committee Substitute), an act to merge the Franklin County and Franklinton City School Administrative Units. (Ch. 341)

S.B. 773 (House Committee Substitute), an act amending the Charter of the City of Durham concerning the effective dates of ordinances annexing territory to the City and annexations by petition, and concerning annexation boundaries. (Ch. 342)

S.B. 802 (House Committee Substitute), an act to make technical and other changes to the employment security laws. (Ch. 343)

S.B. 821 (Committee Substitute), an act to amend the current procedure for the registration of water withdrawals to make the procedure more effective, to provide more useful information, and to impose a late payment fee for late registrations. (Ch. 344)

S.B. 822 (House Committee Substitute), an act to increase the maximum motor vehicle tax that can be levied in the City of Charlotte and the Town of Matthews and to provide that the proceeds of the additional tax may be used only for public mass transportation. (Ch. 345)

H.B. 1122, an act to direct the Health Services Commission to adopt rules restricting the offering of unwrapped food samples. (Ch. 346)

RECALL FROM COMMITTEE

S.B. 101 (Committee Substitute), a bill to make the limitations placed on the employment of spouses of the Board of Governors of the University of North Carolina more equitable, referred to the **Education/Higher Education Committee** on May 12.

Senator Perdue offers a motion the Committee Substitute bill be recalled from the **Education/Higher Education Committee** and re-referred to the **Rules and Operation of the Senate Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operation of the Senate Committee.**

CALENDAR

H.B. 814 (Senate Committee Substitute), a bill to provide that Mecklenburg County park rangers may act as special peace officers on property owned or leased by the City of Charlotte.

With unanimous consent, on motion of Senator Sands, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Sands, the Senate Committee Substitute bill is re-referred to the **Rules and Operation of the Senate Committee.**

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee:**

S.B. 926, a bill to regulate the disposal of animal waste at intensive hog operations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Albertson, the rules are suspended, and the proposed Committee Substitute bill 3711, which changes the title to read **S.B. 926** (Committee Substitute), a bill to direct North Carolina State University to study, through research with a high priority on finding solutions for, the abatement of odors from swine farms and compile information on the impact of swine farms on ground and surface water supplies, and to provide funds for the House Agriculture Committee and the Senate Committee on Agriculture, Marine Resources, and Wildlife to hold meetings and tour swine farms in the State, is placed before the Senate for immediate consideration.

On motion of Senator Albertson, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Environment and Natural Resources Committee.**

By Senator Winner of Buncombe for the **Finance Committee:**

S.B. 887 (Committee Substitute), a bill to allow the Town of Santeetlah to make equal assessments for each lot in a new system, as written by the **Local Government and Regional Affairs Committee**, with a favorable report.

S.B. 906 (Committee Substitute No. 2), a bill to make various substantive amendments to the Workers' Compensation Act and to make related changes, as written by the **Select Committee on S.B. 906**, with a favorable report.

S.B. 957, a bill to authorize Surry County to levy an additional privilege license tax on beer and wine retailers, as amended by the **Local Government and Regional Affairs Committee**, with a favorable report.

H.B. 499, a bill to increase the fees for enrolling in an accredited drug education school, with a favorable report.

H.B. 509, a bill to raise the inheritance tax filing threshold, with a favorable report.

S.B. 94 (Committee Substitute), a bill to authorize units of local government, local school boards, and community colleges to enter into guaranteed energy savings contracts in order to finance energy conservation measures in local public facilities, as written by the **Local Government and Regional Affairs Committee**, with a favorable report, as amended.

H.B. 284 (Committee Substitute No. 2), a bill to implement a recommendation of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee to establish an independent Standards Board for School Administration and to allow that Board to charge examination fees, with a favorable report, as amended.

H.B. 604 (Committee Substitute), a bill to authorize counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 4209 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 15, for further consideration.

By Senator Hunt for the **Finance Committee**:

S.B. 941, a bill to clarify the law regarding tax liens to provide that local government property tax liens have priority over State tax liens, with a favorable report.

H.B. 105 (Committee Substitute), a bill to increase the property tax homestead exemption amount from twelve thousand dollars to fifteen thousand dollars and to make technical changes to the homestead exemption statutes, with a favorable report.

H.B. 624 (Committee Substitute No. 2), a bill to rewrite Chapter 55A of the General Statutes relating to nonprofit corporations as recommended by the General Statutes Commission, as amended by the **Judiciary II Committee**, with a favorable report.

H.B. 681 (Senate Committee Substitute), a bill to implement the requirements of the 1990 amendments to the Federal Clean Air Act, to repeal the expiration of a portion of the per gallon fuel tax, to dedicate a portion of the proceeds of the tax to the administration of the air quality program, to dedicate a portion of the proceeds of the tax to the cleanup of leaking petroleum underground storage tanks, and to repeal the expiration of the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988, as written by the **Environment and Natural Resources Committee**, with a favorable report.

H.B. 1274 (Committee Substitute), a bill to provide that the exemption from the scrap tire tax for tires sold for placement on newly manufactured vehicles shall apply uniformly regardless when the tires were sold, with a favorable report.

S.B. 974 (Committee Substitute), a bill to require continuing education for registered cosmetology instructors, with an unfavorable report as to the Committee Substitute bill, as written by the **Children and Human Resources Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill No. 2, 8528, which changes the title to read **S.B. 974** (Committee Substitute No. 2), a bill to require continuing education for registered cosmetology instructors and to clarify the law concerning cosmetology instructors, is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, July 15, for further consideration.

S.B. 1245, a bill to exempt from the intangibles tax stocks that are not publicly traded, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill 6680, which changes the title to read **S.B. 1245** (Committee Substitute), a bill to exempt from the intangibles tax stocks that are not publicly traded, to make technical changes, and to authorize the Legislative Research Commission to study the intangibles tax and related issues, is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 15, for further consideration.

With unanimous consent, the Chair grants a leave of absence for the rest of the day to Senator Edwards.

By Senator Kaplan for the **Capital Expenditures and Improvements Committee:**

S.B. 14 (Committee Substitute No. 2), a bill to authorize the issuance of seven hundred fifty-eight million dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) capital improvements for community colleges, (3) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (4) capital improvements and land acquisition for State parks and recreation areas, with an unfavorable report as to Committee Substitute bill No. 2, as written by the **Finance Committee**, but favorable as to Committee Substitute bill No. 3.

On motion of Senator Kaplan, the proposed Committee Substitute bill No. 3, 8529, which changes the title to read **S.B. 14** (Committee Substitute No. 3), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) capital improvements for community colleges, (3) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (4) capital improvements and land acquisition for State parks and recreation areas, is placed before the Senate for immediate consideration.

On motion of Senator Kaplan, the Committee Substitute bill No. 3 is adopted.

With unanimous consent, the Committee Substitute bill No. 3 is re-referred to the **Appropriations Committee.**

By Senator Cooper for the **Judiciary II Committee:**

H.B. 657 (Committee Substitute), a bill to authorize a mediation program for the Office of Administrative Hearings, with a favorable report.

H.B. 613 (Committee Substitute), a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 7317, which changes the title, upon concurrence, to read **H.B. 613** (Senate Committee Substitute), a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances and to provide qualified immunity for persons who assist in evaluating the risks of transmission by health care workers of HIV or Hepatitis B to patients, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 15, for further consideration.

H.B. 658, a bill to authorize a mediation program for the Industrial Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill 8036, which changes the title, upon concurrence, to read **H.B. 658** (Senate Committee Substitute), a bill to authorize a mediation program for the Industrial Commission and to authorize the Chairman of the Industrial Commission to hire or fire personnel and transfer personnel within the Commission without obtaining the approval of at least one other Commissioner, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 15, for further consideration.

H.B. 1172, a bill to extend the qualified tort liability protection for health care personnel to include medical services rendered by health care personnel without compensation at their place of employment to indigent patients, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill A294, which changes the title, upon concurrence, to read **H.B. 1172** (Senate Committee Substitute), a bill to extend the qualified tort liability protection for health care personnel to include medical services rendered by health care personnel without compensation at their place of employment to a patient, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 15, for further consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 128 (Committee Substitute), a bill to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, and to increase revenues to provide funds to make the reimbursement, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 128** (House Committee Substitute), a bill to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, to increase revenues to provide funds to make the reimbursement, to lower the maximum highway use tax on certain commercial vehicles, to increase the annual registration fees for certain property-hauling vehicles, and to credit the increased revenue from the registration fees to the Highway Trust Fund.

Recommitted to **Finance Committee.**

S.B. 158, a bill to provide that the penalty for failure to file an inheritance tax return will be assessed and collected in the same manner as the penalty for failure to pay inheritance taxes, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, July 15, for consideration.

S.B. 496 (Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to establish an interagency committee to develop a child medical and mental health evaluation plan, for concurrence in House Amendments No. 1, No. 2, No. 3, and No. 4, which is placed on the Calendar for tomorrow, Thursday, July 15, for consideration.

S.B. 631 (House Committee Substitute), a bill to amend the North Carolina Practicing Psychologist Licensing Act, for concurrence in the House Committee Substitute bill.

Recommitted to **Judiciary II Committee.**

S.B. 950 (House Committee Substitute), a bill to require that all new hospices receive a certificate of need, for concurrence in the House Committee Substitute bill.

Recommitted to **Children and Human Resources Committee.**

H.B. 1121 (Committee Substitute), a bill to prohibit a unit of local government from expanding its local water supply system unless it has completed an approved local water supply plan.

Referred to **Rules and Operation of the Senate Committee.**

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 1228, a bill to establish a bill of rights for owners of manufactured homes, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Judiciary II Committee.**

H.B. 152 (Committee Substitute), a bill to modify the Banner Elk room occupancy tax, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 46 (Committee Substitute), a bill to provide for postponement of certain assessments in Winston-Salem and Forsyth County, with a favorable report, as amended.

H.B. 686 (Committee Substitute), a bill to authorize Henderson and Transylvania Counties and the City of Brevard to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance and to extend water and sewer lines to industrial properties for economic development purposes, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill, as amended, is re-referred to the **Finance Committee.**

H.B. 1109 (Committee Substitute), a bill to authorize counties and cities to engage in additional local economic development activities, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill, as amended, is re-referred to the **Finance Committee.**

RECALL FROM COMMITTEE

S.B. 926 (Committee Substitute), a bill to direct North Carolina State University to study, through research with a high priority on finding solutions for, the abatement of odors from swine farms and compile information on the impact of swine farms on ground and surface water supplies, and to provide funds for the House Agriculture Committee and the Senate Committee on Agriculture, Marine Resources, and Wildlife to hold meetings and tour swine farms in the State, referred to the **Environment and Natural Resources Committee** earlier today.

Senator Tally offers a motion the Committee Substitute bill be recalled from the **Environment and Natural Resources Committee** and re-referred to the **Appropriations Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Environment and Natural Resources Committee** and re-refers the measure to the **Appropriations Committee.**

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 781 (Senate Committee Substitute), a bill to permit the City of Durham to proceed with condemnation of real property when ownership is transferred, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Hartsell, Hoyle, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Odom, Perdue, Plexico, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

UNDERSECRETARY OF AGRICULTURE

With unanimous consent, Senator Albertson offers a motion an escort committee be appointed to escort Bob J. Nash, Under Secretary of Agriculture for Small Community and Rural Development, U. S. Department of Agriculture, to the Well of the Senate, which motion prevails. Senator Basnight, President *Pro Tempore*, appoints Senator Albertson, Senator Speed, Senator Marshall, and Senator Jordan to escort Mr. Nash to the Well of the Senate. Senator Albertson presents Mr. Nash to the Senate whereupon he briefly addresses the Senate. The Senate responds with a standing ovation and the committee escorts Mr. Nash from the Chamber.

CALENDAR (Continued)

H.B. 815, a bill authorizing various counties to assist thoroughfare plan implementation, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 28, noes 0, as follows:

Voting in the affirmative: Senators Allran, Blackmon, Carpenter, Cochrane, Codington, Conder, Daniel, Folger, Forrester, Gunter, Hartsell, Hoyle, Hunt, Hyde, Kaplan, Kincaid, Martin of Pitt, Odom, Perdue, Plexico, Plyler, Shaw, Sherron, Simpson, Smith, Tally, Walker, and Winner of Mecklenburg—28.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 15, for further consideration, upon third reading.

S.R. 482 (Proposed Committee Substitute), a Senate simple resolution honoring the life and memory of Lindsey Guy Dewitt and recognizing North Carolina as the NASCAR Stock Car Racing Capital of the World, for adoption.

On motion of Senator Conder, the Senate simple resolution is adopted (42-0). (The text of this resolution appears in the Appendix.)

S.B. 842, a bill for the appointment of temporary managers for long-term care facilities and domiciliary homes.

The bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

H.B. 513 (Committee Substitute), a bill to mandate a single portal of entry and exit policy for services for individuals with developmental disabilities.

On motion of Senator Walker, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 554, a bill to allow for certain criminal record checks of employees, applicants for employment, and volunteers in the schools of the Department of Human Resources.

The bill passes its second (41-0) and third readings and is ordered enrolled.

H.B. 587, a bill to clarify the rule-making authority of the Medical Care Commission for nursing home regulation.

On motion of Senator Cooper, consideration of the bill is postponed until Tuesday, July 20.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

H.B. 1050 (Committee Substitute), a bill to establish the DNA Database and Databank Act of 1993, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 4208 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 15, for further consideration.

RECALL FROM COMMITTEE

H.B. 552, a bill to clarify the Medicaid law regarding the financial responsibility of parents for children under twenty-one in medical institutions, referred to the **Appropriations Committee** on April 21.

Senator Plyler offers a motion the bill be recalled from the **Appropriations Committee** and re-referred to the **Children and Human Resources Committee**, which motions prevail.

The Chair recalls the bill from the **Appropriations Committee** and re-refers the measure to the **Children and Human Resources Committee.**

S.B. 539, a bill to clarify the Medicaid law regarding the financial responsibility of parents for children under twenty-one in medical institutions, referred to the **Appropriations Committee** on April 14.

Senator Plyler offers a motion the bill be recalled from the **Appropriations Committee** and recommitted to the **Children and Human Resources Committee**, which motions prevail.

The Chair recalls the bill from the **Appropriations Committee** and recommits the measure to the **Children and Human Resources Committee.**

CALENDAR (Continued)

H.B. 618 (Committee Substitute), a bill to remove the expiration date from the law allowing the Department of Transportation to use nonlicensed or noncertified appraisers in the acquisition of real estate acquired by the Department when the estimated value of the real estate is less than ten thousand dollars.

Senator Winner of Mecklenburg offers Amendment No. 1 which is adopted (39-0), changing the title, upon concurrence, to read **H.B. 618** (Committee Substitute), a bill to

remove the expiration date from the law allowing the Department of Transportation to use nonlicensed or noncertified appraisers in the acquisition of real estate acquired by the Department when the estimated value of the real estate is less than ten thousand dollars and allowing placement on DOT controlled access facility advertising signs of logos of radio stations providing traffic advisory information.

The Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, which changes the title.

H.B. 1001, a bill to encourage local boards of education to renovate old school buildings instead of replacing them.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

Senator Kaplan offers Amendment No. 2 which is adopted (43-0).

The bill, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

The Senate recesses at 2:57 P.M. for the purpose of committee meetings, to reconvene at 3:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Continued)

H.B. 1089 (Senate Committee Substitute), a bill relating to the definition of pyrotechnics under Chapter 14 of the North Carolina General Statutes.

Following prolonged debate, Senator Ballance calls the previous question, seconded by Senator Conder. The call is sustained (41-3).

The Senate Committee Substitute bill passes its second reading (23-22).

Senator Harris objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Thursday, July 15, for further consideration, upon third reading.

S.B. 875 (House Committee Substitute), a bill to regulate interbasin transfers, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Smith, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 809 (House Committee Substitute), a bill to make sundry amendments relating to local governments in Orange and Chatham Counties, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger,

Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 15, for further consideration, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes its place on the Calendar, as follows:

By Senator Speed for the **Transportation Committee**:

S.B. 1144, a bill to extend certain exemptions to the federal bridge formula on State highways, except interstates, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the proposed Committee Substitute bill 5709 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 15, for further consideration.

CONFERENCE REPORT

H.B. 485 (Committee Substitute)

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 485** (Committee Substitute), a bill to adopt the Inland Navigation Rules as the law in this State, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **House Bill 485**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE INLAND NAVIGATION RULES AS THE LAW IN THIS STATE, Committee Substitute Favorable 4/27/93, wish to report as follows:

The Senate recedes from Senate Amendment # 2, and the House and Senate agree to the following amendment:

On page 1, lines 21-22, by deleting the phrase "thirty-five dollars ($35.00)" and substituting the phrase "one hundred dollars ($100.00)".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 14th day of July, 1993.

S/Charles W. Albertson	S/Bertha M. Holt
S/Elaine F. Marshall	S/C. Robert Brawley
S/Daniel R. Simpson	S/Ronnie N. Sutton
Conferees for the the Senate	*Conferees for the House of Representatives*

On motion of Senator Albertson, the Conference Report is adopted (35-0) and a special message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Conder, the Senate adjourns at 3:59 P.M. in memory of Davey Allison, NASCAR driver, who was killed in a helicopter crash yesterday, Tuesday, July 13, to meet tomorrow, Thursday, July 15, at 1:30 P.M.

ONE HUNDREDTH DAY

SENATE CHAMBER,
Thursday, July 15, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Mercy, our most difficult decisions in life are not between what's right or wrong but between what's right or more right for us and those around us.

"Help us to make every decision affecting other people with compassion—'that is with the ability to live inside their skin. Then we shall understand that there can never really be any peace any joy for us until there is peace and joy for them, too. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, July 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Johnson; to Senator Seymour, for medical reasons; and to Senator Ward and Senator Gunter, who are attending the Education Commission of the States meeting.

The Chair grants the courtesies of the floor to Jim Garrison, former Senator from Stanly County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 457 (Senate Committee Substitute), an act to remove barriers in insurance policies and plans to provide for reimbursement to advanced practice registered nurses providing services within the scope of their practice. (Ch. 347)

S.B. 875 (House Committee Substitute), an act to regulate interbasin transfers. (Ch. 348)

H.B. 26 (Senate Committee Substitute), an act to exempt campgrounds for transients and marinas which resell electricity from the definition of a public utility. (Ch. 349)

H.B. 554, an act to allow for certain criminal record checks of employees, applicants for employment, and volunteers in the schools of the Department of Human Resources. (Ch. 350)

H.B. 556 (Senate Committee Substitute), an act to make technical and other changes to the Uniform Boiler and Pressure Vessel Act. (Ch. 351)

H.B. 563 (Senate Committee Substitute), an act to make changes in statutes concerning precinct and township boundaries. (Ch. 352)

H.B. 743, an act to authorize the merger of the Towns of Hazelwood and Waynesville. (Ch. 353)

H.B. 923 (Committee Substitute No. 2), an act to permit the organization and operation of limited liability companies. (Ch. 354)

CONFIRMATION OF STATE CONTROLLER

NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27601-2808

July 14, 1993

The Honorable Dennis Wicker
President, North Carolina Senate
Legislative Office Building
Raleigh, North Carolina 27611

Dear Mr. President:

In compliance with the provisions of G. S. Section 143B-426.37(b) requiring appointees to be confirmed by the General Assembly in Joint Session, Governor Hunt has submitted his appointee, Edward Renfrow, for confirmation as State Controller.

The Senate Committee on Rules has considered the appointment and makes the following recommendation to this Joint Session:

That the appointment of Edward Renfrow as State Controller be confirmed.

Respectfully submitted,
S/A.P. Sands
Chairman
Senate Committee on Rules

On motion of Senator Sands, the Chair orders the report placed on the Calendar for Friday, July 16, for adoption.

CALENDAR

S.B. 941, a bill to clarify the law regarding tax liens to provide that local government property tax liens have priority over State tax liens.

With unanimous consent, on motion of Senator Warren, the bill is taken up out of its regular order of business.

On motion of Senator Warren, consideration of the bill is postponed until Tuesday July 20.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

H.B. 83 (Committee Substitute), a bill to temporarily increase the scrap tire disposal tax, to provide for the distribution of the additional tax proceeds, and to revoke the general authority of a unit of local government or a contracting party to impose a separate scrap tire disposal fee, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the proposed Senate Committee Substitute bill 1202, which changes the title, upon concurrence, to read **H.B. 83** (Senate Committee Substitute), a bill to temporarily increase the scrap tire disposal tax, to provide for the distribution of the additional tax proceeds, to temporarily revoke the general authority of a unit of local government or a contracting party to impose a separate scrape tire disposal fee, and to authorize the Department of Environment, Health, and Natural Resources to develop and implement alternative, market-based pilot programs for scrap tire collection and recycling, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Walker for the **Children and Human Resources Committee:**

H.B. 536 (Committee Substitute), a bill to allow area mental health, developmental disabilities, and substance abuse authorities to purchase property by installment contracts, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill, as amended, is re-referred to the **Finance Committee.**

H.B. 1043, a bill to clarify the law regarding the health care power of attorney and the Uniform Anatomical Gift Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Walker, the proposed Senate Committee Substitute bill 1201, which changes the title, upon concurrence, to read **H.B. 1043** (Senate Committee Substitute), a bill to clarify the law regarding the health care power of attorney, is placed before the Senate for immediate consideration.

On motion of Senator Walker, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Judiciary II Committee.**

By Senator Perdue for the **Education/Higher Education Committee:**

H.B. 106 (Committee Substitute), a bill to direct the Office of State Personnel to review State cytotechnologist salaries, with a favorable report, as amended.

H.B. 292, a bill to implement the recommendations of the Government Performance Audit Committee regarding the continuum of education in North Carolina, with a favorable report, as amended.

H.B. 514, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification, with a favorable report, as amended.

H.B. 639, a bill to permit teacher assistants and other instructional personnel who do not require a substitute to take vacation leave when students are in attendance, with a

favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the bill, as amended, is re-referred to the **Appropriations Committee.**

By Senator Hunt for the **Finance Committee:**

S.B. 940 (Committee Substitute), a bill to rewrite the Charitable Solicitations Act, with an unfavorable report as to Committee Substitute bill as written by the **Judiciary I Committee,** but favorable as to Committee Substitute bill No. 2.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute No. 2, 6682, is placed before the Senate for immediate consideration and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, July 20, for further consideration.

H.B. 747 (Committee Substitute No. 2), a bill to amend the North Carolina Veterinary Practice Act, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hunt, the rules are suspended, and the proposed Senate Committee Substitute bill, 4210, is placed before the Senate for immediate consideration and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 20, for further consideration.

H.B. 908 (Senate Committee Substitute), a bill to amend the statutes that address suits brought by indigents and appeals prosecuted by indigents, with an unfavorable report as to Senate Committee Substitute bill as written by the **Judiciary II Committee,** but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Hunt, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 7323, is placed before the Senate for immediate consideration and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, July 20, for further consideration.

By Senator Winner of Buncombe for the **Finance Committee:**

S.B. 1077 (Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction, as written by the **Appropriations Committee,** with a favorable report.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for today, at the end of the regular order of business.

H.B. 914, a bill to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists, with a favorable report.

With unanimous consent, the measure is placed on the Calendar for Tuesday, July 20, for further consideration.

H.B. 1061 (Senate Committee Substitute), a bill to amend the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988 and to clarify the purposes of the Oil or Other Hazardous Substances Pollution Protection Fund, as written by the **Environment and Natural Resources Committee,** with a favorable report.

With unanimous consent, the measure is placed on the Calendar for Tuesday, July 20, for further consideration.

H.B. 1102 (Committee Substitute), a bill to create the Pesticide Environmental Trust Fund, to be funded by an assessment for each brand or grade of pesticide registered, as amended by the **Agriculture, Marine Resources, and Wildlife Committee**, with a favorable report.

With unanimous consent, the measure is placed on the Calendar for Tuesday, July 20, for further consideration.

H.B. 1212 (Committee Substitute), a bill to change certain fees charged by auctioneers and to amend the requirements for deposits in trust or escrow accounts by auctioneers, with a favorable report.

With unanimous consent, the measure is placed on the Calendar for Tuesday, July 20, for further consideration.

S.B. 605 (Committee Substitute), a bill to establish a funding formula and a selection process for the inclusion of works of art in State buildings, as written by the **State Personnel and State Government Committee**, and as amended by the **Capital Expenditures and Improvements Committee**, with a favorable report, as amended.

S.B. 922, a bill to provide for an examination and an examination fee for surety bondsmen license applicants, as amended by the **Judiciary II Committee**, with a favorable report, as amended.

H.B. 720, a bill to increase the income tax credit for child and dependent care expense for families with income below forty thousand dollars a year, with a favorable report, as amended.

H.B. 473 (Committee Substitute No. 2), a bill to separate the Real Estate Appraisal Board from the Real Estate Commission, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 8038 is placed before the Senate for immediate consideration and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 20, for further consideration.

H.B. 502 (Senate Committee Substitute), a bill to make technical amendments to the alcoholic beverage laws, to authorize the sale of alcoholic beverages in certain areas of the State, to increase the fees for most commercial alcoholic beverage permits, and to make other changes to the alcoholic beverage laws, with an unfavorable report as to Senate Committee Substitute bill as written by the **Judiciary I Committee**, but favorable as to the Senate Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, 7325, is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Friday, July 16, for further consideration.

S.B. 128 (House Committee Substitute), a bill to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, to increase revenues to provide funds to make the reimbursement, to lower the maximum highway use tax on certain commercial vehicles, to increase the annual registration fees for certain property-hauling vehicles, and to credit the increased revenue from the registration fees to the Highway Trust Fund, with an unfavorable report as to concurrence.

With unanimous consent, the House Committee Substitute bill is placed on the Calendar for today, at the end of the regular order of business, for consideration, upon concurrence.

S.B. 162 (House Committee Substitute), a bill to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, to establish a special sports event temporary plate, and to change the fees for dealer plates and transporter plates, with a favorable report as to concurrence.

S.B. 1141 (House Committee Substitute), a bill to expand the tax credits for qualified business investments and to provide that the tax credits shall sunset for investments made on or after January 1, 1999, with a favorable report as to concurrence.

RECALL FROM COMMITTEE

S.B. 1276, a bill to place a moratorium on issuance of certain certificates of participation for major projects, referred to the **Local Government and Regional Affairs Committee** on July 5.

Senator Folger offers a motion the bill be recalled from the **Local Government and Regional Affairs Committee** and re-referred to the **Finance Committee**, which motions prevail.

The Chair recalls the bill from the **Local Government and Regional Affairs Committee** and re-refers the measure to the **Finance Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee:**

H.B. 437, a bill to grant statutory powers to trustees under express trust instruments, with a favorable report.

H.B. 862 (Committee Substitute No. 2), a bill to require the registration of out-of-state pharmacies that regularly distribute prescription medicines to citizens of the State through the mail or other common carriers, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee.**

H.B. 873 (Committee Substitute), a bill to fulfill the intent of the insurance equality statute by correcting omissions in that Statute, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 183, a bill to provide that a sales tax license is void if the retailer reports no sales for eighteen months, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Friday, July 16.

S.B. 475 (House Committee Substitute), a bill to make it a crime to sell handicapped parking placards, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Friday, July 16.

S.B. 535, a bill to clarify remedies for returned checks as recommended by the General Statutes Commission, for concurrence in the House committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 535** (House Committee Substitute), a bill to clarify and expand remedies for returned checks as recommended by the General Statutes Commission and to provide that restitution for violations of G.S. 14-107 may include service charges and processing fees.

Recommitted to **Judiciary I Committee.**

S.B. 643 (House Committee Substitute), a bill to make technical and other changes to the retaliatory employment discrimination law, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Friday, July 16.

S.B. 796 (House Committee Substitute), a bill to extend the statute of limitations for civil actions brought by the State to enforce the laws against bid rigging on government contracts, for concurrence in the House Committee Substitute bill.

Recommitted to **Judiciary II Committee.**

S.B. 863 (Committee Substitute), a bill to require the State Board of Education to consider children with special needs when it adopts rules setting graduation standards, to direct the State Board of Education to conduct an independent study of high school graduation standards for children with special needs, and to direct the State Board of Education to suspend the application of its rule requiring Algebra I for a high school diploma to children identified as learning disabled pending its reevaluation of graduation standards for children with special needs, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 863** (House Committee Substitute), a bill to require the State Board of Education to consider children with special needs when it adopts rules setting graduation standards, to direct the North Carolina Education Standards and Accountability Commission to study high school graduation standards for children with special needs, and to direct the State Board of Education to suspend the application of its rule requiring Algebra I for a high school diploma to children identified as learning disabled pending its reevaluation of graduation standards for children with special needs.

On motion of Senator Perdue, the rules are suspended, without objection, and the House Committee Substitute bill is placed on the Calendar for today for consideration at the end of the regular order of business, upon concurrence.

H.B. 297 (Committee Substitute), a bill to require an endorsement to sell fish taken from coastal fishing waters, to consolidate the vessel fishing license, and to amend other marine fisheries statutes.

Referred to **Agriculture, Marine Resources, and Wildlife Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 542 (Committee Substitute), a bill to implement a recommendation of the General Statutes Commission to increase the amount of property collectible by small estate affidavit where the sole heir and/or devisee is the surviving spouse, to increase the minimum amount of intestate personal property passing to the surviving spouse, and to increase the amount of the year's allowance for a surviving spouse and children.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 992 (Committee Substitute), a bill to modify the types of industrial development for which the Industrial Development Fund may be used.

Referred to **Economic Development/Travel and Tourism Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 125
(House Committee Substitute)

House of Representatives
July 14, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 125** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PURCHASE MONEY SECURITY INTEREST CONTINUES WHEN THE UNDERLYING AGREEMENT IS MODIFIED WITH SAME CREDITOR AND APPLICATION OF PAYMENTS IN A CONSUMER CREDIT SALE IS ON THE BASIS THAT THE FIRST PAYMENTS SHALL BE APPLIED TO THE FIRST PURCHASE TO SATISFY THAT AND OTHER DEBTS ACCORDINGLY, the Speaker has appointed as conferees on the part of the House, Representative Hackney, Representative Michaux, Representative Bowie, Representative McCrary, Representative Sutton, and Representative Holmes, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 485

House of Representatives
July 15, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the Senate Amendment #2 to **HB 485**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE INLAND NAVIGATION RULES AS THE LAW IN THIS STATE, pursuant to your message that your Honorable Body has taken similar action, we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 431

House of Representatives
July 14, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment #1 to **SB 431**, A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION TO INCREASE THE MAXIMUM AMOUNT THAT MAY BE RECOVERED IN STRICT LIABILITY FOR DAMAGE TO PERSON OR PROPERTY BY MINORS, the Speaker has appointed as conferees on the part of the House, Representative Barnes, Representative G. Miller, Representative Wilkins, Representative Daughtry, and Representative Cunningham, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1158

House of Representatives
July 14, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment #2 to **HB 1158**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ERECTION OF OUTDOOR ADVERTISING ON A PORTION OF U. S. HIGHWAY 52 AND NORTH CAROLINA HIGHWAY 752 IN SURRY COUNTY, and requests conferees. The Speaker has appointed Representative Diamont, Representative Wilmoth, Representative Jack Hunt, Representative Ramsey, Representative Stamey, Representative Justus, Representative Ives, Representative Colton, and Representative Beall on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

REPORT TO GENERAL ASSEMBLY

A Commission directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

As required by General Statute 62-15(h), the Annual Report July 1, 1992 through June 30, 1993 of the Public Staff Utilities Commission.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1158, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County, with a message received earlier today requesting conferees.

Senator Winner of Buncombe offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Winner of Buncombe (Chairman), Winner of Mecklenburg, Plexico, Speed, and Smith as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECALL FROM COMMITTEE

S.B. 917 (Committee Substitute), a bill to establish the North Carolina Bridge Authority, referred to the **Transportation Committee** on April 19.

Senator Speed offers a motion the Committee Substitute bill be recalled from the **Transportation Committee** and re-referred to the **Finance Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Transportation Committee** and re-refers the measure to the **Finance Committee.**

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

With unanimous consent, Senator Sands offers a motion to the end all messages ordered to the House of Representatives today be sent by special messenger, which motion prevails, by unanimous consent.

H.B. 815, a bill authorizing various counties to assist thoroughfare plan implementation, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, by special messenger, for concurrence in Senate Amendment No. 1, which changes the title.

S.B. 887 (Committee Substitute), a bill to allow the Town of Santeetlah to make equal assessments for each lot in a new system, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

S.B. 957, a bill to authorize Surry County to levy an additional privilege license tax on beer and wine retailers, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Folger, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Winner of Buncombe, and Winner of Mecklenburg—36.

Voting in the negative: Senators Allran, Cochrane, Forrester, Sands, and Smith—5.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

S.B. 14 (Committee Substitute No. 3), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2)

capital improvements for community colleges, (3) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (4) capital improvements and land acquisition for State parks and recreation areas, as written by the **Capital Expenditures and Improvements Committee**, with a favorable report.

On motion of Senator Daniel, the rules are suspended and the Committee Substitute bill No. 3 remains before the Senate for immediate consideration, upon second reading.

The Committee Substitute bill No. 3 passes its second reading by roll-call vote ayes 40, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hyde, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: Senators Ballance, Edwards, Hunt, Jordan, Martin of Guilford, and Richardson—6.

The Committee Substitute bill No. 3 is ordered placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

H.B. 505 (Committee Substitute), a bill requested by the North Carolina Council for the Deaf and Hard of Hearing to reconstitute the membership of the North Carolina Council for the Deaf and Hard of Hearing, as amended by the **State Personnel and State Government Committee**, with a favorable report.

CONFERENCE REPORT

S.B. 125 (House Committee Substitute)

Senator Winner of Buncombe for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 125** (House Committee Substitute), a bill to provide that a purchase money security interest continues when the underlying agreement is modified with same creditor and application of payments in a consumer credit sale is on the basis that the first payments shall be applied to the first purchase to satisfy that and other debts accordingly, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **SB 125**, AN ACT TO PROVIDE THAT A PURCHASE MONEY SECURITY INTEREST CONTINUES WHEN THE UNDERLYING AGREEMENT IS MODIFIED WITH SAME CREDITOR AND APPLICATION OF PAYMENTS IN A CONSUMER CREDIT SALE IS ON THE BASIS THAT THE FIRST PAYMENTS SHALL BE APPLIED TO THE FIRST PURCHASE TO SATISFY THAT AND OTHER DEBTS ACCORDINGLY, House Committee Substitute Favorable 7/5/93,

wish to report as follows:

That the Senate concurs in the House Committee Substitute for Senate Bill 125, Fourth Edition Engrossed 7/5/93, with the following amendments:

on page 2, line 19, by rewriting the line to read:

"All subsequent payments shall be applied first to finance charges and then to principal. The application of payments to principal shall be applied to the various purchases"; and

on page 2, line 42, by rewriting the line to read:

"All subsequent payments shall be applied first to finance charges and then to principal. The application of payments to principal shall be applied to the various purchases".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 14th day of July, 1993.

S/Dennis J. Winner	S/Joe Hackney
S/Alexander P. Sands, III	S/H. M. Michaux, Jr.
S/Roy A. Cooper, III	S/Paul R. McCrary
	S/Joanne W. Bowie
	S/George M. Holmes
	S/Ronnie Sutton
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Winner of Buncombe, the Conference Report is adopted (44-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 46 (Committee Substitute), a bill to provide for postponement of certain assessments in Winston-Salem and Forsyth County, upon second reading.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

H.B. 844 (Committee Substitute), a bill to provide that Alamance County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (42-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 105 (Committee Substitute), a bill to increase the property tax homestead exemption amount from twelve thousand dollars to fifteen thousand dollars and to make technical changes to the homestead exemption statutes, upon second reading.

The Chair rules the measure does not require a call of the roll.

The Committee Substitute bill passes its second (39-1) and third readings and is ordered enrolled.

H.B. 284 (Committee Substitute No. 2), a bill to implement a recommendation of the Educational Leadership Task Force and the Joint Legislative Education Oversight

Committee to establish an independent Standards Board for School Administration and to allow that Board to charge examination fees, upon second reading.

On motion of Senator Winner of Buncombe, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

H.B. 499, a bill to increase the fees for enrolling in an accredited drug education school, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

H.B. 509, a bill to raise the inheritance tax filing threshold.

The Chair rules the measure does not require a call of the roll.

The bill passes its second (43-0) and third readings and is ordered enrolled.

S.B. 1144 (Committee Substitute), a bill to extend certain exemptions to the federal bridge formula on State highways, except interstates.

With unanimous consent, on motion of Senator Lee, the Committee Substitute bill is taken up out of its regular order of business.

The Committee Substitute bill passes its second (39-7) and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 604 (Senate Committee Substitute), a bill to authorize counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

H.B. 624 (Committee Substitute No. 2), a bill to rewrite Chapter 55A of the General Statutes relating to nonprofit corporations as recommended by the General Statutes Commission, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kerr, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

H.B. 681 (Senate Committee Substitute), a bill to implement the requirements of the 1990 amendments to the Federal Clean Air Act, to repeal the expiration of a portion of the per gallon fuel tax, to dedicate a portion of the proceeds of the tax to the administration of the air quality program, to dedicate a portion of the proceeds of the tax to the cleanup of leaking petroleum underground storage tanks, and to repeal the expiration of the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: Senator Kincaid—1.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

S.B. 94 (Committee Substitute), a bill to authorize units of local government, local school boards, and community colleges to enter into guaranteed energy savings contracts in order to finance energy conservation measures in local public facilities.

On motion of Senator Plexico, Committee Amendment No. 1 is adopted.

Senator Kerr offers Amendment No. 2 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second (41-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1077 (Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction, placed earlier today on the Calendar for today at the end of the regular order of business.

With unanimous consent, on motion of Senator Parnell, the Committee Substitute bill is taken up out of its regular order of business.

The Chair rules the measure requires a call of the the roll upon its passage, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid,

Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

S.B. 906 (Committee Substitute No. 2), a bill to make various substantive amendments to the Workers' Compensation Act and to make related changes.

Senator Winner of Buncombe offers Amendment No. 1 which is adopted (44-0).

Senator Winner of Buncombe offers Amendment No. 2 which is adopted (44-0).

Senator Winner of Mecklenburg offers Amendment No. 3 which is adopted (46-0).

Senator Kaplan offers Amendment No. 4 which fails of adoption (14-31).

Senator Daniel calls the previous question, seconded by Senator Plyler. The call is sustained.

The Committee Substitute bill No. 2, as amended, passes its second reading (28-15).

Senator Odom objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Rules and Operation of the Senate Committee**:

S.B. 1249, a bill to make technical changes to boards and commissions in North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the proposed Committee Substitute bill 9745, which changes the title to read **S.B. 1249** (Committee Substitute), a bill to make changes concerning the Board of Electrolysis Examiners, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is re-referred to the **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Cooper for the **Judiciary II Committee**:

H.B. 1008 (Senate Committee Substitute), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or knowingly to allow a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor knowingly to allow a minor to take or possess other types of weapons on educational property, to direct the Department of Crime Control and Public Safety to study the State's criminal statutes to determine whether a parent or other individual entrusted with the care or supervision of a minor may be prosecuted under existing laws for failure to safely store a weapon, and to direct the State Board of Education to develop a model curriculum and guide for weapon safety, with an unfavorable report as to Senate Committee Substitute bill as written by the **Education/Higher Education Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, A298, which changes the title, upon concurrence, to read **H.B. 1008** (Senate Committee Substitute No. 2), a bill to make it a Class I felony

to possess or carry a firearm or explosive on educational property or to cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property, to make it a misdemeanor to fail to store firearms in a reasonable manner for the protection of minors and to fail to warn a person of this law upon the sale or transfer of a firearm, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Senate Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Senate Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Friday, July 16, for further consideration.

RECALL FROM COMMITTEE

S.B. 535 (House Committee Substitute), a bill to clarify and expand remedies for returned checks as recommended by the General Statutes Commission and to provide that restitution for violations of G.S. 14-107 may include service charges and processing fees, received from the House of Representatives for concurrence and recommitted to the **Judiciary I Committee** earlier today.

Senator Ballance offers a motion the House Committee Substitute bill be recalled from the **Judiciary I Committee** and placed on the Calendar for Friday, July 16, which motions prevail.

The Chair recalls the House Committee Substitute bill from the **Judiciary I Committee** and orders the measure placed on the Calendar for tomorrow, Friday, July 16, upon concurrence.

The Senate recesses at 6:00 P.M. for the purpose of committee meetings, to reconvene at 6:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Continued)

S.B. 974 (Committee Substitute No. 2), a bill to require continuing education for registered cosmetology instructors and to clarify the law concerning cosmetology instructors.

On motion of Senator Forrester, consideration of the Committee Substitute bill No. 2 is postponed until Tuesday, July 20.

S.B. 1245 (Committee Substitute), a bill to exempt from the intangibles tax stocks that are not publicly traded, to make technical changes, and to authorize the Legislative Research Commission to study the intangibles tax and related issues.

With unanimous consent, Senator Perdue is excused from voting on the measure.

The Committee Substitute bill passes its second reading (35-2) and, without objection, remains before the Senate upon third reading.

Senator Winner of Buncombe offers a motion the Committee Substitute bill be placed on the Calendar for tomorrow, Friday, July 16, for consideration, upon third reading, which motion prevails.

The Chair orders the measure placed on the Calendar for tomorrow, Friday, July 16, upon third reading.

H.B. 1274 (Committee Substitute), a bill to provide that the exemption from the scrap tire tax for tires sold for placement on newly manufactured vehicles shall apply uniformly regardless when the tires were sold.

On motion of Senator Hoyle, consideration of the Committee Substitute bill is postponed until Friday, July 16.

RECALL FROM COMMITTEE

S.B. 631 (House Committee Substitute), a bill to amend the North Carolina Practicing Psychologist Licensing Act, referred to the **Judiciary II Committee** on July 14.

Senator Cooper offers a motion the House Committee Substitute bill be recalled from the **Judiciary II Committee** and placed on the Calendar for Friday, July 16, upon its passage, which motions prevail.

The Chair recalls the House Committee Substitute bill from the **Judiciary II Committee** and orders the measure placed on the Calendar for tomorrow, Friday, July 16.

CALENDAR (Continued)

H.J.R. 246, a joint resolution honoring the founders of the Town of Aberdeen on its One-Hundredth Anniversary.

The joint resolution passes its second (38-0) and third readings and is ordered enrolled.

H.B. 613 (Senate Committee Substitute), a bill to allow health care facilities to furnish public health authorities with patient records under certain circumstances and to provide qualified immunity for persons who assist in evaluating the risks of transmission by health care workers of HIV or Hepatitis B to patients.

The Senate Committee Substitute bill passes its second (39-1) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

H.B. 657 (Committee Substitute), a bill to authorize a mediation program for the Office of Administrative Hearings.

The Committee Substitute bill passes its second (37-0) and third readings and is ordered enrolled.

H.B. 658 (Senate Committee Substitute), a bill to authorize a mediation program for the Industrial Commission and to authorize the Chairman of the Industrial Commission to hire or fire personnel and transfer personnel within the Commission without obtaining the approval of at least one other Commissioner.

The Senate Committee Substitute bill passes its second (39-0) and third readings and is ordered sent to the House of Representatives by special messenger for concurrence in the Senate Committee Substitute bill.

H.B. 1050 (Senate Committee Substitute), a bill to establish the DNA Database and Databank Act of 1993.

The Senate Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives by special messenger for concurrence in the Senate Committee Substitute bill.

RECONSIDERATION

H.B. 1274 (Committee Substitute), a bill to provide that the exemption from the scrap tire tax for tires sold for placement on newly manufactured vehicles shall apply uniformly regardless when the tires were sold, placed by motion on the Calendar for tomorrow earlier today.

Senator Hoyle offers a motion that the vote by which the measure was removed from today's Calendar be reconsidered, which motion prevails, and the question becomes the motion to place the measure on the Calendar for tomorrow. With unanimous consent,

Senator Hoyle withdraws the motion and the question becomes passage of the Committee Substitute bill upon second reading.

The Committee Substitute bill passes its second reading (38-3).

Senator Marshall objects to the third reading of the measure. The Chair orders the Committee Substitute bill placed on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

CALENDAR (Continued)

H.B. 1172 (Senate Committee Substitute), a bill to extend the qualified tort liability protection for health care personnel to include medical services rendered by health care personnel without compensation at their place of employment to a patient.

The Senate Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives by special messenger for concurrence in the Senate Committee Substitute bill, which changes the title.

H.B. 1089 (Senate Committee Substitute), a bill relating to the definition of pyrotechnics under Chapter 14 of the North Carolina General Statutes, upon third reading.

Senator Odom offers Amendment No. 1 which fails of adoption (19-22).

Senator Ballance calls the previous question, seconded by Senator Conder. The call is sustained (24-14).

The Senate Committee Substitute bill, as amended, passes its third reading (21-17).

The Senate Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 809 (House Committee Substitute), a bill to make sundry amendments relating to local governments in Orange and Chatham Counties, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

H.B. 1274 (Committee Substitute), a bill to provide that the exemption from the scrap tire tax for tires sold for placement on newly manufactured vehicles shall apply uniformly regardless when the tires were sold, earlier today ordered placed on the Calendar for tomorrow, July 16, upon third reading.

Senator Marshall withdraws her objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Friday, July 16, and placed before the Senate for further consideration upon its third reading.

The Committee Substitute bill passes its third reading (38-2) and the measure is ordered enrolled.

S.B. 158, a bill to provide that the penalty for failure to file an inheritance tax return will be assessed and collected in the same manner as the penalty for failure to pay inheritance taxes, for concurrence in House Amendment No. 1, upon second reading.

The Senate concurs in House Amendment No. 1 on its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley,

Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Sands, Sherron, Smith, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Friday, July 16, for further consideration, upon third reading.

S.B. 496 (Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to establish an interagency committee to develop a child medical and mental health evaluation plan, for concurrence in House Amendments No. 1, No. 2, No. 3, and No. 4.

The Senate concurs in House Amendments No. 1, No. 2, No. 3, and No. 4 (37-0) and the measure is ordered enrolled.

S.B. 128 (Committee Substitute), a bill to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, and to increase revenues to provide funds to make the reimbursement, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 128** (House Committee Substitute), a bill to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, to increase revenues to provide funds to make the reimbursement, to lower the maximum highway use tax on certain commercial vehicles, to increase the annual registration fees for certain property-hauling vehicles, and to credit the increased revenue from the registration fees to the Highway Trust Fund, placed earlier today on the Calendar under a suspension of the rules with a recommendation the Senate do not concur.

The Senate fails to concur in the House Committee Substitute bill by roll call vote, ayes 2, noes 30, as follows:

Voting in the affirmative: Senators Shaw and Sherron—2.

Voting in the negative: Senators Albertson, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kerr, Lee, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Smith, Soles, Speed, Tally, Walker, Winner of Buncombe, and Winner of Mecklenburg—30.

Senator Winner of Buncombe offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 863 (Committee Substitute), a bill to require the State Board of Education to consider children with special needs when it adopts rules setting graduation standards, to direct the State Board of Education to conduct an independent study of high school graduation standards for children with special needs, and to direct the State Board of Education to suspend the application of its rule requiring Algebra I for a high school diploma to children identified as learning disabled pending its reevaluation of graduation standards for children with special needs, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 863** (House Committee Substitute), a bill to require the State Board of Education to consider children with special needs when it adopts rules setting graduation standards, to direct the North Carolina Education Standards and Accountability Commission to study high school graduation standards for children with special needs, and to direct the State Board of Education to suspend the application of its rule requiring Algebra I for a high school diploma to children identified as learning disabled pending its reevaluation of graduation standards for children with special needs, received from the House of Representatives earlier today and placed on the Calendar under a suspension of the rules.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns at 7:40 P.M. to meet tomorrow, Friday, July 16, at 10:00 A.M.

ONE HUNDRED FIRST DAY

SENATE CHAMBER,
Friday, July 16, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, grant special grace today to the Senators and staff, still strong in their convictions but wearied physically and mentally by the demands of the Session.

"May the breath of Your Spirit renew and refresh physically, emotionally, and mentally all who labor here.

"To that end we are encouraged by Your Words, 'Come unto me all you who labor and I will give you rest.' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Thursday, July 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Seymour for medical reasons; to Senator Ward and to Senator Gunter who are attending the Education Commission of the States meeting; to Senator Forrester to cover his medical practice; to Senator Smith for business; and to Senator Plyler.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 724 (Committee Substitute), an act to establish the High Rock Lake Marine Commission. (Ch. 355)

H.B. 567 (Senate Committee Substitute), an act to provide for the issuance of replacement data plates for LP-gas tanks, to provide civil penalties for violations of the laws regarding LP-gas, to provide for suspension or revocation of an LP-gas dealer's registration for violations of these laws, and to provide for contractor certification of LP-gas systems code compliance. (Ch. 356)

S.B. 496 (Committee Substitute), an act to implement a recommendation of the Child Fatality Task Force to establish an interagency committee to develop a child medical and mental health evaluation plan. (Ch. 357)

S.B. 809 (House Committee Substitute), an act to make sundry amendments relating to local governments in Orange and Chatham Counties. (Ch. 358)

S.B. 863 (House Committee Substitute), an act to require the State Board of Education to consider children with special needs when it adopts rules setting graduation standards, to direct the North Carolina Education Standards and Accountability Commission to study high school graduation standards for children with special needs, and to direct the State Board of Education to suspend the application of its rule requiring Algebra I for a high school diploma to children identified as learning disabled pending its reevaluation of graduation standards for children with special needs. (Ch. 359)

H.B. 105 (Committee Substitute), an act to increase the property tax homestead exemption amount from twelve thousand dollars to fifteen thousand dollars and to make technical changes to the homestead exemption statutes. (Ch. 360)

H.B. 485 (Committee Substitute), an act to adopt the Inland Navigation Rules as the law in this State. (Ch. 361)

H.B. 509, an act to raise the inheritance tax filing threshold. (Ch. 362)

H.B. 657 (Committee Substitute), an act to authorize a mediation program for the Office of Administrative Hearings. (Ch. 363)

H.B. 1274 (Committee Substitute), an act to provide that the exemption from the scrap tire tax for tires sold for placement on newly manufactured vehicles shall apply uniformly regardless when the tires were sold. (Ch. 364)

H.J.R. 246, a joint resolution honoring the founders of the Town of Aberdeen on its One-Hundredth Anniversary. (Res. 21)

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 128 (House Committee Substitute), a bill to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, to increase revenues to provide funds to make the reimbursement, to lower the maximum highway use tax on certain commercial vehicles, to increase the annual registration fees for certain property-hauling vehicles, and to credit the increased revenue from the registration fees to the Highway Trust Fund, with the motion of Senator Winner of Buncombe, prevailing on Thursday, July 15, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Winner of Buncombe (Chairman), Kerr, Sands, and Speed as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

With unanimous consent, Senator Sands offers a motion to the end messages ordered sent to the House of Representatives through adjournment of the First Regular Session be sent by special messenger, which motion prevails.

CALENDAR

S.B. 14 (Committee Substitute No. 3), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) capital improvements for community colleges, (3) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems,

wastewater treatment works, and water conservation projects, and (4) capital improvements and land acquisition for State parks and recreation areas, upon third reading.

With unanimous consent, on motion of Senator Sands, the Committee Substitute bill No. 3 is taken up out of its regular order of business and placed before the Senate for immediate consideration.

The Committee Substitute bill No. 3 passes its third reading by roll-call vote, ayes 33, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Daniel, Folger, Gulley, Harris, Hartsell, Hoyle, Hyde, Johnson, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Sands, Simpson, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—33.

Voting in the negative: Senators Ballance, Edwards, Hunt, Jordan, and Martin of Guilford—5.

The Committee Substitute bill No. 3 is ordered sent to the House of Representatives by special messenger.

COMMITTEE REPORT

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Johnson for the **State Personnel and State Government Committee**:

H.B. 1157, a bill to make changes in the law relating to the North Carolina Courts Commission, with a favorable report.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 63, a bill to repeal the two percent restriction on the use of proceeds of the Regional Transportation Authority registration tax for administrative purposes, for concurrence in House Amendments No. 1 and No. 2, which change the title, upon concurrence, to read **S.B. 63**, a bill to repeal the two percent restriction on the use of proceeds of the Regional Transportation Authority registration tax for administrative purposes and to require the Authority to submit annual reports to the General Assembly, which is placed on the Calendar for tomorrow, Saturday, July 17.

S.B. 873 (Committee Substitute), a bill to protect a person's access to public or private buildings, businesses, or facilities, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 873** (House Committee Substitute), a bill to protect a person's access to health care facilities, which is placed on the Calendar for tomorrow, Saturday, July 17.

H.B. 825, a bill concerning impact fees by the Town of Garner.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1127 (Committee Substitute), a bill to authorize the conveyance of a right-of-way to the Department of Transportation within Pilot Mountain State Park.

Referred to **Transportation Committee**.

H.B. 1260, a bill to establish the Martin Luther King, Jr. Commission.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

H.B. 1359 (Committee Substitute), a bill to allow an income tax credit for expenditures to rehabilitate a certified historic structure.

Referred to **Finance Committee.**

COMMITTEE REPORT

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee:**

S.B. 937, a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretense, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Committee Substitute bill 8531, which changes the title to read **S.B. 937** (Committee Substitute), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretenses, is placed before the Senate for immediate consideration.

On motion of Senator Cooper, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is ordered placed on the Calendar for tomorrow, Saturday, July 17, for further consideration.

H.B. 1015 (Senate Committee Substitute), a bill relating to prayers for judgment in infraction cases where a defensive driving course, or a similar approved course, has been completed by the person cited, with an unfavorable report as to Senate Committee Substitute bill as written by the **Judiciary I Committee**, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill No. 2, A297, is placed before the Senate for immediate consideration and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Saturday, July 17, for further consideration.

WITHDRAWAL FROM CALENDAR

H.B. 1061 (Senate Committee Substitute), a bill to amend the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988 and to clarify the purposes of the Oil or Other Hazardous Substances Pollution Protection Fund, placed on the Calendar for Tuesday, July 20.

Senator Winner of Buncombe offers a motion the Senate Committee Substitute bill be recalled from the Calendar for Tuesday, July 20, and placed on the Calendar for today in its regular order of business, which motions prevail.

The Chair recalls the Senate Committee Substitute bill from the Calendar for Tuesday, July 20, and orders the measure placed on the Calendar for today in its regular order of business.

CALENDAR

CONFIRMATION OF STATE CONTROLLER

The President lays before the Senate the first order of business on today's Calendar, it being the confirmation of Edward Renfrow as State Controller, with a favorable recommendation by the **Rules and Operation of the Senate Committee.**

The Senate adopts the report of the **Rules and Operation of the Senate Committee** by roll-call vote, ayes 42, noes 0.

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Sands, Sherron, Simpson, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The Senate confirms the appointment of Edward Renfrow as State Controller, pursuant to G.S. 143B-426.37(b), for a term to begin upon the resignation of Fred Talton and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 887 (Committee Substitute), a bill to allow the Town of Santeetlah to make equal assessments for each lot in a new system, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Sands, Sherron, Simpson, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

S.B. 957, a bill to authorize Surry County to levy an additional privilege license tax on beer and wine retailers, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 36, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Harris, Hartsell, Hoyle, Hunt, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Plexico, Sherron, Simpson, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—36.

Voting in the negative: Senators Allran and Cochrane—2.

The bill, as amended, previously ordered engrossed is ordered sent to the House of Representatives by special messenger.

H.B. 46 (Committee Substitute), a bill to provide for postponement of certain assessments in Winston-Salem and Forsyth County, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Harris, Hartsell, Hoyle, Hunt, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Sherron, Simpson, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

S.B. 1077 (Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Harris, Hartsell, Hoyle, Hunt, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Martin of Guilford, Odom, Parnell, Plexico, Sands, Sherron, Simpson, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

H.B. 284 (Committee Substitute No. 2), a bill to implement a recommendation of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee to establish an independent Standards Board for School Administration and to allow that Board to charge examination fees, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Harris, Hartsell, Hoyle, Hunt, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Sands, Sherron, Soles, Speed, Tally, Walker, Winner of Buncombe, and Winner of Mecklenburg—37.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives by special messenger for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 499, a bill to increase the fees for enrolling in an accredited drug education school, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Harris, Hartsell, Hoyle, Hunt, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Plexico, Sands, Sherron, Simpson, Soles, Speed, Walker, Warren, and Winner of Buncombe—36.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 604 (Senate Committee Substitute), a bill to authorize counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Harris, Hartsell, Hoyle, Hunt, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Sands, Sherron, Simpson, Soles, Speed, Tally, Walker, Warren, and Winner of Buncombe—39.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

COMMITTEE REPORT

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

S.B. 719, a bill to make various amendments to the Medical Practice Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ballance, the proposed Committee Substitute bill 3714, which changes the title to read **S.B. 719** (Committee Substitute), a bill to amend the fees and per diem of the Board of Medical Examiners, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 827, a bill to establish uniformity in the regulation of roadside hunting, with an unfavorable report as to the bill as amended by the **Agriculture, Marine Resources, and Wildlife Committee**, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 8039, which changes the title, upon concurrence, to read **H.B. 827** (Senate Committee Substitute), a bill to generally establish uniformity in the regulation of roadside hunting, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for Tuesday, July 20, for further consideration.

H.B. 1062 (Committee Substitute), a bill to provide that a mentally retarded person convicted of first degree murder may not be sentenced to death, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 9278 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for Tuesday, July 20, for further consideration.

CALENDAR (Continued)

H.B. 624 (Committee Substitute No. 2), a bill to rewrite Chapter 55A of the General Statutes relating to nonprofit corporations as recommended by the General Statutes Commission, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Hartsell, Hoyle, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Sands, Sherron, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 681 (Senate Committee Substitute), a bill to implement the requirements of the 1990 amendments to the Federal Clean Air Act, to repeal the expiration of a portion of

the per gallon fuel tax, to dedicate a portion of the proceeds of the tax to the administration of the air quality program, to dedicate a portion of the proceeds of the tax to the cleanup of leaking petroleum underground storage tanks, and to repeal the expiration of the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Sands, Sherron, Simpson, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger.

RECALL FROM COMMITTEE

H.B. 552, a bill to clarify the Medicaid law regarding the financial responsibility of parents for children under twenty-one in medical institutions, referred to the **Children and Human Resources Committee** on July 14.

Senator Walker offers a motion the bill be recalled from the **Children and Human Resources Committee** and placed on the Calendar for today, upon its passage, in the regular order of business, which motion prevails.

The Chair recalls the bill from the **Children and Human Resources Committee** and orders the measure placed on the Calendar for today in its regular order of business.

CALENDAR (Continued)

S.B. 1245 (Committee Substitute), a bill to exempt from the intangibles tax stocks that are not publicly traded, to make technical changes, and to authorize the Legislative Research Commission to study the intangibles tax and related issues, upon third reading.

With unanimous consent, on motion of Senator Winner of Buncombe, the Committee Substitute bill is taken up out of its regular order of business and placed before the Senate for immediate consideration.

The Committee Substitute bill passes its third reading (39-0).

The Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

COMMITTEE REPORT

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner of Buncombe for the **Finance Committee**:

S.B. 917, a bill to prescribe the method for establishing toll roads in North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill 6684, which changes the title to read **S.B. 917** (Committee Substitute), a bill to establish the North Carolina Bridge Authority, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is ordered placed on the Calendar for today at the end of the regular order of business for further consideration.

H.B. 686 (Committee Substitute), a bill to authorize Henderson and Transylvania Counties and the City of Brevard to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance and to extend water and sewer lines to industrial properties for economic development purposes, as amended by the **Local Government and Regional Affairs Committee**, with a favorable report, as amended.

The Senate recesses at 11:00 A.M. for the purpose of committee meetings, to reconvene at 11:30 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Continued)

H.B. 502 (Senate Committee Substitute No. 2), a bill to make technical amendments to the alcoholic beverage laws, to authorize the sale of alcoholic beverages in certain areas of the State, to increase the fees for most commercial alcoholic beverage permits, and to make other changes to the alcoholic beverage laws, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 29, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Codington, Conder, Cooper, Folger, Gulley, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Sands, Shaw, Sherron, Soles, Tally, Walker, Winner of Buncombe, and Winner of Mecklenburg—29.

Voting in the negative: Senators Carpenter, Cochrane, Edwards, Harris, Hartsell, Parnell, Simpson, and Speed—8.

The Senate Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Saturday, July 17, for further consideration, upon third reading.

H.B. 1061 (Senate Committee Substitute), a bill to amend the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988 and to clarify the purposes of the Oil or Other Hazardous Substances Pollution Protection Fund, placed earlier today on the Calendar for consideration, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Gulley, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Sands, Sherron, Simpson, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—37.

Voting in the negative: Senator Kincaid—1.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Saturday, July 17, for further consideration, upon third reading.

COURTESIES OF THE FLOOR

On motion of Senator Plexico, the Chair extends the courtesies of the floor to Tiffani Plemmons, Junior Miss America. Senator Plexico is directed to escort Miss Plemmons

to the Well of the Senate where she briefly address the Senate. The Senate responds with a standing ovation and Senator Plexico escorts her from the Chamber.

CALENDAR (Continued)

H.B. 106 (Committee Substitute), a bill to direct the Office of State Personnel to review State cytotechnologist salaries.

On motion of Senator Cochrane, consideration of the Committee Substitute bill is postponed until Tuesday, July 20.

H.B. 292, a bill to implement the recommendations of the Government Performance Audit Committee regarding the continuum of education in North Carolina.

On motion of Senator Martin of Guilford, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second (35-1) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1008 (Senate Committee Substitute No. 2), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or to cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property, to make it a misdemeanor to fail to store firearms in a reasonable manner for the protection of minors and to fail to warn a person of this law upon the sale or transfer of a firearm.

The Chair orders, without objection, the Senate Committee Substitute bill No. 2 temporarily displaced.

S.B. 906 (Committee Substitute No. 2), a bill to make various substantive amendments to the Workers' Compensation Act and to make related changes.

The Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

COMMITTEE REPORT

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes their place on the Calendar, as follows:

By Senator Edwards for the **Economic Development/Travel and Tourism Committee**:

H.B. 992 (Committee Substitute), a bill to modify the types of industrial development for which the Industrial Development Fund may be used, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

CALENDAR (Continued)

H.B. 437, a bill to grant statutory powers to trustees under express trust instruments.

The bill passes its second (37-0) and third readings and is ordered enrolled.

H.B. 505 (Committee Substitute), a bill requested by the North Carolina Council for the Deaf and Hard of Hearing to reconstitute the membership of the North Carolina Council for the Deaf and Hard of Hearing, as amended.

The Committee Substitute bill, as amended, passes its second (35-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 514, a bill to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification.

On motion of Senator Hoyle, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (36-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 873 (Committee Substitute), a bill to fulfill the intent of the insurance equality statute by correcting omissions in that Statute.

Senator Sands offers Amendment No. 1 which is adopted (36-1).

Senator Kerr offers Amendment No. 2 which is adopted (22-14).

The Committee Substitute bill, as amended, passes its second (37-1) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 552, a bill to clarify the Medicaid law regarding the financial responsibility of parents for children under twenty-one in medical institutions, recalled from the **Children and Human Resources Committee** and placed earlier today on the Calendar for consideration, upon its passage.

The Chair orders, without objection, the bill temporarily displaced.

S.B. 158, a bill to provide that the penalty for failure to file an inheritance tax return will be assessed and collected in the same manner as the penalty for failure to pay inheritance taxes, for concurrence in House Amendment No. 1, upon third reading.

The Chair orders, without objection, the bill temporarily displaced.

S.B. 183, a bill to provide that a sales tax license is void if the retailer reports no sales for eighteen months, for concurrence in House Amendment No. 1.

The Chair orders, without objection, the bill temporarily displaced.

S.B. 475 (House Committee Substitute), a bill to make it a crime to sell handicapped parking placards, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (38-0) and the measure is ordered enrolled.

S.B. 158, a bill to provide that the penalty for failure to file an inheritance tax return will be assessed and collected in the same manner as the penalty for failure to pay inheritance taxes, for concurrence in House Amendment No. 1, temporarily displaced earlier, upon third reading.

The Senate concurs in House Amendment No. 1 on its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Sands, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 183, a bill to provide that a sales tax license is void if the retailer reports no sales for eighteen months, for concurrence in House Amendment No. 1, temporarily displaced earlier.

The Senate concurs in House Amendment No. 1 (39-0) and the measure is ordered enrolled.

S.B. 535 (House Committee Substitute), a bill to clarify and expand remedies for returned checks as recommended by the General Statutes Commission and to provide

that restitution for violations of G.S. 14-107 may include service charges and processing fees, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (36-0) which changes the title and the measure is ordered enrolled.

S.B. 631 (House Committee Substitute), a bill to amend the North Carolina Practicing Psychologist Licensing Act, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (37-0) and the measure is ordered enrolled.

S.B. 643 (House Committee Substitute), a bill to make technical and other changes to the retaliatory employment discrimination law, for concurrence in the House Committee Substitute bill.

On motion of Senator Cooper, consideration of the House Committee Substitute bill is postponed until tomorrow, Saturday, July 17.

WITHDRAWAL FROM CALENDAR

S.B. 873 (House Committee Substitute), a bill to protect a person's access to health care facilities, received from the House of Representatives for concurrence earlier today and placed on the Calendar for Saturday, July 17 for consideration.

Senator Winner of Mecklenburg offers a motion the House Committee Substitute bill be recalled from the Calendar for Saturday, July 17, and placed on the Calendar for Monday, July 19, which motions prevail.

The Chair recalls the House Committee Substitute bill from the Calendar for Saturday, July 17 and orders it placed on the Calendar for Monday, July 19, upon concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 125
(House Committee Substitute)

House of Representatives
July 16, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 125** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PURCHASE MONEY SECURITY INTEREST CONTINUES WHEN THE UNDERLYING AGREEMENT IS MODIFIED WITH SAME CREDITOR AND APPLICATION OF PAYMENTS IN A CONSUMER CREDIT SALE IS ON THE BASIS THAT THE FIRST PAYMENTS SHALL BE APPLIED TO THE FIRST PURCHASE TO SATISFY THAT AND OTHER DEBTS ACCORDINGLY, pursuant to your message that your Honorable Body has taken similar action, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Having adopted a like report on July 15, the President orders the House Committee Substitute bill enrolled.

CALENDAR (Continued)

H.B. 552, a bill to clarify the Medicaid law regarding the financial responsibility of parents for children under twenty-one in medical institutions, temporarily displaced earlier.

On motion of Senator Ballance, consideration of the bill is postponed until Tuesday, July 20.

The Senate recesses at 12:30 P.M. for the purpose of committee meetings, to reconvene at 1:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Continued)

H.B. 1008 (Senate Committee Substitute No. 2), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or to cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property, to make it a misdemeanor to fail to store firearms in a reasonable manner for the protection of minors and to fail to warn a person of this law upon the sale or transfer of a firearm, placed earlier today at the end of the Calendar.

Senator Cooper offers Amendment No. 1 which is adopted (38-0).

Senator Harris offers Amendment No. 2 which is adopted (20-18), further changing the title, upon concurrence, to read **H.B. 1008** (Senate Committee Substitute No. 2), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or to cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property, to make it a misdemeanor to fail to store firearms in a reasonable manner for the protection of minors and to fail to warn a person of this law upon the sale or transfer of a firearm and to provide that any juvenile bringing a gun or dangerous weapon to school shall be ineligible for a North Carolina drivers license until the juvenile is eighteen years of age.

Senator Simpson offers Amendment No. 3 which proposes to change the title, upon concurrence, to read **H.B. 1008** (Senate Committee Substitute No. 2), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or to cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property. Amendment No. 3 fails of adoption (6-30).

Senator Kerr offers Amendment No. 4 which fails of adoption (16-22).

Senator Cooper calls the previous question, seconded by Senator Johnson. The call is sustained. The Senate Committee Substitute bill No. 2, as amended, passes its second (35-4) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill No. 2, which changes the title.

S.B. 906 (Committee Substitute No. 2), a bill to make various substantive amendments to the Workers' Compensation Act and to make related changes, as amended, upon third reading.

Senator Daniel offers Amendment No. 5 which is adopted (32-1).

The Chair notes Senator Plyler is present.

Senator Soles offers Amendment No. 6 which is adopted (21-19).

Senator Sands offers Amendment No. 7 which fails of adoption (17-22).

With unanimous consent, Senator Albertson is granted a leave of absence for the balance of the day.

Senator Odom offers Amendment No. 8 which is adopted (37-0).

Senator Winner of Mecklenburg offers Amendment No. 9 which is adopted (35-3).

Senator Gulley offers Amendment No. 10 which is adopted (36-2).

Senator Folger offers Amendment No. 11 which is adopted (36-2).

The Committee Substitute bill No. 2, as amended, passes its third reading (35-12).

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

RECALL FROM COMMITTEE

S.B. 950 (House Committee Substitute), a bill to require that all new hospices receive a certificate of need, referred to the **Children and Human Resources Committee** on July 14.

Senator Walker offers a motion the House Committee Substitute bill be recalled from the **Children and Human Resources Committee** and placed before the Senate for immediate consideration upon concurrence, which motions prevail.

The Chair recalls the House Committee Substitute bill from the **Children and Human Resources Committee** and orders the measure placed before the Senate for immediate consideration, upon concurrence.

The Senate concurs in the House Committee Substitute bill (31-1) and the measure is ordered enrolled.

CALENDAR (Continued)

S.B. 917 (Committee Substitute), a bill to establish the North Carolina Bridge Authority.

The Committee Substitute bill passes its second (32-0) and third readings and is ordered sent to the House of Representatives by special messenger.

COMMITTEE REPORT

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them and take their place on the Calendar, as follows:

By Senator Folger for the **Local Government and Regional Affairs Committee**:

H.B. 883, a bill to exempt Mecklenburg County from provisions of the North Carolina Building Code that require building inspection departments to review residential plans, with a favorable report.

H.B. 890 (Committee Substitute), a bill to allow the Town of Middlesex to annex a certain described territory to the corporate limits of the Town, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

H.B. 124 (Committee Substitute), a bill to establish a statewide program to improve the collection of accounts receivable by the State.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 235 (Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction.

Referred to **Appropriations Committee.**

H.B. 578 (Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill.

Referred to **Capital Expenditures and Improvements Committee** and upon a favorable report, re-referred to the **Appropriations Committee** and upon a favorable report, re-referred to the **Finance Committee.**

S.B. 204 (House Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to make the certificate of need program self-funded by increasing the minimum and maximum CON application fees, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Saturday, July 17.

S.B. 590, a bill to add to the authorized uses of designated boating funds by the Wildlife Resources Commission and to increase fees for boat certificates of number, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 590** (House Committee Substitute), a bill to increase fees for boat certificates of number and to clarify the use of the fees, which is placed on the Calendar for Monday, July 19, with unanimous consent.

S.B. 853 (House Committee Substitute), a bill to authorize counties that will derive economic benefits from the North Carolina Global TransPark to form a Global TransPark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone.

Recommitted to the **Finance Committee.**

H.B. 174 (Committee Substitute), a bill to authorize the Department of Revenue to allow or require payment of taxes by electronic funds transfer.

Referred to **Finance Committee.**

H.B. 976 (Committee Substitute No. 2), a bill to reorganize and transfer the Governor's Waste Management Board to the Office of Environmental Education, to make conforming changes, and to create the Pollution Prevention Advisory Council.

Referred to **Rules and Operation of the Senate Committee.**

The Senate recesses at 4:45 P.M. for the purpose of committee meetings to reconvene at 5:38 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

COMMITTEE REPORT

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it and takes their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee:**

H.B. 235 (Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the proposed Senate Committee Substitute bill 7326 is placed before the Senate for immediate consideration.

Senator Johnson rises to a point of order as to the proposed Senate Committee Substitute bill a material amendment. The Chair rules the proposed Senate Committee Substitute bill material and sustains the point of order.

On motion of Senator Daniel, the Senate Committee Substitute bill is adopted, which adoption constitutes first reading and the Chair orders the Senate Committee Substitute bill placed on the Calendar for tomorrow, Saturday, July 17, upon second reading.

On motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns at 5:43 P.M. to meet tomorrow, Saturday, July 17, at 8:00 A.M.

ONE HUNDRED SECOND DAY

SENATE CHAMBER,
Saturday, July 17, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, at a time when there are so many important decisions still to be made, we often live at cross-purposes in our central aims and with each other. Take us by the hand and help us to see things from Your Viewpoint.

"In case our wisdom fails us, we come to choices and decisions today with a prayer on our lips for Your Great Wisdom to guide us. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Friday, July 16, has been examined and is found to be correct and offers a motion the Senate dispense with the reading of the Journal and it stand approved as written, which motion prevails (29-0).

With unanimous consent, the President grants leaves of absence for today to Senator Seymour for medical reasons; to Senator Smith for business reasons; to Senator Forrester to cover his medical practice; to Senator Blackmon for business; to Senator Carpenter for family business; to Senator Cochrane and Senator Codington for personal matters; to Senator Gunter, who is attending the Education Commission of the States meeting; and to Senator Hoyle and Senator Winner of Buncombe.

Pursuant to the motion of Senator Sands prevailing on July 16, all messages ordered to the House of Representatives are sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 787 (Committee Substitute), an act to authorize the Department of Environment, Health, and Natural Resources to deny a permit for a sanitary landfill or a solid waste incinerator to an applicant that has not submitted an approved solid waste management plan. (Ch. 365)

H.B. 877 (Senate Committee Substitute), an act to clarify the definition of coin-operated machines, video games, and devices and to increase the punishment for certain gambling offenses. (Ch. 366)

H.B. 957 (Senate Committee Substitute), an act to regulate smoking in public places and to establish standards for local governments electing to regulate smoking. (Ch. 367)

H.B. 1016 (Senate Committee Substitute), an act to change the general drivers license renewal cycle from four to five years and to make uniform the requirements for obtaining a drivers license. (Ch. 368)

H.B. 1092 (Senate Committee Substitute), an act to require juvenile court counselors to notify school officials in certain cases when a juvenile is adjudicated delinquent and is ordered to attend school as a condition of probation. (Ch. 369)

S.B. 125 (House Committee Substitute), an act to provide that a purchase money security interest continues when the underlying agreement is modified with same creditor and application of payments in a consumer credit sale is on the basis that the first payments shall be applied to the first purchase to satisfy that and other debts accordingly. (Ch. 370)

S.B. 158, an act to provide that the penalty for failure to file an inheritance tax return will be assessed and collected in the same manner as the penalty for failure to pay inheritance taxes. Ch. (371)

S.B. 183, an act to provide that a sales tax license is void if the retailer reports no sales for eighteen months. (Ch. 372)

S.B. 475 (House Committee Substitute), an act to make it a crime to sell handicapped parking placards. (Ch. 373)

S.B. 535 (House Committee Substitute), an act to clarify and expand remedies for returned checks as recommended by the General Statutes Commission and to provide that restitution for violations of G.S. 14-107 may include service charges and processing fees. (Ch. 374)

S.B. 631 (House Committee Substitute), an act to amend the North Carolina Practicing Psychologist Licensing Act. (Ch. 375)

S.B. 950 (House Committee Substitute), an act to require that all new hospices receive a certificate of need. (Ch. 376)

H.B. 437, an act to grant statutory powers to trustees under express trust instruments. (Ch. 377)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 769, a bill to exempt the Towns of Cornelius, Davidson, and Huntersville from certain zoning notice requirements, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Sunday, July 18.

H.B. 802, a bill to provide for one-half the normal weight penalty for vehicles hauling recyclable materials.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 1492 (Committee Substitute No. 2), a bill to require the Building Code Council to establish standards for temporary toilet facilities at construction sites to ensure sanitary conditions for construction workers.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 729 (Committee Substitute), a bill to promote the creation of health plan purchasing alliances to provide access to health benefits for employees of small employer groups and self-employed individuals.

Referred to **Insurance Committee.**

S.B. 899 (Committee Substitute), a bill to enact new Article 2A of the Uniform Commercial Code, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 899** (House Committee Substitute), a bill to enact new Article 2A of the Uniform Commercial Code and to add a new Article 2 to Chapter 22B of the General Statutes making jury trial waiver provisions in contracts unenforceable.

Recommitted to **Judiciary II Committee.**

RECALL FROM ENROLLING

H.B. 499, a bill to increase the fees for enrolling in an accredited drug education school, ordered enrolled on July 16.

Senator Cooper offers a motion the bill be recalled from the Enrolling Office for further consideration.

The Enrolling Clerk presents the bill and Senator Cooper offers a motion the vote by which the measure passed third reading be reconsidered, which motion prevails and the question becomes the passage of the measure, upon third reading.

Senator Cooper offers Amendment No. 1 which is adopted (27-0).

The bill, as amended, passes its third reading, ayes 27, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cooper, Daniel, Edwards, Folger, Gulley, Hartsell, Hunt, Hyde, Johnson, Jordan, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, and Warren—27.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 686 (Committee Substitute), a bill to authorize Henderson and Transylvania Counties and the City of Brevard to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance and to extend water and sewer lines to industrial properties for economic development purposes, as amended, upon second reading.

The Chair places Committee Amendment No. 2 before the Senate for adoption, which proposes to change the Committee Substitute bill from a local bill to a public bill, and proposes to change the title to read **H.B. 686** (Committee Substitute), a bill to provide that the regulation of water supply watersheds does not apply to certain watersheds and to authorize Henderson and Transylvania Counties and the City of Brevard to take into

consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance and to extend water and sewer lines to industrial properties for economic development purposes.

Senator Tally offers a motion to the end the Committee Substitute bill, as amended, with Amendment No. 2 pending, be taken from the Calendar and re-referred to the **Environment and Natural Resources Committee.**

Senator Hyde, seconded by Senator Sherron, offers a motion to the end the motion of Senator Tally do lie upon the table, which motion fails to prevail (13-14) and the question reverts to the motion of Senator Tally to re-refer the Committee Substitute bill, as amended, with Amendment No. 2 pending, to the **Environment and Natural Resources Committee.** The motion fails to prevail (7-20) and the question becomes the adoption of Committee Amendment No. 2.

Committee Amendment No. 2 is adopted (25-5) and the Chair rules the adoption of Amendment No. 2 changes the measure from a local bill to a public bill and changes the title.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 27, noes 2, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Conder, Cooper, Daniel, Folger, Gulley, Hartsell, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Sands, Sherron, Soles, Speed, Walker, and Warren—27.

Voting in the negative: Senators Tally and Ward—2.

The Committee Substitute bill, as amended, remains on the Calendar for Sunday, July 18, for further consideration, upon third reading.

H.B. 883, a bill to exempt Mecklenburg County from provisions of the North Carolina Building Code that require building inspection departments to review residential plans.

The bill passes its second (30-0) and third readings and is ordered enrolled.

H.B. 502 (Senate Committee Substitute No. 2), a bill to make technical amendments to the alcoholic beverage laws, to authorize the sale of alcoholic beverages in certain areas of the State, to increase the fees for most commercial alcoholic beverage permits, and to make other changes to the alcoholic beverage laws, upon third reading.

Senator Ballance offers Amendment No. 1 which is adopted (24-3).

The Senate Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 27, noes 3, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Conder, Cooper, Daniel, Folger, Gulley, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Perdue, Plyler, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, and Warren—27.

Voting in the negative: Senators Edwards, Hartsell, and Parnell—3.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 1061 (Senate Committee Substitute), a bill to amend the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988 and to clarify the purposes of the Oil or Other Hazardous Substances Pollution Protection Fund, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 27, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cooper, Daniel, Edwards, Folger, Gulley, Hartsell, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, and Warren—27.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and take its place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

S.B. 978, a bill to establish the North Carolina Licensing Board of On-Site Wastewater System Contractors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the proposed Committee Substitute bill 4681, which changes the title to read **S.B. 978** (Committee Substitute), a bill to establish the North Carolina On-Site Wastewater System Contractors Licensing Board, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR (Continued)

S.B. 937 (Committee Substitute), a bill to establish civil liability for larceny, shoplifting, embezzlement, and obtaining property by false pretenses.

With unanimous consent, the Committee Substitute bill is taken up out of its regular order of business.

The Committee Substitute bill passes its second (27-0) and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 1015 (Senate Committee Substitute No. 2), a bill relating to prayers for judgment in infraction cases where a defensive driving course, or a similar approved course, has been completed by the person cited.

Senator Sherron calls for the referral of the measure, pursuant to Rule 41.1, to the **Ways and Means Committee**.

On motion of Senator Cooper, the Chair orders, without objection, the Senate Committee Substitute bill No. 2 temporarily displaced, holding the motion of Senator Sherron, Chairman of the **Ways and Means Committee**, to refer the measure to the **Ways and Means Committee** under advisement.

H.B. 235 (Senate Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Cooper, Daniel, Edwards, Folger, Gulley, Hartsell, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Sands, Shaw, Sherron, Speed, Tally, Walker, Ward, and Warren—29.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Sunday, July 18, for further consideration, upon third reading.

H.B. 1157, a bill to make changes in the law relating to the North Carolina Courts Commission.

Senator Johnson offers Amendment No. 1 which is adopted (27-0).

The bill, as amended, passes its second (25-1) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

S.B. 63, a bill to repeal the two percent restriction on the use of proceeds of the Regional Transportation Authority registration tax for administrative purposes, for concurrence in House Amendments No. 1 and No. 2, which changes the title, upon concurrence, to read **S.B. 63**, a bill to repeal the two percent restriction on the use of proceeds of the Regional Transportation Authority registration tax for administrative purposes and to require the Authority to submit annual reports to the General Assembly.

The Senate concurs in House Amendments No. 1 and No. 2 (28-1), changing the title, and the measure is ordered enrolled.

S.B. 204 (House Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to make the certificate of need program self-funded by increasing the minimum and maximum CON application fees, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (24-2) and the measure is ordered enrolled.

S.B. 643 (House Committee Substitute), a bill to make technical and other changes to the retaliatory employment discrimination law, for concurrence in the House Committee Substitute bill.

On motion of Senator Cooper, consideration of the House Committee Substitute bill is postponed until Tuesday, July 20.

H.B. 1015 (Senate Committee Substitute No. 2), a bill relating to prayers for judgment in infraction cases where a defensive driving course, or a similar approved course, has been completed by the person cited, temporarily displaced earlier, with a call for the **Ways and Means Committee** under advisement.

On motion of Senator Daniel, further consideration of the Senate Committee Substitute bill No. 2 is postponed until Tuesday, July 20.

H.B. 552, a bill to clarify the Medicaid law regarding the financial responsibility of parents for children under twenty-one in medical institutions, placed yesterday, July 16, on the Calendar for Tuesday, July 20.

With unanimous consent, on motion of Senator Ballance, the Senate reconsiders and the bill is taken from the Calendar for Tuesday, July 20, and placed before the Senate for immediate consideration upon its passage.

The bill passes its second (30-0) and third readings and is ordered enrolled.

RECALL FROM COMMITTEE

H.B. 1492 (Committee Substitute No. 2), a bill to require the Building Code Council to establish standards for temporary toilet facilities at construction sites to ensure sanitary conditions for construction workers, referred to the **Rules and Operation of the Senate Committee** earlier today upon its first reading.

Senator Sands offers a motion the Committee Substitute bill No. 2 be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Children and Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill No. 2 from the **Rules and Operation of the Senate Committee** and orders it referred to the **Children and Human Resources Committee.**

The Senate recesses at 9:50 A.M. for the purpose of committee meetings to reconvene at 11:00 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

H.J.R. 249, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Child and Adolescent Alcohol and Other Drug Abuse Plan as policy guidance for the development of services.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 250, a joint resolution to implement a recommendation of the Mental Health Study Commission endorsing the Quality Improvement Report for Mental Health, Developmental Disabilities, and Substance Abuse Services.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 251, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Comprehensive Plan for Services and Supports for Persons with Developmental Disabilities as policy guidance for the development of services.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 664 (Committee Substitute No. 2), a bill to authorize the issuance of seven hundred forty-six million two hundred thousand dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) grants to community colleges for capital improvements, and (3) loans, revolving loans, and grants to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

S.B. 84 (House Committee Substitute), a bill to establish a Comprehensive Compensation System for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this Comprehensive Compensation System, for concurrence in the House Committee Substitute bill.

On motion of Senator Johnson, the rules are suspended, without objection, and the House Committee Substitute bill is ordered placed on the Calendar for today for consideration, upon concurrence, at the end of the regular order of business.

S.B. 692, a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent and providing for the use of the proceeds of the additional tax, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 692** (House Committee Substitute), a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent, to provide for the use of the proceeds of the additional tax, and to modify the existing Pitt County room occupancy tax.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Sunday, July 18, upon concurrence.

S.B. 855, a bill to exempt Stokes County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 855** (House Committee Substitute), a bill to allow the City of Eden to negotiate annexation contracts and to authorize Rockingham County to participate in the redevelopment of certain abandoned property.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Sunday, July 18, upon concurrence.

S.B. 923 (House Committee Substitute), a bill to authorize Cumberland County to levy a prepared food and beverage tax to provide a means for financing all or part of an arena in Cumberland County, for concurrence in the House Committee Substitute bill, which is ordered placed on the Calendar for tomorrow, Sunday, July 18, upon concurrence.

S.B. 942, a bill authorizing Burke County to assist thoroughfare plan implementation, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 942** (House Committee Substitute), a bill to create the Moore County Airport Authority for the operation and maintenance of airport facilities in the County of Moore for the citizens of Moore County and vicinity and concerning the powers of the Laurinburg-Maxton Airport Authority.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Sunday, July 18, upon concurrence.

S.B. 992, a bill to allow Pamlico County to use alternative construction delivery systems, for concurrence in the House Committee Substitute bill No. 3, which changes the title, upon concurrence, to read **S.B. 992** (House Committee Substitute No. 3), a bill to allow Pamlico County to use alternative construction delivery systems to construct a building and to allow Martin County to construct a facility for use by the Northeast Regional Education Center and to acquire necessary land and equipment therefor.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Sunday, July 18, upon concurrence.

Upon the appearance of Senator Gunter in the Chamber, the Chair announces her presence and the leave of absence granted earlier today is withdrawn.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kaplan for the **Capital Expenditures and Improvements Committee:**

H.B. 578 (Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

S.B. 26, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, and for other purposes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with an amendment not engrossed attached.

On motion of Senator Kaplan, the rules are suspended, and the proposed Committee Substitute bill 9747A with attached amendment is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 60 (House Committee Substitute), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, for concurrence in the House Committee Substitute bill, which is ordered placed on the Calendar for tomorrow, Sunday, July 18, upon concurrence.

S.B. 549 (House Committee Substitute), a bill to provide that the Department of Justice may provide criminal record checks to hospitals, nursing homes, and area mental health, developmental disabilities, and substance abuse authorities and their contract agencies, for concurrence in the House Committee Substitute bill, which is ordered placed on the Calendar for tomorrow, Sunday, July 18, upon concurrence.

H.B. 80 (Committee Substitute), a bill to reduce the time allowed the Department of Revenue to make assessments of taxes following a federal determination, to reinstate an inadvertently deleted provision relating to assessments for employer withholding based on federal determinations, and to clarify the assessment statutes.
Referred to **Finance Committee.**

H.B. 277 (Committee Substitute No. 2), a bill to provide for structured sentencing in North Carolina consistent with the standard operating capacity of the Department of Correction and local confinement facilities and to redefine State and county responsibilities for the confinement of misdemeanants.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 278 (Committee Substitute), a bill to classify misdemeanors and to reclassify some felonies as recommended by the North Carolina Sentencing and Policy Advisory Commission.
On motion of Senator Sands, Rule 41 is suspended to allow consideration of the measure and the bill is read a first time and referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 281 (Committee Substitute No. 2), a bill to create a State-County Criminal Justice Partnership in North Carolina.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 1035 (Committee Substitute No. 2), a bill to authorize the Sentencing and Policy Advisory Commission to study restitution policy as a part of North Carolina's Criminal Justice System and to expand the Commission.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

The Senate recesses at 11:30 A.M. for the purpose of committee meetings to reconvene at 11:45 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee:**

H.B. 578 (Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

S.B. 26 (Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, and for other purposes, as written by the **Capital Expenditures and Improvements Committee**, with a favorable report, as amended.

With unanimous consent, the rules are suspended and the Committee Substitute bill remains before the Senate for immediate consideration upon its passage.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (31-1) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment.

RECALL FROM CALENDAR

H.B. 473 (Senate Committee Substitute), a bill to separate the Real Estate Appraisal Board from the Real Estate Commission, on July 15 ordered placed on the Calendar for Tuesday, July 20, upon second reading.

Senator Kerr offers a motion the Senate Committee Substitute bill be recalled from the Calendar for Tuesday, July 20, and placed on the Calendar for Sunday, July 18, which motions prevail.

The Chair recalls the Senate Committee Substitute bill from the Calendar for Tuesday, July 20, and orders it placed on the Calendar for Sunday, July 18, upon second reading.

CALENDAR (Continued)

S.B. 84 (House Committee Substitute), a bill to establish a Comprehensive Compensation System for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this Comprehensive Compensation System, for concurrence in the House Committee Substitute bill received earlier today from the House of Representatives and placed on the Calendar for today for consideration.

The Senate concurs in the House Committee Substitute bill (27-0) and the measure is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Johnson, the Senate adjourns at 12:38 P.M. to meet tomorrow, Sunday, July 18, at 7:00 P.M.

ONE HUNDRED THIRD DAY

SENATE CHAMBER,
Sunday, July 18, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, we don't need to be reminded that it's Sunday. While a great many people worshipped yesterday or today with their families and friends, the Senators and staff have been hard at work here. Thank You for their commitment.

"We are grateful that in both the congregations around our State and in this Senate Chamber there is a strong sense of family and fellowship and that You are Present to guide and participate in the activities that go on. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of Saturday, July 17, has been examined and is found to be correct, and offers a motion the Senate dispense with the reading of the Journal and it stand approved as written, which motion prevails (29-0).

With unanimous consent, the President grants leaves of absence for tonight to Senator Ballance for personal matters, to Senator Blackmon for business; to Senator Carpenter for personal matters; to Senator Codington for personal family matters; to Senator Forrester to cover his medical practice; to Senator Seymour for medical reasons; and to Senator Winner of Buncombe, Senator Folger, and Senator Tally.

Pursuant to the motion of Senator Sands prevailing on July 16, all messages ordered to the House of Representatives are sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 604 (Senate Committee Substitute), an act to authorize counties that have protected mountain ridges to establish county service districts to provide for certain road needs of the district. (Ch. 378)

S.B. 981, an act to amend the Charter of the City of Albemarle with respect to the distribution of the net proceeds from the operation of alcoholic beverage control stores. (Ch. 379)

H.B. 46 (Committee Substitute), an act to provide for postponement of certain assessments in Winston-Salem and Forsyth County. (Ch. 380)

H.B. 844 (Committee Substitute), an act to provide that Alamance County and the cities located in that County may require issuance of a building permit for the replacement and disposal of roofing. (Ch. 381)

S.B. 63, an act to repeal the two percent restriction on the use of proceeds of the Regional Transportation Authority registration tax for administrative purposes and to require the Authority to submit annual reports to the General Assembly. (Ch. 382)

S.B. 204 (House Committee Substitute), an act to implement a recommendation of the Government Performance Audit Committee to make the certificate of need program self-funded by increasing the minimum and maximum CON application fees. (Ch. 383)

S.B. 621 (Committee Substitute), an act to authorize fees for registrants under the Controlled Substances Act. (Ch. 384)

S.B. 1248, an act to increase the charges for inspection of motor vehicles. (Ch. 385)

H.B. 552, an act to clarify the Medicaid law regarding the financial responsibility of parents for children under twenty-one in medical institutions. (Ch. 386)

H.B. 883, an act to exempt Mecklenburg County from provisions of the North Carolina Building Code that require building inspection departments to review residential plans. (Ch. 387)

S.B. 84 (House Committee Substitute), an act to establish a Comprehensive Compensation System for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this Comprehensive Compensation System. (Ch. 388)

S.B. 652 (Committee Substitute), an act to place the Civil Air Patrol under the State Tort Claims Act for State-approved missions and to allow cadets of the Civil Air Patrol to be eligible for Workers' Compensation while on State-approved missions. (Ch. 389)

S.B. 842, an act for the appointment of temporary managers for long-term care facilities and domiciliary homes. (Ch. 390)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 100 (Committee Substitute), a bill to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 100** (House Committee Substitute No. 2), a bill to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases, to make changes to Chapter 113 of the North Carolina General Statutes, and to prevent marine litter.

Recommitted to **Agriculture, Marine Resources, and Wildlife Committee.**

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, and to make technical and administrative changes to the laws concerning special license plates, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 161** (House Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to increase the types of special license plates, to specify how fees from the new special license plates are to be used, to modify the appearance of the special license plate issued to members of the North Carolina House of Representatives, and to make technical and administrative changes to the laws concerning special license plates.

Recommitted to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

S.B. 219, a bill to delete the requirement that the Board of Governors of the University of North Carolina report to the Joint Legislative Commission on Governmental Operations on vending operations, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Monday, July 19.

S.B. 393 (House Committee Substitute), a bill to implement the recommendations of the Government Performance Audit Committee for a University of North Carolina programmatic review and a plan for the continued and expanded availability of higher education for all citizens, for concurrence in the House Committee Substitute bill, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Monday, July 19.

S.B. 602 (House Committee Substitute), a bill to provide group health insurance to businesses comprising more than twenty-five employees and to make improvements in the North Carolina Small Employer Group Health Coverage Reform Act, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Monday, July 19.

S.B. 603 (House Committee Substitute), a bill to make substantive changes in various insurance and insurance-related laws, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Monday, July 19.

S.B. 787 (House Committee Substitute No. 2), a bill to impose a penalty for failure to comply with ESC tax reporting requirements, for concurrence in the House Committee Substitute bill No. 2, which is placed on the Calendar for tomorrow, Monday, July 19.

S.B. 808 (Committee Substitute), a bill to provide additional local revenue options in Orange County and to correct the Chapel Hill Charter concerning low and moderate housing, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 808** (House Committee Substitute), a bill authorizing the Town of Hillsborough to impose a prepared food and beverage tax.

Recommitted to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee**.

S.B. 1124 (House Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the President of the Senate, for concurrence in the House Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, without objection, and the House Committee Substitute bill is ordered placed on the Calendar for today for consideration, upon concurrence, in its regular order of business.

CALENDAR

H.B. 235 (Senate Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction, on today's Calendar, upon third reading.

With unanimous consent, on motion of Senator Parnell, the Senate Committee Substitute bill is taken from its regular order of business and ordered placed at the beginning of the general orders.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES (Continued)

S.B. 14 (Committee Substitute No. 3), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) capital improvements for community colleges, (3) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems,

wastewater treatment works, and water conservation projects, and (4) capital improvements and land acquisition for State parks and recreation areas, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 14** (House Committee Substitute), a bill to authorize the issuance of seven hundred forty-six million two hundred thousand dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) grants to community colleges for capital improvements, and (3) loans, revolving loans, and grants to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects.

On motion of Senator Basnight, the rules are suspended, without objection, and the House Committee Substitute bill is ordered placed before the Senate for immediate consideration, for concurrence, upon second reading.

The Senate fails to concur in the House Committee Substitute bill by roll call vote, ayes 0, noes 31, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Basnight, Cochrane, Conder, Cooper, Edwards, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, and Warren—31.

Senator Basnight offers a motion the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 710, a bill to authorize Nash County to use the proceeds of its occupancy tax for economic development projects, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 710** (House Committee Substitute), a bill to modify the Nash County room occupancy tax.

Recommitted to the **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 799
(Senate Committee Substitute)

House of Representatives
July 17, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 799**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CITIES AND COUNTIES FROM CERTAIN ZONING NOTICE REQUIREMENTS AND TO REPEAL VARIOUS LOCAL ACTS, and requests conferees. The Speaker has appointed Representative Flaherty, Representative Alexander, Representative Richardson, Representative Esposito, and Representative McCrary on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 873

House of Representatives
July 18, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment # 2 to **HB 873**, A BILL TO BE ENTITLED AN ACT TO FULFILL THE INTENT OF THE INSURANCE EQUALITY STATUTE BY CORRECTING OMISSIONS IN THAT STATUTE, and requests conferees. The Speaker has appointed Representative Michaux, Representative Kuczmarski, Representative Black, and Representative Flaherty on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 235 (Senate Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction, upon third reading.

Pursuant to the motion of Senator Parnell, the Senate Committee Substitute bill is taken up out of its regular order of business.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 31, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Cochrane, Conder, Cooper, Edwards, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, and Warren—31.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

S.B. 692, a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent and providing for the use of the proceeds of the additional tax, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 692** (House Committee Substitute), a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent, to provide for the use of the proceeds of the additional tax, and to modify the existing Pitt County room occupancy tax, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Cochrane, Conder, Cooper, Edwards, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Kaplan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, and Warren—30.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Monday, July 19, for further consideration upon third reading.

S.B. 923 (House Committee Substitute), a bill to authorize Cumberland County to levy a prepared food and beverage tax to provide a means for financing all or part of an arena in Cumberland County, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 25, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Conder, Edwards, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plexico, Plyler, Shaw, Sherron, Soles, Speed, Tally, Ward, and Warren—25.

Voting in the negative: Senators Cochrane, Cooper, Kaplan, Kerr, Sands, and Smith—6.

The House Committee Substitute bill remains on the Calendar for tomorrow, Monday, July 19, for further consideration, upon third reading.

S.B. 942, a bill authorizing Burke County to assist thoroughfare plan implementation, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 942** (House Committee Substitute), a bill to create the Moore County Airport Authority for the operation and maintenance of airport facilities in the County of Moore for the citizens of Moore County and vicinity and concerning the powers of the Laurinburg-Maxton Airport Authority, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Cochrane, Conder, Cooper, Edwards, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Kaplan, Kerr, Lee, Marshall, Martin of Guilford, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, and Warren—30.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Monday, July 19, for further consideration upon third reading.

S.B. 769, a bill to exempt the Towns of Cornelius, Davidson, and Huntersville from certain zoning notice requirements, for concurrence in House Amendment No. 1.

On motion of Senator Sands, consideration of the bill, as amended, is postponed until Monday, July 19.

S.B. 60 (House Committee Substitute), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, for concurrence in the House Committee Substitute bill, upon second reading.

With unanimous consent, on motion of Senator Sands, the House Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the House Committee Substitute bill is postponed until Monday, July 19.

S.B. 855, a bill to exempt Stokes County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 855** (House Committee Substitute), a bill to allow the City of Eden to negotiate annexation contracts and to authorize Rockingham County to participate in the redevelopment of certain abandoned property.

The Chair rules the measure requires a call of the roll.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Cochrane, Conder, Cooper, Edwards, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Kaplan, Kerr, Lee,

Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, and Warren—32.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Monday, July 19, for further consideration, upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 14 (House Committee Substitute), a bill to authorize the issuance of seven hundred forty-six million two hundred thousand dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) grants to community colleges for capital improvements, and (3) loans, revolving loans, and grants to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, with the motion of Senator Basnight, prevailing earlier tonight that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Daniel (Chairman), Plyler, Kaplan, Lee, Perdue, Parnell, and Shaw as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (Continued)

S.B. 992, a bill to allow Pamlico County to use alternative construction delivery systems, for concurrence in the House Committee Substitute bill No. 3, which changes the title, upon concurrence, to read **S.B. 992** (House Committee Substitute No. 3), a bill to allow Pamlico County to use alternative construction delivery systems to construct a building and to allow Martin County to construct a facility for use by the Northeast Regional Education Center and to acquire necessary land and equipment therefor.

The Senate concurs in the House Committee Substitute bill No. 3 (32-0) and the measure is ordered enrolled.

H.B. 686 (Committee Substitute), a bill to authorize Henderson and Transylvania Counties and the City of Brevard to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance and to extend water and sewer lines to industrial properties for economic development purposes, as amended, changing the title, upon concurrence, to read **H.B. 686** (Committee Substitute), a bill to provide that the regulation of water supply watersheds does not apply to certain watersheds and to authorize Henderson and Transylvania Counties and the City of Brevard to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance and to extend water and sewer lines to industrial properties for economic development purposes, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 26, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Cochrane, Conder, Cooper, Edwards, Harris, Hartsell, Hoyle, Hyde, Johnson, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, and Speed—26.

Voting in the negative: Senators Gunter, Hunt, Martin of Guilford, Tally, Ward, and Warren—6.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendments No. 1 and No. 2, which changes the title.

H.B. 473 (Senate Committee Substitute), a bill to separate the Real Estate Appraisal Board from the Real Estate Commission, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Cochrane, Conder, Cooper, Edwards, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, and Warren—32.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Monday, July 19, for further consideration, upon third reading.

S.B. 549 (House Committee Substitute), a bill to provide that the Department of Justice may provide criminal record checks to hospitals, nursing homes, and area mental health, developmental disabilities, and substance abuse authorities and their contract agencies, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (30-0) and the measure is ordered enrolled.

S.B. 1124 (House Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the President of the Senate, for concurrence in the House Committee Substitute bill, placed earlier today on the Calendar for consideration.

The Senate concurs in the House Committee Substitute bill (29-0) and the measure is ordered enrolled.

The Senate recesses at 7:51 P.M. for the purpose of committee meetings to reconvene at 8:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

RECALL FROM COMMITTEE

H.B. 976 (Committee Substitute No. 2), a bill to reorganize and transfer the Governor's Waste Management Board to the Office of Environmental Education, to make conforming changes, and to create the Pollution Prevention Advisory Council, referred to the **Rules and Operation of the Senate Committee** on July 16.

Senator Sands offers a motion the Committee Substitute bill No. 2 be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill No. 2 from the **Rules and Operation of the Senate Committee** and orders the measure referred to the **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

H.B. 802, a bill to provide for one-half the normal weight penalty for vehicles hauling recyclable materials, referred to the **Rules and Operation of the Senate Committee** on July 17.

Senator Sands offers a motion the bill be recalled from the **Rules and Operation of the Senate Committee** and re-referred to the **Transportation Committee** and re-referred to the **Appropriations Committee**, which motions prevail.

The Chair recalls the bill from the **Rules and Operation of the Senate Committee** and orders the measure referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations Committee**.

S.B. 719 (Committee Substitute), a bill to amend the fees and per diem of the Board of Medical Examiners, as written by the **Judiciary I Committee** and referred to the **Appropriations Committee** on July 16.

Senator Plyler offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and re-referred to the **Finance Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders the measure referred to the **Finance Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 14
(House Committee Substitute)

House of Representatives
July 18, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 14**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SEVEN HUNDRED FORTY-SIX MILLION TWO HUNDRED THOUSAND DOLLARS IN GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR (1) CAPITAL IMPROVEMENTS FOR THE UNIVERSITY OF NORTH CAROLINA, (2) GRANTS TO COMMUNITY COLLEGES FOR CAPITAL IMPROVEMENTS, AND (3) LOANS, REVOLVING LOANS, AND GRANTS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, the Speaker has appointed as conferees on the part of the House, Representative Nesbitt, Representative Hackney, Representative G. Miller, Representative Black, Representative Rogers, Representative Fussell, Representative Michaux, Representative Fitch, Representative Jack Hunt, Representative Brawley, Representative Robinson, Representative Colton, Representative Bowie, and Representative Bowen, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 128
(House Committee Substitute)

House of Representatives
July 18, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 128**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN TRANSFERS OF VEHICLES FROM THE HIGHWAY USE TAX, TO REIMBURSE THE HIGHWAY TRUST FUND FOR REVENUE THAT WOULD OTHERWISE BE LOST AS A RESULT OF THE EXEMPTIONS, TO INCREASE REVENUES TO PROVIDE FUNDS TO MAKE THE REIMBURSEMENT, TO LOWER THE MAXIMUM HIGHWAY USE TAX ON CERTAIN COMMERCIAL VEHICLES, TO INCREASE THE ANNUAL REGISTRATION FEES FOR CERTAIN

PROPERTY-HAULING VEHICLES, AND TO CREDIT THE INCREASED REVENUE FROM THE REGISTRATION FEES TO THE HIGHWAY TRUST FUND, the Speaker has appointed as conferees on the part of the House, Representative Hackney, Representative B. Miller, Representative R. Hunter, Representative Robinson, and Representative Wood, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 235
(Senate Committee Substitute)

House of Representatives
July 18, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 235**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE THE BALANCE OF THE FUNDS FROM THE PROCEEDS OF THE TWO HUNDRED MILLION DOLLARS IN GENERAL OBLIGATION BONDS AUTHORIZED FOR THE CONSTRUCTION OF STATE PRISON AND YOUTH SERVICES FACILITIES, AND TO PROVIDE FOR THE USE OF INMATES IN PRISON CONSTRUCTION, and requests conferees. The Speaker has appointed Representative Holt, Representative Barnes, Representative Redwine, Representative Gist, Representative Flaherty, Representative Holmes, Representative Baddour, and Representative Kennedy, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Daniel (Chairman), Plyler, Kaplan, Lee, Perdue, Parnell, and Shaw, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 799 (Senate Committee Substitute), a bill to exempt cities and counties from certain zoning notice requirements and to repeal various local acts, with a message from the House of Representatives received earlier tonight, requesting conferees, Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Folger (Chairman), Simpson, Winner of Mecklenburg, and Edwards, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 873 (Committee Substitute), a bill to fulfill the intent of the insurance equality statute by correcting omissions in that Statute, with a message from the House of Representatives received earlier tonight, requesting conferees, Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Kerr (Chairman), Cooper, and Hyde, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Ward, the Senate adjourns at 8:48 P.M. to meet Monday, July 19, at 7:00 P.M.

ONE HUNDRED FOURTH DAY

SENATE CHAMBER,
Monday, July 19, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"In what appears to be the final days of this year's legislative session, let the Senators and staff pray as if everything depends on You, O God, then work as if everything depends on them.

"The partnership forged by such a mind set will ensure a successful week for them. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Sunday, July 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for tonight to Senator Seymour for medical reasons; and to Senator Blackmon and Senator Walker.

Pursuant to the motion of Senator Sands prevailing on July 16, all messages ordered to the House of Representatives are sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 1121, an act to make technical corrections and to remove obsolete sections of the Soil Conservation District Law. (Ch. 391)

H.B. 284 (Committee Substitute No. 2), an act to implement a recommendation of the Educational Leadership Task Force and the Joint Legislative Education Oversight Committee to establish an independent Standards Board for School Administration and to allow that Board to charge examination fees. (Ch. 392)

H.B. 292, an act to implement the recommendations of the Government Performance Audit Committee regarding the continuum of education in North Carolina. (Ch. 393)

H.B. 483 (Senate Committee Substitute), an act to amend the Dam Safety Law of 1967 to make it more effective. (Ch. 394)

H.B. 499, an act to increase the fees for enrolling in an accredited drug education school. (Ch. 395)

H.B. 513 (Committee Substitute), an act to mandate a single portal of entry and exit policy for services for individuals with developmental disabilities. (Ch. 396)

H.B. 514, an act to repeal the law exempting the Division of Youth Services' Vocational Teachers from the educational requirements of criminal justice certification. (Ch. 397)

H.B. 624 (Committee Substitute No. 2), an act to rewrite Chapter 55A of the General Statutes relating to nonprofit corporations as recommended by the General Statutes Commission. (Ch. 398)

H.B. 658 (Senate Committee Substitute), an act to authorize a mediation program for the Industrial Commission and to authorize the Chairman of the Industrial Commission to hire or fire personnel and transfer personnel within the Commission without obtaining the approval of at least one other Commissioner. (Ch. 399)

H.B. 681 (Senate Committee Substitute), an act to implement the requirements of the 1990 amendments to the Federal Clean Air Act, to repeal the expiration of a portion of the per gallon fuel tax, to dedicate a portion of the proceeds of the tax to the administration of the air quality program, to dedicate a portion of the proceeds of the tax to the cleanup of leaking petroleum underground storage tanks, and to repeal the expiration of the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988. (Ch. 400)

H.B. 1050 (Senate Committee Substitute), an act to establish the DNA Database and Databank Act of 1993. (Ch. 401)

H.B. 1061 (Senate Committee Substitute), an act to amend the Leaking Petroleum Underground Storage Tank Cleanup Act of 1988 and to clarify the purposes of the Oil or Other Hazardous Substances Pollution Protection Fund. (Ch. 402)

S.B. 549 (House Committee Substitute), an act to provide that the Department of Justice may provide criminal record checks to hospitals, nursing homes, and area mental health, developmental disabilities, and substance abuse authorities and their contract agencies. (Ch. 403)

S.B. 992 (House Committee Substitute No. 3), an act to allow Pamlico County to use alternative construction delivery systems to construct a building and to allow Martin County to construct a facility for use by the Northeast Regional Education Center and to acquire necessary land and equipment therefor. (Ch. 404)

S.B. 1124 (House Committee Substitute), an act to appoint persons to various public offices upon the recommendation of the President of the Senate. (Ch. 405)

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

S.B. 692, a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent and providing for the use of the proceeds of the additional tax, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 692** (House Committee Substitute), a bill authorizing Pitt County to increase its room occupancy tax from three percent to no more

than six percent, to provide for the use of the proceeds of the additional tax, and to modify the existing Pitt County room occupancy tax, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 26, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Carpenter, Codington, Conder, Edwards, Gunter, Harris, Hoyle, Hyde, Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Sands, Shaw, Simpson, Soles, Speed, Tally, Ward, and Warren—26.

Voting in the negative: Senators Cochrane, Forrester, and Smith—3.

The House Committee Substitute bill changes the title and is ordered enrolled.

S.B. 855, a bill to exempt Stokes County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 855** (House Committee Substitute), a bill to allow the City of Eden to negotiate annexation contracts and to authorize Rockingham County to participate in the redevelopment of certain abandoned property, upon third reading.

On motion of Senator Sands, consideration of the House Committee Substitute bill is postponed until Tuesday, July 20.

S.B. 923 (House Committee Substitute), a bill to authorize Cumberland County to levy a prepared food and beverage tax to provide a means for financing all or part of an arena in Cumberland County, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 21, noes 6, as follows:

Voting in the affirmative: Senators Basnight, Carpenter, Codington, Edwards, Folger, Gunter, Harris, Hyde, Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Soles, Speed, Tally, Ward, and Warren—21.

Voting in the negative: Senators Albertson, Cochrane, Forrester, Hoyle, Sands, and Smith—6.

The House Committee Substitute bill is ordered enrolled.

S.B. 942, a bill authorizing Burke County to assist thoroughfare plan implementation, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 942** (House Committee Substitute), a bill to create the Moore County Airport Authority for the operation and maintenance of airport facilities in the County of Moore for the citizens of Moore County and vicinity and concerning the powers of the Laurinburg-Maxton Airport Authority, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Carpenter, Cochrane, Codington, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Mecklenburg—30.

Voting in the negative: None.

The House Committee Substitute bill changes the title and is ordered enrolled.

S.B. 769, a bill to exempt the Towns of Cornelius, Davidson, and Huntersville from certain zoning notice requirements, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (34-0) and the measure is ordered enrolled.

H.B. 473 (Senate Committee Substitute), a bill to separate the Real Estate Appraisal Board from the Real Estate Commission, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Codington, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Mecklenburg—35.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special messenger for concurrence in the Senate Committee Substitute bill.

S.J.R. 1296, a joint resolution honoring the life and memory of Henry McMillan Tyson, former member of the General Assembly.

The Chair orders, without objection, the joint resolution temporarily displaced.

S.B. 60 (House Committee Substitute), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate fails to concur on second reading in the House Committee Substitute bill by roll-call vote, ayes 1, noes 36, as follows:

Voting in the affirmative: Senator Albertson—1.

Voting in the negative: Senators Allran, Ballance, Basnight, Carpenter, Cochrane, Codington, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Richardson, Sands, Simpson, Smith, Soles, Speed, Tally, Ward, and Winner of Mecklenburg—36.

S.B. 590, a bill to add to the authorized uses of designated boating funds by the Wildlife Resources Commission and to increase fees for boat certificates of number, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 590** (House Committee Substitute), a bill to increase fees for boat certificates of number and to clarify the use of the fees, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 32, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carpenter, Codington, Edwards, Folger, Gulley, Gunter, Hoyle, Hunt, Hyde, Johnson, Jordan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Richardson, Sands, Simpson, Soles, Speed, Tally, Ward, Warren, and Winner of Mecklenburg—32.

Voting in the negative: Senators Allran, Cochrane, Forrester, Odom, and Smith—5.

The House Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 20, for further consideration, upon concurrence, upon third reading.

S.B. 787 (House Committee Substitute No. 2), a bill to impose a penalty for failure to comply with ESC tax reporting requirements, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Codington, Conder, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Mecklenburg—42.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Tuesday, July 20, for further consideration, upon concurrence, upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 60 (House Committee Substitute), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, with the Senate failing to concur earlier tonight.

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Odom, Folger, Winner of Buncombe, and Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (Continued)

S.B. 219, a bill to delete the requirement that the Board of Governors of the University of North Carolina report to the Joint Legislative Commission on Governmental Operations on vending operations, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (42-0) and the measure is ordered enrolled.

S.B. 393 (House Committee Substitute), a bill to implement the recommendations of the Government Performance Audit Committee for a University of North Carolina programmatic review and a plan for the continued and expanded availability of higher education for all citizens, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (42-0) and the measure is ordered enrolled.

S.B. 602 (House Committee Substitute), a bill to provide group health insurance to businesses comprising more than twenty-five employees and to make improvements in the North Carolina Small Employer Group Health Coverage Reform Act, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (41-1) and the measure is ordered enrolled.

S.B. 603 (House Committee Substitute), a bill to make substantive changes in various insurance and insurance-related laws, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

S.B. 873 (Committee Substitute), a bill to protect a person's access to public or private buildings, businesses, or facilities, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 873** (House Committee Substitute), a bill to protect a person's access to health care facilities.

The Senate concurs in the House Committee Substitute bill (28-15), changing the title, and the measure is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture, Marine Resources, and Wildlife Committee:**

S.B. 100 (House Committee Substitute No. 2), a bill to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases, to make changes to Chapter 113 of the North Carolina General Statutes, and to prevent marine litter, with an unfavorable report as to concurrence.

With unanimous consent, on motion of Senator Albertson, the House Committee Substitute bill No. 2 is ordered placed before the Senate for immediate consideration, upon concurrence.

The Senate fails to concur in the House Committee Substitute bill No. 2 (2-39).

Senator Albertson offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

H.B. 297 (Committee Substitute), a bill to require an endorsement to sell fish taken from coastal fishing waters, to consolidate the vessel fishing license, and to amend other marine fisheries statutes, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following joint resolution which is read the first time and disposed of, as follows:

H.J.R. 1497 (Committee Substitute), a joint resolution honoring the life and memory of Henry McMillan Tyson, former member of the General Assembly.

On motion of Senator Sands, without objection, the joint resolution is ordered placed before the Senate for immediate consideration, upon its passage.

The joint resolution passes its second reading (38-0) and third reading with members standing. The joint resolution is ordered enrolled.

The Chair extends courtesies of the gallery to the family and friends of the late Mr. Tyson.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 100 (House Committee Substitute No. 2), a bill to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases, to make changes to Chapter 113 of the North Carolina General Statutes, and to prevent marine litter, with the motion of Senator Albertson, prevailing earlier tonight that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Perdue (Chairman), Marshall, and Kincaid as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

RECALL FROM COMMITTEE

S.B. 161 (House Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to increase the types of special license plates, to specify how fees from the new special license plates are to be used, to modify the appearance of the special license plate issued to members of the North Carolina House of Representatives, and to make technical and administrative changes to the laws concerning special license plates, referred to the **Transportation Committee** on July 18.

Senator Speed offers a motion the House Committee Substitute bill be recalled from the **Transportation Committee** and recommitted to the **Finance Committee,** which motions prevail.

The Chair recalls the House Committee Substitute bill from the **Transportation Committee** and orders the measure recommitted to the **Finance Committee**.

H.B. 622 (Committee Substitute No. 2), a bill to improve the laws relating to North Carolina's monitoring of insurance company finances and the preservation of insurance company solvency, to maintain North Carolina's accreditation by the National Association of Insurance Commissioners, and to establish a fee for the accreditation and renewal of accreditation of reinsurance companies, referred to the **Appropriations Committee** on July 1.

Senator Plyler offers a motion the Committee Substitute bill No. 2 be recalled from the **Appropriations Committee** and re-referred to the **Finance Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill No. 2 from the **Appropriations Committee** and orders the measure referred to the **Finance Committee**.

WITHDRAWAL FROM CALENDAR

H.B. 827 (Senate Committee Substitute), a bill to generally establish uniformity in the regulation of roadside hunting, as written by the **Judiciary I Committee**, ordered placed on the Calendar for Tuesday, July 20.

Senator Ballance offers a motion the Senate Committee Substitute bill be recalled from the Calendar for Tuesday, July 20, and recommitted to the **Judiciary I Committee**, which motions prevail.

The Chair recalls the Senate Committee Substitute bill from the Calendar for Tuesday, July 20, and orders the measure recommitted to the **Judiciary I Committee**.

RECALL FROM COMMITTEE

H.B. 124 (Committee Substitute), a bill to establish a statewide program to improve the collection of accounts receivable by the State, referred to the **Judiciary II Committee** on July 16.

Senator Cooper offers a motion the Committee Substitute bill be recalled from the **Judiciary II Committee** and re-referred to the **Finance Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Judiciary II Committee** and orders the measure referred to the **Finance Committee**.

CALENDAR (Continued)

S.J.R. 1296, a joint resolution honoring the life and memory of Henry McMillan Tyson, former member of the General Assembly, temporarily displaced earlier.

On motion of Senator Tally, consideration of the joint resolution is postponed until Tuesday, July 20.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 924 (House Committee Substitute), a bill to raise the fees charged by registers of deeds for the recording of instruments and for the probate of instruments, to provide that registers of deeds shall not charge a fee for recording the satisfaction of mortgages and deeds of trust, and to remove the requirement that substitutions of trustees be recorded as separate instruments, for concurrence in the House Committee Substitute bill, which is ordered placed on the Calendar for tomorrow, Tuesday, July 20.

S.B. 1025 (House Committee Substitute), a bill to provide for payment of the cigarette tax by reporting rather than by tax stamps, for concurrence in the House Committee Substitute bill, which is ordered placed on the Calendar for tomorrow, Tuesday, July 20.

The President recognizes the following pages serving in the Senate this week: Sarah Clarke Barbee, Raleigh; Mary Allison Beauchamp, Belmont; Anna Ferebee Bishop, Rocky Mount; Christina E. Cerwin, Raleigh; Anthony David Fishpaw, Raleigh, Jeffrey Foxworth, Greensboro; Kathryn Paige Howell, Charlotte, Heather Elizabeth Johnson, Knightdale; Melanie Jones, Reidsville; Emily E. Jordan, Raleigh; Jonathan Marcus King, Raleigh; Mary Lynn Lee, Raleigh; Jessica Lewis, Raleigh; Lacey Sharon Lewis, Lillington; Angela McLeod, Coats; Jennifer Blair Peedin, Pine Level; Deedee M. Rouse, Winterville; Suzanne M. Rouse, Winterville; Lynn Nicole Stephenson, Seaboard; Randall Halsey Stewart, Durham; Tiffany L. Watson, Fuquay-Varina; Matt Williams, Salisbury; and Ben Woodruff, Raleigh.

On motion of Senator Basnight, seconded by Senator Daniel, the Senate adjourns at 8:22 P.M. to meet tomorrow, Tuesday, July 20, at 1:30 P.M.

ONE HUNDRED FIFTH DAY

SENATE CHAMBER,
Tuesday, July 20, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Very Reverend Tim O'Conner, Rector of the Cathedral of the Sacred Heart, Raleigh, as follows:

"O Lord, our Governor, Whose Glory is in all the world; we commend this nation to your merciful care, that being guided by Your Providence, we may dwell secure in Your Peace. Grant to the President, Bill Clinton, of the United States, the Governor, Jim Hunt, of this State and to all in authority, wisdom and strength to know and to do Your Will. Fill them with the love of truth and righteousness; and make them ever mindful of their calling to serve our people.

"O God, the Fountain of Wisdom, Whose statutes are good and gracious, and Whose law is truth; we beseech you so to guide and bless our Senators and Representatives in our State that they may enact such laws as to please You to the Glory of Your Name and the welfare of the people."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Monday, July 19, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour for medical reasons.

Pursuant to the motion of Senator Sands prevailing on July 16, all messages ordered to the House of Representatives are sent by special messenger.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

H.B. 976 (Committee Substitute No. 2), a bill to reorganize and transfer the Governor's Waste Management Board to the Office of Environmental Education, to make conforming changes, and to create the Pollution Prevention Advisory Council, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 550 (Committee Substitute No. 2), a bill to increase the effectiveness of public participation in and enforcement of the Mining Act of 1971, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the proposed Senate Committee Substitute bill 6218, which changes the title to read **H.B. 550** (Senate Committee Substitute), a bill to make improvements to the Mining Act of 1971, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Senate Committee Substitute bill is adopted, and on her further motion, with unanimous consent, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Speed for the **Transportation Committee:**

H.B. 802, a bill to provide for one-half the normal weight penalty for vehicles hauling recyclable materials, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 1127 (Committee Substitute), a bill to authorize the conveyance of a right-of-way to the Department of Transportation within Pilot Mountain State Park, with a favorable report.

By Senator Cooper for the **Judiciary II Committee:**

S.B. 796 (House Committee Substitute), a bill to extend the statute of limitations for civil actions brought by the State to enforce the laws against bid rigging on government contracts, with a favorable report as to concurrence.

H.B. 1027, a bill providing that any forum selection provision in a contract entered into in North Carolina is void as against public policy, with a favorable report.

By Senator Hunt for the **Finance Committee:**

H.B. 152 (Committee Substitute), a bill to modify the Banner Elk room occupancy tax, with a favorable report.

H.B. 649 (Committee Substitute), a bill to authorize the City of Thomasville to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Davidson County and the cities and towns located in Davidson County, with a favorable report.

H.B. 843 (Committee Substitute), a bill to require the Department of Revenue to include in its biennial tax expenditure report estimates of the amount by which each tax expenditure reduces State revenues and to send a copy of the report to each legislator, with a favorable report.

H.B. 859 (Committee Substitute), a bill to authorize Granville County to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Granville County and the cities and towns located in Granville County, with a favorable report.

H.B. 1167, a bill to add to the investment authority of joint municipal power agencies, with a favorable report.

H.B. 888, a bill to revise and consolidate the Charter of the Town of Enfield, with a favorable report, as amended.

H.B. 114 (Committee Substitute), a bill to authorize Lincoln County to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Lincoln County and the cities and towns located in Lincoln County, with an unfavorable report as to the Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hunt, the rules are suspended, and the proposed Senate Committee Substitute bill 3265, which changes the title to read **H.B. 114** (Senate Committee Substitute), a bill to authorize Lincoln County to levy a room occupancy and tourism development tax, to set the maximum combined city and county room occupancy tax rate for Lincoln County and the cities and towns located in Lincoln County, and to make other local changes for Duplin County and the Town of Chapel Hill, is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, Wednesday, July 21, for further consideration.

H.B. 83 (Senate Committee Substitute), a bill to temporarily increase the scrap tire disposal tax, to provide for the distribution of the additional tax proceeds, to temporarily revoke the general authority of a unit of local government or a contracting party to impose a separate scrape tire disposal fee, and to authorize the Department of Environment, Health, and Natural Resources to develop and implement alternative, market-based pilot programs for scrap tire collection and recycling, with an unfavorable report as to the Senate Committee Substitute bill, as written by the **Environment and Natural Resources Committee**, but favorable as to Senate Committee Substitute bill, No. 2.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill 4214 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 21, for further consideration.

S.B. 1053 (Committee Substitute), a bill to provide for the creation of University and Local Government Regional Facilities Authorities, setting forth the powers of such Authorities and authorizing certain powers to units of local government that are member units of such Authorities, with an unfavorable report as to the Committee Substitute bill, as written by the **Capital Expenditures and Improvements Committee**, but favorable as to Committee Substitute bill, No. 2.

On motion of Senator Hunt, the rules are suspended, and the proposed Committee Substitute bill 2721, which changes the title to read **S.B. 1053** (Committee Substitute No. 2), a bill to provide for the creation of the Centennial Authority, is placed before the Senate for immediate consideration.

On motion of Senator Hunt, the Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Wednesday, July 21, for further consideration.

S.B. 161 (House Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to increase the types of special license plates, to specify how fees from the new special license plates are to be used, to modify the appearance of the special license plate issued to members of the North Carolina House of Representatives, and to make technical and administrative changes to the laws concerning special license plates, with an unfavorable report as to concurrence.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 874, a bill to increase the motor vehicles tax that may be levied by the City of Durham and to allow Alleghany County to levy a motor vehicles tax.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

With unanimous consent, on motion of Senator Speed, the measure is withdrawn from the **Transportation Committee** and re-referred to the **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 128
(House Committee Substitute)

House of Representatives
July 19, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representative Luebke has been added as a conferee on House Committee Substitute to **SB 128** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN TRANSFERS OF VEHICLES FROM THE HIGHWAY USE TAX, TO REIMBURSE THE HIGHWAY TRUST FUND FOR REVENUE THAT WOULD OTHERWISE BE LOST AS A RESULT OF THE EXEMPTIONS, TO INCREASE REVENUES TO PROVIDE FUNDS TO MAKE THE REIMBURSEMENT, TO LOWER THE MAXIMUM HIGHWAY USE TAX ON CERTAIN COMMERCIAL VEHICLES, TO INCREASE THE ANNUAL REGISTRATION FEES FOR CERTAIN PROPERTY-HAULING VEHICLES, AND TO CREDIT THE INCREASED REVENUE FROM THE REGISTRATION FEES TO THE HIGHWAY TRUST FUND.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

House of Representatives
July 20, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives has confirmed the appointment of Mr. Edward Renfrow as the State Controller in compliance with the provisions of G. S. 143B-426.37(b).

Respectfully,
S/Denise G. Weeks
House Principal Clerk

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

S.B. 855, a bill to exempt Stokes County from certain notice requirements for the purpose of adopting or amending zoning ordinances for water supply watershed protection, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 855** (House Committee Substitute), a bill to allow the City of Eden to negotiate annexation contracts and to authorize Rockingham County to participate in the redevelopment of certain abandoned property, upon third reading

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 219, an act to delete the requirement that the Board of Governors of the University of North Carolina report to the Joint Legislative Commission on Governmental Operations on vending operations. (Ch. 406)

S.B. 393 (House Committee Substitute), an act to implement the recommendations of the Government Performance Audit Committee for a University of North Carolina programmatic review and a plan for the continued and expanded availability of higher education for all citizens. (Ch. 407)

S.B. 602 (House Committee Substitute), an act to provide group health insurance to businesses comprising more than twenty-five employees and to make improvements in the North Carolina Small Employer Group Health Coverage Reform Act. (Ch. 408)

S.B. 603 (House Committee Substitute), an act to make substantive changes in various insurance and insurance-related laws. (Ch. 409)

S.B. 692 (House Committee Substitute), an act authorizing Pitt County to increase its room occupancy tax from three percent to no more than six percent, to provide for the use of the proceeds of the additional tax, and to modify the existing Pitt County room occupancy tax. (Ch. 410)

S.B. 769, an act to exempt the Towns of Cornelius, Davidson, and Huntersville from certain zoning notice requirements. (Ch. 411)

S.B. 873 (House Committee Substitute), an act to protect a person's access to health care facilities. (Ch. 412)

S.B. 923 (House Committee Substitute), an act to authorize Cumberland County to levy a prepared food and beverage tax to provide a means for financing all or part of an arena in Cumberland County. (Ch. 413)

S.B. 942 (House Committee Substitute), an act to create the Moore County Airport Authority for the operation and maintenance of airport facilities in the County of Moore for the citizens of Moore County and vicinity and concerning the powers of the Laurinburg-Maxton Airport Authority. (Ch. 414)

H.B. 502 (Senate Committee Substitute No. 2), an act to make technical amendments to the alcoholic beverage laws, to authorize the sale of alcoholic beverages in certain areas of the State, to increase the fees for most commercial alcoholic beverage permits, and to make other changes to the alcoholic beverage laws. (Ch. 415)

H.B. 1001, an act to encourage local boards of education to renovate old school buildings instead of replacing them. (Ch. 416)

H.J.R. 1497 (Committee Substitute), an act honoring the life and memory of Henry McMillan Tyson, former member of the General Assembly. (Res. 22)

Senator Sands rises a point of order as to the following bills on today's Calendar, requiring the call of the roll, pursuant to Article II, Sec. 23, of the *North Carolina Constitution*, which the Chair takes under advisement:

H.B. 747 (Senate Committee Substitute), a bill to amend the North Carolina Veterinary Practice Act.

H.B. 914, a bill to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists.

H.B. 1212 (Committee Substitute), a bill to change certain fees charged by auctioneers and to amend the requirements for deposits in trust or escrow accounts by auctioneers.

H.B. 924 (Committee Substitute), a bill to provide for the certification of local government property mappers.

RECALL FROM COMMITTEE

H.B. 814 (Senate Committee Substitute), a bill to provide that Mecklenburg County park rangers may act as special peace officers on property owned or leased by the City of Charlotte, referred to the **Rules and Operation of the Senate Committee** on July 14.

Senator Sands offers a motion the Senate Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Wednesday, July 21, which motions prevail.

The Chair recalls the Senate Committee Substitute bill from the **Rules and Operation of the Senate Committee** and orders the measure placed on the Calendar for tomorrow, Wednesday, July 21.

H.J.R. 393, a joint resolution honoring the founders of the John C. Campbell Folk School and the Penland School of Crafts and declaring both schools as North Carolina arts and crafts resources, referred to the **Rules and Operation of the Senate Committee** on April 26.

Senator Sands offers a motion the joint resolution be recalled from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, which motions prevail.

The Chair recalls the joint resolution from the **Rules and Operation of the Senate Committee** and places the measure before the Senate for immediate consideration, upon its passage.

The joint resolution passes its second (43-0) and third readings and is ordered enrolled.

H.B. 992 (Committee Substitute), a bill to modify the types of industrial development for which the Industrial Development Fund may be used, referred to the **Appropriations Committee** on July 16.

Senator Plyler offers a motion the Committee Substitute bill be recalled from the **Appropriations Committee** and re-referred to the **Rules and Operation of the Senate Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Appropriations Committee** and orders the measure re-referred to the **Rules and Operation of the Senate Committee.**

H.B. 802, a bill to provide for one-half the normal weight penalty for vehicles hauling recyclable materials, referred to the **Appropriations Committee** earlier today.

Senator Plyler offers a motion the bill be recalled from the **Appropriations Committee** and placed at the end of the Calendar for today for consideration, which motions prevail.

The Chair recalls the bill from the **Appropriations Committee** and orders it placed at the end of the Calendar for today for consideration, upon its passage.

CALENDAR (Continued)

H.B. 747 (Senate Committee Substitute), a bill to amend the North Carolina Veterinary Practice Act, upon second reading.

Pursuant to the point of order taken earlier today, the Chair rules the measure does not require a call of the roll.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 914, a bill to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists, upon second reading.

Pursuant to the point of order taken earlier today, the Chair rules the measure does not require a call of the roll.

The bill passes its second (44-0) and third reading and is ordered enrolled.

H.B. 1102 (Committee Substitute), a bill to create the Pesticide Environmental Trust Fund, to be funded by an assessment for each brand or grade of pesticide registered, as amended, upon second reading.

Senator Parnell offers Amendment No. 2 which is adopted (42-0).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, July 21, for further consideration, upon third reading.

H.B. 1212 (Committee Substitute), a bill to change certain fees charged by auctioneers and to amend the requirements for deposits in trust or escrow accounts by auctioneers, upon second reading.

Pursuant to the point of order taken earlier today, the Chair rules the measure does not require the call of the roll.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 747 (Senate Committee Substitute), a bill to amend the North Carolina Veterinary Practice Act, temporarily displaced earlier.

Senator Daniel offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

RECALL FROM COMMITTEE

S.B. 853 (House Committee Substitute), a bill to authorize counties that will derive economic benefits from the North Carolina Global TransPark to form a Global TransPark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone, referred to the **Finance Committee** on July 16.

Senator Winner of Buncombe offers a motion the House Committee Substitute bill be recalled from the **Finance Committee** and placed at the end of the Calendar for today for consideration, which motions prevail.

The Chair recalls the House Committee Substitute bill from the **Finance Committee** and orders the measure placed at the end of the Calendar for today for consideration, upon second reading.

CALENDAR (Continued)

S.B. 605 (Committee Substitute), a bill to establish a funding formula and a selection process for the inclusion of works of art in State buildings, as amended, by the **Capital Expenditures and Improvements Committee.**

On motion of Senator Soles, the Committee Amendment, No. 3, is adopted, changing the title to read **S.B. 605** (Committee Substitute), a bill to establish a funding formula and a selection process for the inclusion of works of art in State buildings and to exempt from sales tax sales to State agencies of works of art for State buildings.

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee:**

H.B. 281 (Committee Substitute No. 2), a bill to create a State-County Criminal Justice Partnership in North Carolina, with a favorable report.

With unanimous consent, the rules are suspended to the end the **Appropriations Committee** not review the measure and the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Wednesday, July 21, for further consideration.

H.B. 1035 (Committee Substitute No. 2), a bill to authorize the Sentencing and Policy Advisory Commission to study restitution policy as a part of North Carolina's Criminal Justice System and to expand the Commission, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Appropriations Committee.**

With unanimous consent, on motion of Senator Daniel, the measure is withdrawn from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, July 21.

RECALL FROM COMMITTEE

S.B. 1278, a bill to appropriate funds for capital improvements at Correction Enterprises facilities, referred to the **Capital Expenditures and Improvements Committee** on July 5.

Senator Kaplan offers a motion the bill be recalled from the **Capital Expenditures and Improvements Committee** and re-referred to the **Appropriations Committee**, which motions prevail

The Chair recalls the bill from the **Capital Expenditures and Improvements Committee** and orders it re-referred to the **Appropriations Committee**.

CALENDAR (Continued)

S.B. 922, a bill to provide for an examination and an examination fee for surety bondsmen license applicants, as amended by the **Judiciary II Committee**.

On motion of Senator Johnson, the **Finance Committee** Amendment No. 2 is adopted.

The bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representative by special messenger.

S.B. 940 (Committee Substitute No. 2), a bill to rewrite the Charitable Solicitations Act.

The Committee Substitute bill No. 2 passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

The Senate recesses at 3:10 P.M. for the purpose of committee meetings to reconvene at 3:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

S.B. 1185, a bill to establish the Uninsured Employees Injury Fund to provide compensation for injured employees whose employers failed to secure the payment of compensation and to require insurers that write workers' compensation insurance in this State to contribute to this Fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Parnell, the proposed Committee Substitute bill 5718, which changes the title to read **S.B. 1185** (Committee Substitute), a bill to establish the Uninsured Employers' Fund to provide compensation for certain injured employees whose employers failed to secure the payment of compensation and to require carriers to contribute to this Fund, is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Kerr for the **Manufacturing and Labor Committee:**

H.B. 187, a bill requiring certain detail in the decisions and reports of the OSHA Review Board, with a favorable report, as amended.

By Senator Edwards for the Economic Development/Travel and Tourism Committee:

H.B. 1053 (Committee Substitute), a bill to limit the construction of billboards to promote the safety and recreational value of public travel, and to enhance natural beauty, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Edwards, the rules are suspended, and the proposed Senate Committee Substitute bill 3264, which changes the title, upon concurrence, to read **H.B. 1053** (Senate Committee Substitute), a bill to authorize the designation of scenic highways and byways and to limit the construction of outdoor advertising to promote the safety and recreational value of public travel, and to enhance natural beauty, is placed before the Senate for immediate consideration.

On motion of Senator Edwards, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 21, for further consideration.

CALENDAR (Continued)

S.B. 974 (Committee Substitute No. 2), a bill to require continuing education for registered cosmetology instructors and to clarify the law concerning cosmetology instructors.

The Committee Substitute bill No. 2 passes its second (33-0) and third reading and is ordered sent to the House of Representatives by special messenger.

S.J.R. 1296, a joint resolution honoring the life and memory of Henry McMillan Tyson, former member of the General Assembly.

Senator Basnight offers a motion that the joint resolution be postponed indefinitely, which motion prevails.

The joint resolution lies upon the table.

H.B. 106 (Committee Substitute), a bill to direct the Office of State Personnel to review State cytotechnologist salaries.

On motion of Senator Forrester, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (37-0) and third reading and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 587, a bill to clarify the rule-making authority of the Medical Care Commission for nursing home regulation.

On motion of Senator Cooper, consideration of the bill is postponed until tomorrow, Wednesday, July 21.

H.B. 720, a bill to increase the income tax credit for child and dependent care expense for families with income below forty thousand dollars a year.

On motion of Senator Walker, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (43-1) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 908 (Senate Committee Substitute No. 2), a bill to amend the statutes that address suits brought by indigents and appeals prosecuted by indigents.

The Committee Substitute bill No. 2 passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 1015 (Senate Committee Substitute No. 2), a bill relating to prayers for judgment in infraction cases where a defensive driving course, or a similar approved course, has been completed by the person cited.

On motion of Senator Cooper, consideration of the Senate Committee Substitute bill No. 2 is postponed until tomorrow, Wednesday, July 21.

H.B. 1062 (Senate Committee Substitute), a bill to provide that a mentally retarded person convicted of first degree murder may not be sentenced to death.

Senator Kerr offers Amendment No. 1. Senator Ballance calls the previous question on Amendment No. 1 only, seconded by Senator Kerr. The call is sustained. Amendment No. 1 is adopted (26-21).

Senator Ballance calls the previous question on the second reading, seconded by Senator Carpenter. The call is sustained. The Senate Committee Substitute bill, as amended, passes its second reading (39-7).

Senator Harris objects to the third reading of the measure. The Chair orders the Senate Committee Substitute bill, as amended, placed on the Calendar for tomorrow, Wednesday, July 21, for further consideration, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Appropriations Committee**:

S.B. 1278, a bill to appropriate funds for capital improvements at Correction Enterprises facilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the proposed Committee Substitute bill 1704, which changes the title to read **S.B. 1278** (Committee Substitute), a bill to authorize the financing of capital improvements at Correction Enterprises facilities, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 21, for further consideration.

S.B. 62, a bill to transfer the rail safety section from the Utilities Commission to the Department of Transportation, with a favorable report.

S.B. 1075, a bill to clarify the applicability of the Beach Access Program to projects designed to provide access to coastal waters, with a favorable report.

H.B. 225, a bill to allow additional retroactive membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report.

H.B. 401 (Committee Substitute), a bill to authorize the University of North Carolina to retain the net proceeds from sale of the former residence of the Chancellor of North Carolina Central University, with a favorable report.

H.B. 450, a bill to rewrite the law regarding the Greensboro Firemen's Supplemental Retirement System, with a favorable report.

S.B. 1013 (Committee Substitute), a bill to enact the Workforce Preparedness Act, and to make conforming changes to the General Statutes, as written by the **Manufacturing and Labor Committee**, with a favorable report, as amended.

With unanimous consent, the Committee Substitute bill is placed at the end of the Calendar for today, for consideration.

S.B. 1084 (Committee Substitute No. 2), a bill to make substantive and technical changes and improvements in the laws regulating service agreements and to enable the Department of Insurance to properly administer those laws by authorizing two examiner positions, as written by the **Finance Committee**, with a favorable report, as amended.

RECALL FROM COMMITTEE

H.B. 992 (Committee Substitute), a bill to modify the types of industrial development for which the Industrial Development Fund may be used, referred to **Rules and Operation of the Senate Committee** on July 20.

Senator Sands offers a motion the Committee Substitute bill be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Wednesday, July 21, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Rules and Operation of the Senate Committee** and orders the measure placed on the Calendar for tomorrow, Wednesday, July 21.

CALENDAR (Continued)

S.B. 590, a bill to add to the authorized uses of designated boating funds by the Wildlife Resources Commission and to increase fees for boat certificates of number, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 590** (House Committee Substitute), a bill to increase fees for boat certificates of number and to clarify the use of the fees, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Edwards, Forrester, Gulley, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Richardson, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—37.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

H.B. 910 (Committee Substitute), a bill regulating the practice of massage therapy, with an unfavorable report as to the Committee Substitute bill, but favorable as to the Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 1206 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 21, for further consideration.

CALENDAR (Continued)

S.B. 787 (House Committee Substitute No. 2), a bill to impose a penalty for failure to comply with ESC tax reporting requirements, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Forrester, Gulley, Harris, Hartsell, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Richardson, Sherron, Simpson, Smith, Soles, Speed, Tally, Ward, and Winner of Buncombe—34.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled.

S.B. 162 (Committee Substitute No. 2), a bill to modify the requirements for licensure as a motor vehicle wholesaler or dealer, to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, and to change the fees for dealer plates and transporter plates, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 162** (House Committee Substitute), a bill to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, to establish a special sports event temporary plate, and to change the fees for dealer plates and transporter plate, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Richardson, Sands, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—39.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 21, for further consideration upon third reading.

S.B. 1025 (House Committee Substitute), a bill to provide for payment of the cigarette tax by reporting rather than by tax stamps, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—40.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 21, for further consideration upon third reading.

S.B. 1141 (House Committee Substitute), a bill to expand the tax credits for qualified business investments and to provide that the tax credits shall sunset for investments made on or after January 1, 1999, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Richardson, Sands, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—38.

Voting in the negative: Senator Sherron—1.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 21, for further consideration upon third reading.

S.B. 643 (House Committee Substitute), a bill to make technical and other changes to the retaliatory employment discrimination law, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (39-0) and the measure is ordered enrolled.

S.B. 924 (House Committee Substitute), a bill to raise the fees charged by registers of deeds for the recording of instruments and for the probate of instruments, to provide that registers of deeds shall not charge a fee for recording the satisfaction of mortgages and deeds of trust, and to remove the requirement that substitutions of trustees be recorded as separate instruments, for concurrence in the House Committee Substitute bill.

Pursuant to a point of order taken earlier, the Chair rules the measure does not require a call of the roll.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

H.B. 1062 (Senate Committee Substitute), a bill to provide that a mentally retarded person convicted of first degree murder may not be sentenced to death, as amended, placed on the Calendar for July 21, upon third reading earlier today.

Senator Harris withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Wednesday, July 21, and placed before the Senate for immediate consideration upon its third reading.

Senator Kaplan offers Amendment No. 2 which is adopted (41-1).

The Senate Committee Substitute bill, as amended, passes its third reading (37-6).

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

H.B. 802, a bill to provide for one-half the normal weight penalty for vehicles hauling recyclable materials, earlier today recalled from the **Appropriations Committee** and placed on the Calendar for consideration, upon its passage.

The bill passes its second (43-0) and third readings and is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

H.B. 179 (Committee Substitute), a bill to delete the requirement that certain reports on environmental issues be made to the Joint Legislative Commission on Governmental

Operations, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the proposed Senate Committee Substitute bill 8041, which changes the title, upon concurrence, to read **H.B. 179** (Senate Committee Substitute), a bill to delete the requirement that certain reports on environmental issues be made to the Joint Legislative Commission on Governmental Operations, to authorize marine fisheries inspectors to assist in the enforcement of laws when a crime has been committed in their presence or when a State or local law enforcement officer has requested their assistance, to set a date by which local governments shall submit local water supply plans, and to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 21, for further consideration.

CALENDAR (Continued)

S.B. 853 (House Committee Substitute), a bill to authorize counties that will derive economic benefits from the North Carolina Global TransPark to form a Global TransPark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone, for concurrence in the House Committee Substitute bill, earlier today recalled from the **Finance Committee** and placed on the Calendar for consideration, upon second reading.

The Senate fails to concur in the House Committee Substitute bill by roll-call vote, ayes 0, noes 42, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Richardson, Sands, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—42.

Senator Kerr offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 1013 (Committee Substitute), a bill to enact the Workforce Preparedness Act, and to make conforming changes to the General Statutes, reported earlier today from the **Appropriations Committee** and placed on the Calendar for consideration.

On motion of Senator Hoyle, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (42-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

RECALL FROM COMMITTEE

H.B. 639, a bill to permit teacher assistants and other instructional personnel who do not require a substitute to take vacation leave when students are in attendance, as amended by the **Education/Higher Education Committee**, and referred to the **Appropriations Committee** on July 15.

Senator Daniel offers a motion the bill, as amended, be recalled from the **Appropriations Committee** and placed on the Calendar for tomorrow, Wednesday, July 21, which motions prevail.

The Chair recalls the bill, as amended, from the **Appropriations Committee** and orders the measure placed on the Calendar for tomorrow, Wednesday, July 21.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 853 (House Committee Substitute), a bill to authorize counties that will derive economic benefits from the North Carolina Global TransPark to form a Global TransPark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone, with the motion of Senator Kerr, prevailing earlier today, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Kerr (Chairman), Cooper, Perdue, Warren, Jordan, Codington, Martin of Pitt, Albertson, Speed, Daniel, Soles, and Winner of Buncombe as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Speed, the Senate adjourns at 6:05 P.M. to meet tomorrow, Wednesday, July 21 at 1:30 P.M.

ONE HUNDRED SIXTH DAY

SENATE CHAMBER,
Wednesday, July 21, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, the Holy Scripture teaches us to 'go the second mile' with those people who really need our help. The men and women of the Senate know a great deal about traveling the second or third mile by now—for they have done it.

"But we are most grateful, O God, that many months ago they made a decision to go the first mile with the people of North Carolina.

"The problem in today's world is that we hear too many sermons about going the second mile but fewer and fewer people are willing to go the first. That's where we need help. That's where we find our hope.

"Thank You for their 'first-mile efforts' in our behalf. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Tuesday, July 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour for medical reasons.

Pursuant to the motion of Senator Sands prevailing on July 16, all messages ordered to the House of Representatives are sent by special messenger.

Privileges of the floor are extended by the President to Joe Thomas, former Senator from Craven County, and to Henson P. Barnes, former Senator from Wayne County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 768 (Committee Substitute), an act to allow the City of Charlotte to enter into a joint development project. (Ch. 417)

S.B. 855 (House Committee Substitute), an act to allow the City of Eden to negotiate annexation contracts and to authorize Rockingham County to participate in the redevelopment of certain abandoned property. (Ch. 418)

H.B. 473 (Senate Committee Substitute), an act to separate the Real Estate Appraisal Board from the Real Estate Commission. (Ch. 419)

H.B. 914, an act to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists. (Ch. 420)

H.B. 1212 (Committee Substitute), an act to change certain fees charged by auctioneers and to amend the requirements for deposits in trust or escrow accounts by auctioneers. (Ch. 421)

S.B. 590 (House Committee Substitute), an act to increase fees for boat certificates of number and to clarify the use of the fees. (Ch. 422)

S.B. 643 (House Committee Substitute), an act to make technical and other changes to the retaliatory employment discrimination law. (Ch. 423)

S.B. 787 (House Committee Substitute No. 2), an act to impose a penalty for failure to comply with ESC tax reporting requirements. (Ch. 424)

S.B. 924 (House Committee Substitute), an act to raise the fees charged by registers of deeds for the recording of instruments and for the probate of instruments, to provide that registers of deeds shall not charge a fee for recording the satisfaction of mortgages and deeds of trust, and to remove the requirement that substitutions of trustees be recorded as separate instruments. (Ch. 425)

H.B. 802, an act to provide for one-half the normal weight penalty for vehicles hauling recyclable materials. (Ch. 426)

H.J.R. 393, a joint resolution honoring the founders of the John C. Campbell Folk School and the Penland School of Crafts and declaring both schools as North Carolina arts and crafts resources. (Res. 23)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Folger for the **Local Government and Regional Affairs Committee:**

S.B. 808 (House Committee Substitute), a bill authorizing the Town of Hillsborough to impose a prepared food and beverage tax, with a favorable report as to concurrence.

The Chair rules the measure requires a call of the roll.

Pursuant to Rule 43, the House Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 825, a bill concerning impact fees by the Town of Garner, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 865, a bill to clarify that the plan for election of the Guilford County Board of Commissioners enacted by the 1991 General Assembly is the only lawful plan, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Folger, the rules are suspended, and the proposed Senate Committee Substitute bill 9279, which changes the title to read **H.B. 865** (Senate Committee Substitute), a bill to clarify that the plan for election of the Guilford County Board of Commissioners enacted by the 1991 General Assembly is the only lawful plan, and to extend the time for action on an act concerning the Sampson County Board of Commissioners, is placed before the Senate for immediate consideration.

On motion of Senator Folger, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration.

CALENDAR

H.B. 910 (Senate Committee Substitute), a bill regulating the practice of massage therapy, on today's Calendar, upon second reading.

Senator Sands rises to a point of order as to the requirement for review of **H.B. 910** by the **Appropriations Committee** or the **Finance Committee**.

The Chair takes the point of order under advisement.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 100
(House Committee Substitute)

House of Representatives
July 20, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 100**, A BILL TO BE ENTITLED AN ACT TO VEST AUTHORITY IN THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO GRANT SHELLFISH CULTIVATION LEASES, TO MAKE CHANGES TO CHAPTER 113 OF THE NORTH CAROLINA GENERAL STATUTES, AND TO PREVENT MARINE LITTER, the Speaker has appointed as conferees on the part of the House, Representative Gottovi, Representative Redwine, Representative Grady, and Representative James to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 60
(House Committee Substitute)

House of Representatives
July 20, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 60**, A BILL TO BE ENTITLED AN ACT IMPOSE AN

ADVANCE DISPOSAL TAX ON NEW WHITE GOODS, TO REQUIRE EACH COUNTY TO PROVIDE FOR THE MANAGEMENT OF DISCARDED WHITE GOODS, AND TO PROVIDE FOR THE REMOVAL OF CHLOROFLUOROCARBON REFRIGERANTS FROM WHITE GOODS, the Speaker has appointed as conferees on the part of the House, Representative Hackney, Representative Gottovi, Representative Jack Hunt, Representative Culp, Representative Oldham, and Representative Barbee to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 20, to designate 1994 as the Year of the Coast and to create a Coastal Futures Committee on Coastal Area Management.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

CONFERENCE REPORT

S.B. 128 (House Committee Substitute)

Senator Winner of Buncombe, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S.B. 128** (House Committee Substitute), a bill to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, to increase revenues to provide funds to make the reimbursement, to lower the maximum highway use tax on certain commercial vehicles, to increase the annual registration fees for certain property-hauling vehicles, and to credit the increased revenue from the registration fees to the Highway Trust Fund, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **SB 128**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN TRANSFERS OF VEHICLES FROM THE HIGHWAY USE TAX, TO REIMBURSE THE HIGHWAY TRUST FUND FOR REVENUE THAT WOULD OTHERWISE BE LOST AS A RESULT OF THE EXEMPTIONS, TO INCREASE REVENUES TO PROVIDE FUNDS TO MAKE THE REIMBURSEMENT, TO LOWER THE MAXIMUM HIGHWAY USE TAX ON CERTAIN COMMERCIAL VEHICLES, TO INCREASE THE ANNUAL REGISTRATION FEES FOR CERTAIN PROPERTY-HAULING VEHICLES, AND TO CREDIT THE INCREASED REVENUE FROM THE REGISTRATION FEES TO THE HIGHWAY TRUST FUND, House Committee Substitute Favorable 7/7/93, wish to report as follows:

The Senate concurs in the House Committee Substitute (Fourth Edition) with the following amendment:

on page 2, line 1, by deleting the word "conveyance" and substituting the phrase ~~conveyance~~ gift";

on page 2, line 12 through page 3, line 21, by deleting those lines and by renumbering the remaining sections accordingly;

on page 7, line 40, by deleting the phrase "Sections 7 and 8" and substituting the phrase "Sections 4 and 5";

and on page 8, lines 1 and 4, by deleting the phrase "Section 6" and substituting the phrase "Section 3";

and the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 20th day of July, 1993.

S/Dennis J. Winner	S/Joe Hackney
S/John H. Kerr, III	S/Robert C. Hunter
S/A. P. Sands	S/Paul Luebke
S/James D. Speed	S/Brad Miller
	S/George S. Robinson
	S/Steve Wood
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Winner of Buncombe, the Conference Report is adopted (36-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECALL FROM HOUSE OF REPRESENTATIVES

H.B. 618 (Committee Substitute), a bill to remove the expiration date from the law allowing the Department of Transportation to use nonlicensed or noncertified appraisers in the acquisition of real estate acquired by the Department when the estimated value of the real estate is less than ten thousand dollars, ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 on July 14.

Senator Winner of Mecklenburg offers a motion the Committee Substitute bill, as amended, be recalled from the House of Representatives for further consideration, which motion prevails.

The Chair orders a message sent to the House of Representatives requesting the return of the Committee Substitute bill, as amended, for further consideration by the Senate.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

S.B. 501, a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 501** (House Committee Substitute), a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax and to set the maximum room occupancy tax rate for accommodations furnished in Avery County.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for concurrence.

S.B. 26 (House Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, and for other purposes, with three amendments not engrossed and one handout, for concurrence in the House Committee Substitute bill. (See Addendum)

On motion of Senator Sands, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration, upon concurrence.

The Senate fails to concur in the House Committee Substitute bill (0-36).

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Daniel (Chairman), Plyler, Kaplan, Lee, Perdue, Parnell, and Shaw as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 114 (Senate Committee Substitute), a bill to authorize Lincoln County to levy a room occupancy and tourism development tax, to set the maximum combined city and county room occupancy tax rate for Lincoln County and the cities and towns located in Lincoln County, and to make other local changes for Duplin County and the Town of Chapel Hill, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 31, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Codington, Conder, Edwards, Folger, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kerr, Marshall, Martin of Pitt, Plexico, Richardson, Sands, Shaw, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—31.

Voting in the negative: Senators Ballance, Forrester, Harris, and Smith—4.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

H.B. 649 (Committee Substitute), a bill to authorize the City of Thomasville to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Davidson County and the cities and towns located in Davidson County, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 31, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Codington, Conder, Edwards, Folger, Gulley, Gunter, Hartsell, Hunt, Hyde, Johnson, Jordan, Kincaid, Lee, Marshall, Odom, Plexico, Richardson, Sands, Shaw, Simpson, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—31.

Voting in the negative: Senators Ballance, Cochrane, Forrester, Harris, and Smith—5.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

H.B. 859 (Committee Substitute), a bill to authorize Granville County to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Granville County and the cities and towns located in Granville County, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Carpenter, Codington, Cooper, Edwards, Folger, Gulley, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—36.

Voting in the negative: Senators Ballance, Cochrane, Forrester, Harris, and Smith—5.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

H.B. 888, a bill to revise and consolidate the Charter of the Town of Enfield, upon second reading.

The Chair orders, without objection, the bill temporarily displaced.

H.B. 152 (Committee Substitute), a bill to modify the Banner Elk room occupancy tax.

The Committee Substitute bill passes its second (40-1) and third readings and is ordered enrolled.

H.B. 450, a bill to rewrite the law regarding the Greensboro Firemen's Supplemental Retirement System.

The bill passes its second (41-0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sherron for the **Ways and Means Committee**:

S.B. 1045 (Committee Substitute), a bill to broaden existing income tax credits for the production and installation of solar and photovoltaic equipment by increasing the amounts of the credits and extending the solar equipment credits to include equipment that generates electricity, as written by the **Finance Committee**, with a favorable report, as amended.

H.B. 218 (Committee Substitute No. 2), a bill to provide for the regulation of the practice of counseling and the licensure of counselors, with a favorable report, as amended.

By Senator Winner of Buncombe for the **Finance Committee**:

H.B. 174 (Committee Substitute), a bill to authorize the Department of Revenue to allow or require payment of taxes by electronic funds transfer, with a favorable report.

Senator Winner of Buncombe offers a motion the rules be suspended and the Committee Substitute bill be placed on the Calendar for today, for consideration upon its passage, which motion prevails.

The Chair orders the measure placed on the Calendar for today at the end of the regular order of business, upon second reading.

H.B. 578 (Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, with a favorable report.

Senator Winner of Buncombe offers a motion the rules be suspended and the Committee Substitute bill be placed on the Calendar for today, for consideration upon its passage, which motion prevails.

The Chair orders the measure placed on the Calendar for today at the end of the regular order of business, upon second reading.

H.B. 622 (Committee Substitute No. 2), a bill to improve the laws relating to North Carolina's monitoring of insurance company finances and the preservation of insurance company solvency, to maintain North Carolina's accreditation by the National Association of Insurance Commissioners, and to establish a fee for the accreditation and renewal of accreditation of reinsurance companies, with a favorable report.

H.B. 862 (Committee Substitute No. 2), a bill to require the registration of out-of-state pharmacies that regularly distribute prescription medicines to citizens of the State through the mail or other common carriers, with a favorable report.

H.B. 874, a bill to increase the motor vehicles tax that may be levied by the City of Durham and to allow Alleghany County to levy a motor vehicles tax, with a favorable report.

Senator Winner of Buncombe offers a motion the rules be suspended and the bill be placed on the Calendar for today, for consideration upon its passage, which motion prevails.

The Chair orders the measure placed on the Calendar for today at the end of the regular order of business, upon second reading.

H.B. 890 (Committee Substitute), a bill to allow the Town of Middlesex to annex a certain described territory to the corporate limits of the Town, with a favorable report.

Senator Winner of Buncombe offers a motion the rules be suspended and the Committee Substitute bill be placed on the Calendar for today, for consideration upon its passage, which motion prevails.

The Chair orders the measure placed on the Calendar for today at the end of the regular order of business, upon second reading.

H.B. 124 (Committee Substitute), a bill to establish a statewide program to improve the collection of accounts receivable by the State, with a favorable report, as amended.

H.B. 297 (Committee Substitute), a bill to require an endorsement to sell fish taken from coastal fishing waters, to consolidate the vessel fishing license, and to amend other marine fisheries statutes, with a favorable report, as amended.

H.B. 1359 (Committee Substitute), a bill to allow an income tax credit for expenditures to rehabilitate a certified historic structure, with a favorable report, as amended.

S.B. 719 (Committee Substitute), a bill to amend the fees and per diem of the Board of Medical Examiners, with an unfavorable report to the Committee Substitute bill as written by the **Judiciary I Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Committee Substitute bill No. 2, 3718, is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration.

H.B. 80 (Committee Substitute), a bill to reduce the time allowed the Department of Revenue to make assessments of taxes following a federal determination, to reinstate an inadvertently deleted provision relating to assessments for employer withholding based on federal determinations, and to clarify the assessment statutes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 5205 is placed before the Senate for immediate consideration and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for today at the end of the regular order of business, for further consideration, upon second reading.

H.B. 606 (Committee Substitute), a bill to establish a fee for the accreditation and renewal of accreditation of reinsurance companies, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 4215, which changes the title, upon concurrence, to read **H.B. 606** (Senate Committee Substitute), a bill to provide that insurance policies or contracts that are issued in connection with the funding of periodic payments of workers' compensation or litigation awards or settlements are exempted from the premium tax, is ordered placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration.

H.B. 1109 (Committee Substitute)a bill to authorize counties and cities to engage in additional local economic development activities, as amended by the **Local Government and Regional Affairs Committee**, with an unfavorable report as to Committee Substitute bill, as amended, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 5208 is placed before the Senate for immediate consideration and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration.

H.B. 1467 (Committee Substitute), a bill to amend Chapter 105 of the General Statutes to require notification of property taxes due, to change the property tax valuation date for motor vehicles registered under the annual system, and to make other tax law changes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Winner of Buncombe, the rules are suspended, and the proposed Senate Committee Substitute bill 1210, which changes the title, upon concurrence, to read **H.B. 1467** (Senate Committee Substitute), a bill to amend Chapter 105 of the General Statutes to require notification of property taxes due, to change the property tax valuation date for motor vehicles registered under the annual system, to make other tax law changes, and to increase the amount of some investments of funds held by the State Treasurer, is placed before the Senate for immediate consideration.

On motion of Senator Winner of Buncombe, the Senate Committee Substitute bill is adopted.

With unanimous consent, on motion of Senator Winner of Buncombe, the Senate Committee Substitute bill is placed on the Calendar for today at the end of the regular order of business, for further consideration, upon second reading.

CALENDAR (Continued)

H.B. 814 (Senate Committee Substitute), a bill to provide that Mecklenburg County park rangers may act as special peace officers on property owned or leased by the City of Charlotte.

The Senate Committee Substitute bill passes its second (43-1) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

H.B. 1102 (Committee Substitute), a bill to create the Pesticide Environmental Trust Fund, to be funded by an assessment for each brand or grade of pesticide registered, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Sherron, Simpson, Smith, Speed, Tally, Ward, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendments No. 1 and No. 2.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee**:

H.B. 102 (Committee Substitute), a bill to require the local Boards of Education to use the energy guidelines for school design and construction and to require energy-use goals and standards in order to assure the construction of energy efficient new schools and school renovations, with a favorable report.

S.B. 892 (Committee Substitute), a bill to require that a delinquent juvenile on probation and required to attend school as a condition of probation be required to maintain a passing grade in four courses, with a favorable report as to concurrence.

S.B. 650, a bill to give recipients of prospective teacher scholarship loans credit against the loan amount for working part time as teachers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Committee Substitute bill 4685 is placed before the Senate for immediate consideration, and on her further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

H.B. 736, a bill to complete the merger of the Edgecombe County and Tarboro City School Administrative Units, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the proposed Senate Committee Substitute bill 7333, which changes the title, upon concurrence, to read **H.B. 736** (Senate Committee Substitute), a bill to complete the merger of the Edgecombe County and Tarboro City School Administrative Units, to require that the Boards of Trustees of Edgecombe Community College and Nash Community College study a possible merger of the two colleges into a consolidated community college to serve a combined service delivery area and to provide that the Cabarrus County Board of Education may call for a special election to fill a vacancy on that Board, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration.

CALENDAR (Continued)

S.B. 1053 (Committee Substitute No. 2), a bill to provide for the creation of the Centennial Authority, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Winner of Buncombe—45.

Voting in the negative: Senators Codington, Shaw, and Winner of Mecklenburg—3.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

H.B. 83 (Senate Committee Substitute No. 2), a bill to temporarily increase the scrap tire disposal tax, to provide for the distribution of the additional tax proceeds, to temporarily revoke the general authority of a unit of local government or a contracting party to impose a separate scrape tire disposal fee, and to authorize the Department of Environment, Health, and Natural Resources to develop and implement alternative, market-based pilot programs for scrap tire collection and recycling, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: Senators Cochrane, Harris, and Smith—3.

The Senate Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Parnell for the **Insurance Committee**:

H.B. 729 (Committee Substitute), a bill to promote the creation of health plan purchasing alliances to provide access to health benefits for employees of small employer groups and self-employed individuals.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

With unanimous consent, on motion of Senator Parnell, the Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee**.

CALENDAR (Continued)

H.B. 910 (Senate Committee Substitute), a bill regulating the practice of massage therapy, upon second reading, with a point of order under advisement.

The Chair sustains the point of order called by Senator Sands earlier today and orders the Senate Committee Substitute bill re-referred to the **Finance Committee**.

H.B. 281 (Committee Substitute No. 2), a bill to create a State-County Criminal Justice Partnership in North Carolina.

With unanimous consent, on motion of Senator Ballance, the Committee Substitute bill No. 2 is taken up out of its regular order of business.

On motion of Senator Ballance, consideration of the Committee Substitute bill No. 2 is postponed until tomorrow, Thursday, July 22.

H.B. 1035 (Committee Substitute No. 2), a bill to authorize the Sentencing and Policy Advisory Commission to study restitution policy as a part of North Carolina's Criminal Justice System and to expand the Commission.

With unanimous consent, on motion of Senator Ballance, the Committee Substitute bill No. 2 is taken up out of its regular order of business.

On motion of Senator Ballance, consideration of the Committee Substitute bill No. 2 is postponed until tomorrow, Thursday, July 22.

H.B. 1127 (Committee Substitute), a bill to authorize the conveyance of a right-of-way to the Department of Transportation within Pilot Mountain State Park, upon second reading.

Receiving a three-fifths affirmative majority vote, the Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

S.B. 62, a bill to transfer the rail safety section from the Utilities Commission to the Department of Transportation.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1075, a bill to clarify the applicability of the Beach Access Program to projects designed to provide access to coastal waters.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1084 (Committee Substitute No. 2), a bill to make substantive and technical changes and improvements in the laws regulating service agreements and to enable the Department of Insurance to properly administer those laws by authorizing two examiner positions.

On motion of Senator Soles, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

S.B. 1278 (Committee Substitute), a bill to authorize the financing of capital improvements at Correction Enterprises facilities.

On motion of Senator Hyde, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 179 (Senate Committee Substitute), a bill to delete the requirement that certain reports on environmental issues be made to the Joint Legislative Commission on Governmental Operations, to authorize marine fisheries inspectors to assist in the enforcement of laws when a crime has been committed in their presence or when a State or local law enforcement officer has requested their assistance, to set a date by which local governments shall submit local water supply plans, and to make clarifying,

conforming, and technical changes to various laws relating to environment, health, and natural resources.

On motion of Senator Tally, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 187, a bill requiring certain detail in the decisions and reports of the OSHA Review Board.

On motion of Senator Kerr, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (41-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 225, a bill to allow additional retroactive membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

The bill passes its second (40-0) and third readings and is ordered enrolled.

RECALL FROM COMMITTEE

S.B. 808 (House Committee Substitute), a bill authorizing the Town of Hillsborough to impose a prepared food and beverage tax, referred to the **Finance Committee** earlier today.

Senator Winner of Buncombe offers a motion the House Committee Substitute bill be recalled from the **Finance Committee** and placed before the Senate for immediate consideration, upon concurrence, which motion prevails.

The Chair recalls the House Committee Substitute bill from the **Finance Committee**, rules the measure requires a call of the roll, and places it before the Senate for immediate consideration for concurrence upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 33, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Conder, Cooper, Edwards, Folger, Gulley, Gunter, Hartsell, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—33.

Voting in the negative: Senators Allran, Cochrane, Forrester, Harris, Kaplan, and Smith—6.

The House Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon concurrence, upon third reading.

CALENDAR (Continued)

H.B. 179 (Senate Committee Substitute), a bill to delete the requirement that certain reports on environmental issues be made to the Joint Legislative Commission on Governmental Operations, to authorize marine fisheries inspectors to assist in the enforcement of laws when a crime has been committed in their presence or when a State or local law enforcement officer has requested their assistance, to set a date by which local governments shall submit local water supply plans, and to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources, temporarily displaced earlier.

Senator Tally offers Amendment No. 1 which is adopted (42-0), changing the title, upon concurrence, to read **H.B. 179** (Senate Committee Substitute), a bill to delete the requirement that certain reports on environmental issues be made to the Joint Legislative Commission on Governmental Operations, to set a date by which local governments shall submit local water supply plans, and to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources.

The Senate Committee Substitute bill, as amended, passes its second (39-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

H.B. 401 (Committee Substitute), a bill to authorize the University of North Carolina to retain the net proceeds from sale of the former residence of the Chancellor of North Carolina Central University.

The Committee Substitute bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 587, a bill to clarify the rule-making authority of the Medical Care Commission for nursing home regulation.

On motion of Senator Cooper, consideration of the bill is postponed until tomorrow, Thursday, July 22.

H.B. 639, a bill to permit teacher assistants and other instructional personnel who do not require a substitute to take vacation leave when students are in attendance, as amended.

Senator Basnight presides over a portion of the consideration of this bill.

With unanimous consent, the President grants a leave of absence to Senator Edwards and Senator Jordan who are meeting with Governor James B. Hunt.

Senator Perdue calls the previous question, seconded by Senator Winner of Buncombe. The call is sustained. The bill, as amended, passes its second reading (41-3).

Senator Plyler objects to the third reading of the measure. The Chair orders the bill, as amended, placed on the Calendar for tomorrow, July 22, for further consideration, upon third reading.

H.B. 843 (Committee Substitute), a bill to require the Department of Revenue to include in its biennial tax expenditure report estimates of the amount by which each tax expenditure reduces State revenues and to send a copy of the report to each legislator.

The Committee Substitute bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 992 (Committee Substitute), a bill to modify the types of industrial development for which the Industrial Development Fund may be used.

On motion of Senator Kerr, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 1015 (Senate Committee Substitute No. 2), a bill relating to prayers for judgment in infraction cases where a defensive driving course, or a similar approved course, has been completed by the person cited.

On motion of Senator Cooper, the Senate Committee Substitute bill No. 2 is recommitted to the **Judiciary I Committee**.

H.B. 1027, a bill providing that any forum selection provision in a contract entered into in North Carolina is void as against public policy.

The bill passes its second (38-0) and third readings and is ordered enrolled.

Upon the arrival in the Chamber of Senator Edwards and Senator Jordan, the Chair acknowledges their presence and the leaves of absence requested earlier are withdrawn.

H.B. 1053 (Senate Committee Substitute), a bill to authorize the designation of scenic highways and byways and to limit the construction of outdoor advertising to promote the safety and recreational value of public travel, and to enhance natural beauty.

The Senate Committee Substitute bill passes its second reading (42-3).

Senator Lee objects to the third reading of the measure. The Chair orders the Senate Committee Substitute bill placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1008
(Senate Committee Substitute No. 2)

House of Representatives
July 21, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 1008**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS I FELONY TO POSSESS OR CARRY A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY OR TO CAUSE, ENCOURAGE, OR AID A MINOR TO POSSESS OR CARRY A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY, TO MAKE IT A MISDEMEANOR TO CAUSE, ENCOURAGE, OR AID A MINOR TO TAKE OR POSSESS OTHER TYPES OF WEAPONS ON EDUCATIONAL PROPERTY, TO MAKE IT A MISDEMEANOR TO FAIL TO STORE FIREARMS IN A REASONABLE MANNER FOR THE PROTECTION OF MINORS AND TO FAIL TO WARN A PERSON OF THIS LAW UPON THE SALE OR TRANSFER OF A FIREARM AND TO PROVIDE THAT ANY JUVENILE BRINGING A GUN OR DANGEROUS WEAPON TO SCHOOL SHALL BE INELIGIBLE FOR A NORTH CAROLINA DRIVERS LICENSE UNTIL THE JUVENILE IS EIGHTEEN YEARS OF AGE, and requests conferees. The Speaker has appointed Representative Hensley, Representative B. Miller, Representative Nesbitt, Representative Cummings, Representative Barnes, Representative Colton, Representative Bowie, Representative Michaux, Representative Lemmond, and Representative Thompson on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 853
(House Committee Substitute)

House of Representatives
July 21, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 853**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES THAT WILL DERIVE ECONOMIC BENEFITS FROM THE NORTH CAROLINA GLOBAL TRANSPARK TO FORM A GLOBAL TRANSPARK DEVELOPMENT ZONE TO PROMOTE ECONOMIC DEVELOPMENT OF, AND TO ENCOURAGE INFRASTRUCTURE CONSTRUCTION IN, THE COUNTIES OF THE ZONE, the Speaker has appointed as conferees on the part of the House, Representative Hackney, Representative G. Miller, Representative Fitch, Representative Baddour, Representative Redwine, Representative Russell, Representative Grady, Representative McAllister, Representative Braswell, Representative Arnold, Representative Bowen, Representative Alphin, Representative Smith, and Representative Edwards to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 747
(Senate Committee Substitute)

House of Representatives
July 21, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 747**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA VETERINARY PRACTICE ACT, and requests conferees. The Speaker has appointed Representative Dickson, Representative McLaughlin, Representative James, Representative Holmes, and Representative Black on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1062
(Senate Committee Substitute)

House of Representatives
July 21, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 1062**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER MAY NOT BE SENTENCED TO DEATH, and requests conferees. The Speaker has appointed Representative Fitch, Representative Holt, Representative H. Hunter, Representative Michaux, Representative Esposito, Representative Flaherty, Representative J. Preston, Representative McAllister, Representative Colton, and Representative Richardson on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

H.B. 1131, a bill to direct the Governor's Commission on Work Force Preparedness to study the need for grant funds for State literacy programs, as amended by the **Education/Higher Education Committee**, with a favorable report.

S.B. 883 (Committee Substitute), a bill to create the North Carolina Professional Teaching Standards Board, with an unfavorable report as to the Committee Substitute bill as written by the **Education/Higher Education Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Plyler, the rules are suspended, and the proposed Committee Substitute bill No. 2, 4686, is placed before the Senate for immediate consideration and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, July 22, for further consideration.

CONFERENCE COMMITTEE

H.B. 1008 (Senate Committee Substitute No. 2), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or to cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property, to make it a misdemeanor to fail to store firearms in a reasonable manner for the protection of minors and to fail to warn a person of this law upon the sale or transfer of a firearm and to provide that any juvenile bringing a gun or dangerous weapon to school shall be ineligible for a North Carolina drivers license until the juvenile is eighteen years of age, with a message from the House of Representatives requesting conferees.

Senator Cooper offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

CONFERENCE REPORT

S.B. 100 (Committee Substitute)

Senator Perdue, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 100** (Committee Substitute), a bill to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases, which House Committee Substitute bill proposed to change the title to read, **S.B. 100** (House Committee Substitute No. 2), a bill to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases, to make changes to Chapter 113 of the North Carolina General Statutes, and to prevent marine litter, submits the following report, which proposes to further change the title to read, **S.B. 100** (House Committee Substitute No. 2), a bill to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases, to make changes to Chapter 113 of the North Carolina General Statutes, and to study the prevention of marine litter:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **SB 100**, A BILL TO BE ENTITLED AN ACT TO VEST AUTHORITY IN THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO GRANT SHELLFISH CULTIVATION LEASES, TO MAKE CHANGES TO CHAPTER 113 OF THE NORTH CAROLINA GENERAL STATUTES, AND TO PREVENT MARINE LITTER, Fifth Edition Engrossed 7/17/93,

wish to report as follows: The Senate concurs in the House Committee Substitute (Fifth Edition) with the following amendments:

On page 1, lines 5-6 by rewriting those lines to read:
"NORTH CAROLINA GENERAL STATUTES, AND TO STUDY THE PREVENTION OF MARINE LITTER.";

and on page 12, line 15 through page 14, line 39, by deleting Section 5 of the bill;

and on page 14, lines 40-44, and page 15, lines 1-9, by rewriting those lines to read:

"Sec. 5. Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

'§143-214.2B. Storage of waste on vessels.

The operator of a vessel in the State's waters shall take precautions to ensure that certain items do not enter and contaminate the waters. The operator shall store fuel, oil, paint, varnish, solvent, pesticide, insecticide, fungicide, algicide, or any other hazardous liquid in one or more closed containers that are adequate to prevent the release of the items into the waters of the State.'";

and on page 15, lines 9-10, by adding a new section between those lines to read:

"Sec. 6. In addition to the powers and functions set forth in Article 12F of Chapter 120 of the General Statutes, the Joint Legislative Commission on Seafood and Aquaculture shall study and evaluate the effect of littering on water pollution. Special emphasis shall be placed on the intentional or reckless disposal of non-readily biodegradable materials in the waters of the State. The Commission shall report its findings and recommendations to the 1993 General Assembly, 1994 Regular Session."

and the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 21st day of July, 1993.

S/Beverly M. Perdue	S/Karen E. Gottovi
S/Donald R. Kincaid	S/Robert Grady
S/Elaine F. Marshall	S/Vernon James
	S/David Redwine
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Perdue, the Conference Report is adopted (41-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 1167, a bill to add to the investment authority of joint municipal power agencies.

The bill passes its second (44-0) and third readings and is ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 747 (Senate Committee Substitute), a bill to amend the North Carolina Veterinary Practice Act, with a message from the House of Representatives received earlier today requesting conferees.

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Winner of Buncombe (Chairman), Allran, Johnson, and Jordan, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 1008 (Senate Committee Substitute No. 2), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or to cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property, to make it a misdemeanor to fail to store firearms in a reasonable manner for the protection of minors and to fail to warn a person of this law upon the sale or transfer of a firearm and to provide that any juvenile bringing a gun or dangerous weapon to school shall be ineligible for a North Carolina drivers license until the juvenile is eighteen years of age, with the motion of Senator Cooper prevailing earlier today that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Cooper (Chairman), Perdue, Winner of Mecklenburg, Shaw, Harris, Edwards, and Marshall, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1062 (Senate Committee Substitute), a bill to provide that a mentally retarded person convicted of first degree murder may not be sentenced to death, with a message from the House of Representatives received earlier today, requesting conferees.

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Lee (Chairman), Ballance, Kerr, Cochrane, Winner of Buncombe, Sands, and Kaplan, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 1278 (Committee Substitute), a bill to authorize the financing of capital improvements at Correction Enterprises facilities, temporarily displaced earlier.

The Committee Substitute bill passes its second (41-2) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 162 (Committee Substitute No. 2), a bill to modify the requirements for licensure as a motor vehicle wholesaler or dealer, to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, and to change the fees for dealer plates and transporter plates, for concurrence in the House Committee Substitute bill, upon third reading, which changes the title, upon concurrence, to read **S.B. 162** (House Committee Substitute), a bill to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, to establish a special sports event temporary plate, and to change the fees for dealer plates and transporter plates.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1025 (House Committee Substitute), a bill to provide for payment of the cigarette tax by reporting rather than by tax stamps, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1141 (House Committee Substitute), a bill to expand the tax credits for qualified business investments and to provide that the tax credits shall sunset for investments made on or after January 1, 1999, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, to authorize the Division of Motor Vehicles to issue specialized registration plates depicting various State attractions in North Carolina and to provide for the disposition of income from these plates, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of the Special Olympics and to provide for the disposition of income from these plates, and to make technical and administrative changes to the laws concerning special license plates, for concurrence in the House Committee Substitute bill, which proposes to change the title, upon concurrence, to read **S.B. 161** (House Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to increase the types of special license plates, to specify how fees from the new special license plates are to be used, to modify the appearance of the special license plate issued to members of the North Carolina House of Representatives, and to make technical and administrative changes to the laws concerning special license plates, upon second reading.

The Senate fails to concur in the House Committee Substitute bill by roll-call vote, ayes 0, noes 46, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—46.

Senator Kerr offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

H.B. 639, a bill to permit teacher assistants and other instructional personnel who do not require a substitute to take vacation leave when students are in attendance, as amended, upon third reading, placed earlier today on the Calendar for Thursday, July 22.

Senator Plyler withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of Thursday, July 22, and placed before the Senate for further consideration, upon its third reading.

The bill, as amended, passes its third reading.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

S.B. 796 (House Committee Substitute), a bill to extend the statute of limitations for civil actions brought by the State to enforce the laws against bid rigging on government contracts, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (42-0) and the measure is ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, to authorize the Division of Motor Vehicles to issue specialized registration plates depicting various State attractions in North Carolina and to provide for the disposition of income from these plates, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of the Special Olympics and to provide for the disposition of income from these plates, and to make technical and administrative changes to the laws concerning special license plates, which House Committee Substitute bill proposes to change the title to read **S.B. 161** (House Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to increase the types of special license plates, to specify how fees from the new special license plates are to be used, to modify the appearance of the special license plate issued to members of the North Carolina House of Representatives, and to make technical and administrative changes to the laws concerning special license plates, with the motion of Senator Kerr, prevailing earlier today, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Kerr (Chairman), Speed, Winner of Buncombe, Edwards, and Cooper, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 1008 (Senate Committee Substitute No. 2), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or to cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property, to make it a misdemeanor to fail to store firearms in a reasonable manner for the protection of minors and to fail to warn a person of this law upon the sale or transfer of a firearm and to provide that any juvenile bringing a gun or dangerous weapon to school shall be ineligible for a North Carolina drivers license until the juvenile is eighteen years of age, with the appointment of conferees earlier today.

The President *Pro Tempore* appoints Senator Simpson and removes Senator Shaw, as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 747 (Senate Committee Substitute), a bill to amend the North Carolina Veterinary Practice Act, with the appointment of conferees earlier today.

The President *Pro Tempore* appoints Senator Speed as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 1157 (House Committee Substitute), a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property, for concurrence in the House Committee Substitute bill, which measure the Chair rules requires a call of the roll, and orders it placed on the Calendar for tomorrow, Thursday, July 22, upon second reading.

H.B. 1003 (Committee Substitute), a bill to provide for the creation of the Centennial Authority.

With unanimous consent on motion of Senator Sands, the Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 22, upon second reading.

S.B. 155, a bill to make technical and conforming changes to the revenue laws and related statutes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 155** (House Committee Substitute), a bill to make technical and conforming changes to the revenue laws and to clarify and modify the tax secrecy provision, which is placed on the Calendar for tomorrow, Thursday, July 22, upon second reading.

CONFERENCE REPORT

H.B. 799 (Senate Committee Substitute)

Senator Folger for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 799** (Senate Committee Substitute), a bill to exempt cities and counties from certain zoning notice requirements and to repeal various local acts, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **House Bill 799**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CITIES AND COUNTIES FROM CERTAIN ZONING NOTICE REQUIREMENTS AND TO REPEAL VARIOUS LOCAL ACTS, Senate Local Government & Regional Affairs Committee Substitute Adopted 6/30/93, Third Edition Engrossed 7/8/93, wish to report as follows:

The House concurs in the Senate Local Government & Regional Affairs Committee Substitute Adopted 6/30/93, Third Edition Engrossed 7/8/93, with the following amendments:

(1) On page 3, line 23, delete "may", and substitute "shall";
(2) On page 3, line 36, through page 4, line 25, by rewriting those lines to read:

"Sec. 3. (a) The following laws are repealed effective January 1, 1994:

(1) Chapter 879, Session Laws of 1985;
(2) Chapter 950, Session Laws of 1985;
(3) Chapter 247, Session Laws of 1987;
(4) Chapter 339, Session Laws of 1987;
(5) Chapter 454, Session Laws of 1987;
(6) Chapter 455, Session Laws of 1987, except as to Forsyth County and municipalities located in that county;
(7) Chapter 903, Session Laws of 1987;
(8) Chapter 915, Session Laws of 1987;
(9) Chapter 198, Session Laws of 1989;
(10) Chapter 205, Session Laws of 1989;
(11) Chapter 237, Session Laws of 1989;
(12) Chapter 252, Session Laws of 1989;
(13) Chapter 312, Session Laws of 1989;
(14) Chapter 314, Session Laws of 1989;
(15) Chapter 509, Session Laws of 1989;
(16) Chapter 565, Session Laws of 1989;
(17) Chapter 568, Session Laws of 1989;
(18) Chapter 904, Session Laws of 1989;
(19) Chapter 6, Session Laws of 1991;
(20) Section 1 of Chapter 596, Session Laws of 1991;
(21) Chapter 846, Session Laws of 1991;
(22) Chapter 79, Session Laws of 1993;
(23) Chapter 101, Session Laws of 1993;
(24) Chapter 139, Session Laws of 1993;
(25) Chapter 154, Session Laws of 1993;
(26) Chapter 156, Session Laws of 1993;
(27) Chapter 267, Session Laws of 1993;
(28) Chapter 271, Session Laws of 1993, except for Forsyth County and municipalities located in that county;
(29) Chapter 296, Session Laws of 1993;
(30) Section 15 of Chapter 358, Session Laws of 1993; and
(31) Chapter 411, Session Laws of 1993.

(b) Nothing in this section affects any ordinance adopted under the authority of any act repealed by subsection (a) of this section prior to the effective date of this section.

Sec. 4. (a) Effective January 1, 1995, Chapter 455, Session Laws of 1987, as amended by Chapter 271, Session Laws of 1993, is repealed as to Forsyth County and municipalities located in that county.

(b) Nothing in this section affects any ordinance adopted under the authority of the act repealed by subsection (a) of this section prior to the effective date of this section.

Sec. 5. (a) This act becomes effective January 1, 1994, except that as to any city or county, it becomes effective at any time between the date of ratification of this act and January 1, 1994 if the city or county, as appropriate, adopts an ordinance placing it into effect at such earlier date. Adoption of such ordinance is subject to the procedural requirements of G.S. 160A-364 or G.S. 153A-323, as appropriate, but not to any procedural requirement of the zoning ordinance for adoption of amendments to the zoning ordinance. The ordinance may provide for different dates of applicability based on the stage of the zoning classification action on the effective date.

If the city or county is subject to a local act repealed by Section 3 of this act, the ordinance prevails over some or all of the local act if the ordinance so provides.

(b) This section does not apply to Forsyth County or municipalities located within that county.

Sec. 6. (a) This act becomes effective January 1, 1995 as to Forsyth County or any municipality located within that county, but it becomes effective at any time between the date of ratification of this act and January 1, 1995 if the municipality or Forsyth County, as appropriate, adopts an ordinance placing it into effect at such earlier date. Adoption of such ordinance is subject to the procedural requirements of G.S. 160A-364 or G.S. 153A-323, as appropriate, but not to any procedural requirement of the zoning ordinance for adoption of amendments to the zoning ordinance. The ordinance may provide for different dates of applicability based on the stage of the zoning classification action on the effective date.

The ordinance prevails over some or all of Chapter 455, Session Laws of 1987, as amended by Chapter 271, Session Laws of 1993, if the ordinance so provides."

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the ____th day of July, 1993.

S/Fred Folger, Jr.	S/David T. Flaherty, Jr.
S/Daniel R. Simpson	S/Martha B. Alexander
S/Leslie J. Winner	S/William O. Richardson
S/C.R. Edwards	S/Theresa H. Esposito
	S/Paul R. McCrary
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Folger, the Conference Report is adopted (41-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 888, a bill to revise and consolidate the Charter of the Town of Enfield. temporarily displaced earlier, upon second reading.

On motion of Senator Ballance, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Hartsell, Hoyle, Hyde, Johnson, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Sherron, Simpson, Smith, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

S.B. 1084 (Committee Substitute No. 2), a bill to make substantive and technical changes and improvements in the laws regulating service agreements and to enable the Department of Insurance to properly administer those laws by authorizing two examiner positions, temporarily displaced earlier.

On motion of Senator Sands, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 1084** (Committee Substitute No. 2), a bill to make substantive and technical changes and improvements in the laws regulating service agreements.

The Committee Substitute bill No. 2, as amended, passes its second (43-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

H.B. 992 (Committee Substitute), a bill to modify the types of industrial development for which the Industrial Development Fund may be used, temporarily displaced earlier.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 174 (Committee Substitute), a bill to authorize the Department of Revenue to allow or require payment of taxes by electronic funds transfer, upon second reading, placed earlier today on the Calendar for consideration.

The President rules the Committee Substitute bill requires a call of the roll.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sands, Simpson, Smith, Soles, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: Senator Ballance—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

H.B. 578 (Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, upon second reading, placed earlier today of the Calendar for consideration.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Simpson, Smith, Soles, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

H.B. 874, a bill to increase the motor vehicles tax that may be levied by the City of Durham and to allow Alleghany County to levy a motor vehicles tax, placed earlier today on the Calendar for consideration, upon second reading.

The President rules the bill requires a call of the roll.

The bill passes its second reading by roll-call vote, ayes 31, noes 11, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Hartsell, Hunt, Hyde, Jordan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plyler, Richardson, Sands, Simpson, Soles, Tally, Ward, Warren, and Winner of Mecklenburg—31.

Voting in the negative: Senators Ballance, Cochrane, Forrester, Harris, Hoyle, Kaplan, Kincaid, Plexico, Smith, Tally, and Winner of Buncombe—11.

The bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

H.B. 890 (Committee Substitute), a bill to allow the Town of Middlesex to annex a certain described territory to the corporate limits of the Town, placed earlier today on the Calendar for consideration, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Simpson, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

H.B. 80 (Senate Committee Substitute), a bill to reduce the time allowed the Department of Revenue to make assessments of taxes following a federal determination, to reinstate an inadvertently deleted provision relating to assessments for employer withholding based on federal determinations, and to clarify the assessment statutes, placed earlier today on the Calendar for consideration, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Simpson, Smith, Soles, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—41.

Voting in the negative: Senator Ballance—1.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

H.B. 1467 (Senate Committee Substitute), a bill to amend Chapter 105 of the General Statutes to require notification of property taxes due, to change the property tax valuation date for motor vehicles registered under the annual system, to make other tax law changes, and to increase the amount of some investments of funds held by the State Treasurer, placed earlier today on the Calendar for consideration, upon second reading.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—38.

Voting in the negative: Senators Cochrane, Simpson, and Smith—3.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 22, for further consideration, upon third reading.

RECALL FROM COMMITTEE

S.B. 252 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to develop and monitor the outcome measures for major State programs, to establish and implement a State strategic planning process, and to require that the Governor submit to the General Assembly and the General Assembly enact a budget that focuses on program results, as written by the **Government Performance Audit Select Committee**, and referred to the **Capital Expenditures and Improvements Committee** on July 13.

Senator Kaplan offers a motion the Committee Substitute bill be recalled from the **Capital Expenditures and Improvements Committee** and recommitted to the **Appropriations Committee**, which motions prevail.

The Chair recalls the Committee Substitute bill from the **Capital Expenditures and Improvements Committee** and recommits it to the **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 358
(Senate Committee Substitute)

House of Representatives
July 21, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **HB 358**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE CHILD FATALITY TASK FORCE TO ENCOURAGE PROSECUTORIAL CHILD PROTECTION INITIATIVES AND TO MODIFY THE CONDITIONS FOR BAIL AND PRETRIAL RELEASE FOR PERSONS ACCUSED OF SEX OFFENSES AND CRIMES OF VIOLENCE AGAINST CHILD VICTIMS, and requests conferees. The Speaker has appointed Representative Kennedy, Representative Richardson, Representative Michaux, Representative Flaherty, Representative Spears, and Representative Decker, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

CONFERENCE REPORT

S.B. 60 (House Committee Substitute)

Senator Odom, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 60** (House Committee Substitute), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **SB 60** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE AN ADVANCE DISPOSAL TAX ON NEW WHITE GOODS, TO REQUIRE EACH COUNTY TO PROVIDE FOR THE MANAGEMENT OF DISCARDED WHITE GOODS, AND TO PROVIDE FOR THE REMOVAL OF CHLOROFLUOROCARBON REFRIGERANTS FROM WHITE GOODS, House Finance Committee Substitute Favorable 7/15/93, Fourth Edition, wish to report as follows:

The Senate concurs in the House Finance Committee Substitute Favorable 7/15/93, Fourth Edition with the following amendments:

on page 2, lines 25–30 by rewriting those lines to read:

"(a) Exemptions. —Except for the exemption provided in G.S. 105-164.13(17), the exemptions in G.S. 105-164.13 do not apply to the taxes imposed by this Article.

(b) Refunds. —The refunds allowed in G.S. 105-164.14 do not apply to the taxes imposed by this Article. A person who buys at least 50 new white goods of any kind in the same sale or purchase may obtain a refund equal to sixty percent (60%) of the amount of tax imposed by this Article on the white goods when all of the white goods purchased are to be placed in new or remodeled dwelling units that are located in this State and do not contain the kind of white goods purchased. To obtain a refund, a person must file an application for a refund with the Secretary. The application must contain the information required by the Secretary, be signed by the purchase of the white goods, and be submitted by the date set by the Secretary." and the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 21st day of July, 1993.

S/T.L. Odom	S/Joe Hackney
S/Fred Folger, Jr.	S/Bobby H. Barbee, Sr.
S/John H. Kerr, III	S/Arlie F. Culp
S/Dennis J. Winner	S/Karen E. Gottovi
	S/John J. Hunt
	S/Warren C. Oldham
Conferees for the Senate	*Conferees for the House of Representatives*

The Chair rules the Conference Report to be material and submission constitutes the first reading of the measure.

The Conference Report is ordered placed on the Calendar for tomorrow, Thursday, July 22, for adoption upon second reading.

On motion of Senator Basnight, seconded by Senator Harris, the Senate adjourns at 5:33 P.M. to meet tomorrow, Thursday, July 22, at 11:30 A.M.

ONE HUNDRED SEVENTH DAY

SENATE CHAMBER,
Thursday, July 22, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we pause from the busy schedule of being public servants to remember one of North Carolina's greatest public servants, former Secretary of State, Thad Eure, who died yesterday.

"We may have seen him sitting on a park bench during lunch at the Capitol talking with passers-by or in his designated chair in this Senate Chamber listening in on a session or personally leading a group of children on a grand tour of the Capitol Building.

"Each of us has a favorite personal snapshot of Mr. Eure, who served our State for over fifty years.

"Like all great people of faith, Thad Eure began serving You in this life by serving others. We pray that in Your Holy Presence, he has found his new assignment. Amen."

Senator Soles, Deputy President *Pro Tempore*, announces the Journal of yesterday, Wednesday, July 21, has been examined and is found to be correct, and offers a motion the Senate dispense with the reading of the Journal and it stand approved as written, which motion prevails (26-0).

With unanimous consent, the President grants a leave of absence for today to Senator Seymour for medical reasons.

Pursuant to the motion of Senator Sands prevailing on July 16, all messages ordered to the House of Representatives are sent by special message.

On motion of Senator Richardson, remarks offered memorializing the late Thad Eure, former Secretary of State of North Carolina, are spread upon the Journal, as follows:

By Senator Harris:

"Mr. President and Members of the Senate, on yesterday North Carolina lost one of its greatest leaders.

"It was my pleasure to have known the Honorable Thaddeus Eure since 1929, simply because he was a great friend of Governor Gardner and was visiting many times; and, at that time Ralph Gardner, the son of the Governor, and myself were schoolmates and, of course, I had several instances to meet him. And to meet a man, one of the greatest North Carolinians, I consider.

"He was, Senator Walker, he was a member of the 'Shelby Dynasty' even though he was born and raised in Gates County in the eastern part of the State. He was a great part of the 'Shelby Dynasty' and, as of today, that is the end of the 'Shelby Dynasty' in my opinion. He had the pleasure of serving under thirteen Governors, of fifty years the Secretary of State, a great record not only in North Carolina, but in the United States. We want to express our regrets to his family and let them know we are thinking about them today. Mr. President, I would like to move that when we adjourn today, we adjourn in honor and memory of Thaddeus Eure."

By Lieutenant Governor Wicker:

"I am sure that all the Senate joins together in extending our deepest sympathy and condolences to the family of Thad Eure."

By Senator Basnight:

"Thank you, Mr. President and Members of this Body. I can't let that moment go by without saying something about 'Mr. Thad.' He was a very special person to all of us in North Carolina. He was one of the greatest North Carolinians to ever live, and I don't believe anybody would denounce that or find any disagreement with a guy who always kept his door open, Aaron. And I recall that the first time I went to the Capitol to see 'Mr. Thad,' and I remember talking to his long-time secretary out front before going in and someone else was there. And I asked about the man and what was special and she spoke of how he loved North Carolina, her people, her land, and all that she offered him and had given him these tremendous opportunities to give back to others. And she told me about the door never closing; that he did do the public's business in the public. And he did it in the best interest of all the people of this wonderful State of ours. And as I went in I looked at him in awe, as we all did, this master, this giant of a man with the famous bowtie, and straw hat that was behind the desk and he pulled the chair up beside his desk and patted me on the leg and chatted with me about what was proper and good for our people and offered his assistance wherever and whenever. He was just a wonderful man. He was a great contribution to what we all should be in giving something to others. He was Mr. North Carolina. We will all miss him—'Mr. Thad.'"

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 106 (Committee Substitute), an act to direct the Office of State Personnel to review State cytotechnologist salaries. (Ch. 427)

H.B. 152 (Committee Substitute), an act to modify the Banner Elk room occupancy tax. (Ch. 428)

H.B. 225, an act to allow additional retroactive membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund. (Ch. 429)

H.B. 401 (Committee Substitute), an act to authorize the University of North Carolina to retain the net proceeds from sale of the former residence of the Chancellor of North Carolina Central University. (Ch. 430)

H.B. 450, an act to rewrite the law regarding the Greensboro Firemen's Supplemental Retirement System. (Ch. 431)

H.B. 720, an act to increase the income tax credit for child and dependent care expense for families with income below forty thousand dollars a year. (Ch. 432)

H.B. 843 (Committee Substitute), an act to require the Department of Revenue to include in its biennial tax expenditure report estimates of the amount by which each tax expenditure reduces State revenues and to send a copy of the report to each legislator. (Ch. 433)

H.B. 876 (Senate Committee Substitute), an act to establish a no-wake zone on a portion of the Waccamaw and Pamlico Rivers. (Ch. 434)

H.B. 908 (Senate Committee Substitute No. 2), an act to amend the statutes that address suits brought by indigents and appeals prosecuted by indigents. (Ch. 435)

H.B. 1027, an act providing that any forum selection provision in a contract entered into in North Carolina is void as against public policy. (Ch. 436)

H.B. 1089 (Senate Committee Substitute), an act relating to the definition of pyrotechnics under Chapter 14 of the North Carolina General Statutes. (Ch. 437)

H.B. 1157, an act to make changes in the law relating to the North Carolina Courts Commission. (Ch. 438)

H.B. 1172 (Senate Committee Substitute), an act to extend the qualified tort liability protection for health care personnel to include medical services rendered by health care personnel without compensation at their place of employment to a patient. (Ch. 439)

S.B. 162 (House Committee Substitute), an act to limit the number of motor vehicle dealer license plates that can be issued to the same dealer, to modify the sanctions for misuse of a dealer license plate, to expand the use of transporter plates, to establish a special sports event temporary plate, and to change the fees for dealer plates and transporter plates. (Ch. 440)

S.B. 796 (House Committee Substitute), an act to extend the statute of limitations for civil actions brought by the State to enforce the laws against bid rigging on government contracts. (Ch. 441)

S.B. 1025 (House Committee Substitute), an act to provide for payment of the cigarette tax by reporting rather than by tax stamps. (Ch. 442)

S.B. 1141 (House Committee Substitute), an act to expand the tax credits for qualified business investments and to provide that the tax credits shall sunset for investments made on or after January 1, 1999. (Ch. 443)

H.B. 992 (Committee Substitute), an act to modify the types of industrial development for which the Industrial Development Fund may be used. (Ch. 444)

H.B. 1167, an act to add to the investment authority of joint municipal power agencies. (Ch. 445)

S.B. 216, an act to repeal the requirement that the Department of the Secretary of State report to the Joint Legislative Commission on Governmental Operations on the Business License Information Office. (Ch. 446)

S.B. 217, an act to repeal the requirement that the Department of Cultural Resources report to the Joint Legislative Commission on Governmental Operations on the operation of the State Depository Library System. (Ch. 447)

S.B. 572, an act to promote markets for recyclables and to promote waste reduction by the State by requiring reports published by the State to meet certain standards as to composition, by limiting the distribution of State reports, and by encouraging community colleges and nonprofit corporations that receive State funds to prepare reports according to these standards and to provide that mailing lists of alumni need not be purged. (Ch. 448)

INTRODUCTION OF RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Sands:

S.J.R. 1297, a joint resolution setting the time for adjournment of the 1993 General Assembly to meet in 1994, limiting the subjects that may be considered in that Session, and providing for adjournment sine die of the General Assembly.

On motion of Senator Sands, the rules are suspended and the joint resolution is placed on the Calendar for tomorrow, Friday, July 23, for consideration, upon its passage.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills and resolutions which are read the first time and disposed of, as follows:

S.B. 8 (House Committee Substitute), a bill to prohibit health care providers from referring patients to health care goods or services offered by entities in which the referring provider has an ownership interest, for concurrence in the House Committee Substitute bill, which is ordered placed on the Calendar for tomorrow, Friday, July 23.

S.J.R. 594, a joint resolution supporting the establishment of the North Carolina Center for the Book, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.J.R. 594** (House Committee Substitute), a joint resolution honoring the memory of Paul Green, Dramatist Laureate of North Carolina and establishing the North Carolina Center for the Book.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute bill is ordered placed on the Calendar at the end of the regular order of business for today for consideration.

S.B. 658 (House Committee Substitute), a bill to expand the property tax exemption for computer software, for concurrence in the House Committee Substitute bill.

On motion of Senator Kaplan, the rules are suspended without objection, and the House Committee Substitute bill is ordered placed on the Calendar at the end of the regular order of business for today for consideration.

S.B. 806, a bill to provide that voter registration shall be the sole criteria for allocating voting machines among precincts, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 806** (House Committee Substitute), a bill to provide that voter registration shall be the sole criteria for allocating voting machines among precincts in any county with four hundred fifty thousand or more population, which is ordered placed on the Calendar for tomorrow, Friday, July 23.

S.B. 954, a bill to permit the direct payment of certified social workers under health insurance policies, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 954** (House Committee Substitute), a bill to permit the direct payment of certified social workers and certain advanced practice registered nurses under health insurance policies and plans.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute bill is ordered placed on the Calendar for today at the end of the regular order of business, for consideration.

RECALL FROM COMMITTEE

S.B. 860 (House Committee Substitute), a bill to clarify the Public Records Law with respect to criminal investigative records, referred to the **Judiciary I Committee** on July 12.

Senator Ballance offers a motion the House Committee Substitute bill be recalled from the **Judiciary I Committee** and placed on the Calendar for today for consideration, upon its passage, which motions prevail.

The Chair recalls the House Committee Substitute bill from the **Judiciary I Committee** and orders the measure placed on the Calendar for today at the end of the regular order of business for consideration, upon concurrence.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 60 (House Committee Substitute), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, Conference Report, submitted Wednesday, July 21 for adoption, upon second reading.

On motion of Senator Odom, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Buncombe—42.

Voting in the negative: None.

The Conference Report remains on the Calendar for tomorrow, Friday, July 24, for adoption upon third reading.

H.B. 114 (Senate Committee Substitute), a bill to authorize Lincoln County to levy a room occupancy and tourism development tax, to set the maximum combined city and county room occupancy tax rate for Lincoln County and the cities and towns located in Lincoln County, and to make other local changes for Duplin County and the Town of Chapel Hill, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 36, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plyler, Sands, Simpson, Soles, Speed, Tally, Ward, Winner of Buncombe, and Winner of Mecklenburg—36.

Voting in the negative: Senators Ballance, Cochrane, Harris, and Smith—4.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill which changes the title upon concurrence.

H.B. 649 (Committee Substitute), a bill to authorize the City of Thomasville to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Davidson County and the cities and towns located in Davidson County, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 37, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Edwards, Folger, Gulley, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plyler, Richardson, Sands, Simpson, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—37.

Voting in the negative: Senators Ballance, Cochrane, Forrester, Harris, and Smith—5.

The Committee Substitute bill is ordered enrolled.

H.B. 859 (Committee Substitute), a bill to authorize Granville County to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Granville County and the cities and towns located in Granville County, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 36, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Codington, Cooper, Daniel, Edwards, Folger, Gulley, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plyler, Richardson, Sands, Simpson, Soles, Speed, Tally, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—36.

Voting in the negative: Senators Ballance, Cochrane, Forrester, Harris, and Smith—5.

The Committee Substitute bill is ordered enrolled.

H.B. 874, a bill to increase the motor vehicles tax that may be levied by the City of Durham and to allow Alleghany County to levy a motor vehicles tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Codington, Cooper, Daniel, Edwards, Folger, Gulley, Hartsell, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom,

Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Simpson, Soles, Speed, Tally, Warren, Winner of Buncombe, and Winner of Mecklenburg—35.

Voting in the negative: Senators Ballance, Carpenter, Cochrane, Forrester, Harris, Hoyle, and Smith—7.

The bill is ordered enrolled.

H.B. 888, a bill to revise and consolidate the Charter of the Town of Enfield, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Cooper, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Simpson, Smith, Soles, Speed, Tally, Ward, Warren, and Winner of Buncombe—40.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 890 (Committee Substitute), a bill to allow the Town of Middlesex to annex a certain described territory to the corporate limits of the Town, upon third reading.

On motion of Senator Cooper, consideration of the Committee Substitute bill is postponed until tomorrow, Friday, July 23.

H.B. 736 (Senate Committee Substitute), a bill to complete the merger of the Edgecombe County and Tarboro City School Administrative Units, to require that the Boards of Trustees of Edgecombe Community College and Nash Community College study a possible merger of the two colleges into a consolidated community college to serve a combined service delivery area and to provide that the Cabarrus County Board of Education may call for a special election to fill a vacancy on that Board.

The Senate Committee Substitute bill passes its second (44-0) and third reading and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill which changes the title upon concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Perdue for the **Education/Higher Education Committee:**

H.B. 935, a bill to delete the references to the Department of Public Education, with a favorable report, as amended.

By Senator Walker for the **Children and Human Resources Committee:**

S.B. 1249 (Committee Substitute), a bill to make changes concerning the Board of Electrolysis Examiners, with an unfavorable report as to the Committee Substitute bill as written by the **Rules and Operation of the Senate Committee,** but favorable as to Committee Substitute bill No. 2.

On motion of Senator Walker, and the proposed Committee Substitute bill No. 2, 5723, is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee.**

H.B. 740 (Committee Substitute), a bill to add a relative of a nursing home patient and a relative of a rest home patient to the Nursing Home Penalty Review Committee, with an unfavorable report as to Committee Substitute bill, but favorable as to the Senate Committee Substitute bill.

On motion of Senator Walker, the proposed Senate Committee Substitute bill, 2268, which changes the title, upon concurrence, to read **H.B. 740** (Senate Committee Substitute), a bill to designate a relative of a nursing home patient and a relative of a rest home patient as public members of the Nursing Home Penalty Review Committee, is placed before the Senate for immediate consideration.

On motion of Senator Walker, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

H.B. 1492 (Committee Substitute No. 2), a bill to require the Building Code Council to establish standards for temporary toilet facilities at construction sites to ensure sanitary conditions for construction workers, with a favorable report, as amended.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 358 (Committee Substitute), a bill to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives, which changes the title to read, **H.B. 358** (Senate Committee Substitute), a bill to implement recommendations of the Child Fatality Task Force to encourage prosecutorial child protection initiatives and to modify the conditions for bail and pretrial release for persons accused of sex offenses and crimes of violence against child victims, with a message from the House of Representatives received July 21 requesting conferees.

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Cooper (Chairman), Gulley, Speed, and Jordan as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 865 (Senate Committee Substitute), a bill to clarify that the plan for election of the Guilford County Board of Commissioners enacted by the 1991 General Assembly is the only lawful plan, and to extend the time for action on an act concerning the Sampson County Board of Commissioners.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

RECALL FROM COMMITTEE

S.B. 1249 (Committee Substitute No. 2), a bill to make changes concerning the Board of Electrolysis Examiners, referred to the **Finance Committee** on July 22.

Senator Winner of Buncombe offers a motion the Committee Substitute No. 2 be recalled from the **Finance Committee** and placed on the Calendar for today for consideration upon its passage, which motions prevail.

The Chair recalls the Committee Substitute bill No. 2 from the **Finance Committee** and orders the measure placed on the Calendar for today at the end of the regular order of business for consideration.

CALENDAR (Continued)

S.B. 808 (Committee Substitute), a bill to provide additional local revenue options in Orange County and to correct the Chapel Hill Charter concerning low and moderate housing, for concurrence in the House Committee Substitute bill, which changes the title to read **S.B. 808** (House Committee Substitute), a bill authorizing the Town of Hillsborough to impose a prepared food and beverage tax, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 38, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Blackmon, Carpenter, Codington, Conder, Cooper, Edwards, Folger, Gunter, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—38.

Voting in the negative: Senators Cochrane, Forrester, Sands, and Smith—4.

The House Committee Substitute bill is ordered enrolled.

S.B. 941, a bill to clarify the law regarding tax liens to provide that local government property tax liens have priority over State tax liens.

With unanimous consent, on motion of Senator Sherron, the bill is taken up out of its regular order of business.

On motion of Senator Sherron, pursuant to Rule 41.1, the bill is re-referred to the **Ways and Means Committee**.

S.B. 501, a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 501** (House Committee Substitute), a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax and to set the maximum room occupancy tax rate for accommodations furnished in Avery County, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 36, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Blackmon, Carpenter, Codington, Cooper, Folger, Gulley, Gunter, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—36.

Voting in the negative: Senators Allran, Ballance, Cochrane, Forrester, Harris, and Smith—6.

The House Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 23, for further consideration upon third reading.

S.B. 1053 (Committee Substitute No. 2), a bill to provide for the creation of the Centennial Authority, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—43.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives by special messenger.

H.B. 80 (Senate Committee Substitute), a bill to reduce the time allowed the Department of Revenue to make assessments of taxes following a federal determination, to reinstate an inadvertently deleted provision relating to assessments for employer withholding based on federal determinations, and to clarify the assessment statutes, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The Senate Committee Substitute bill, is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

H.B. 865 (Senate Committee Substitute), a bill to clarify that the plan for election of the Guilford County Board of Commissioners enacted by the 1991 General Assembly is the only lawful plan, and to extend the time for action on an act concerning the Sampson County Board of Commissioners, temporarily displaced earlier.

Senator Kincaid, Vice Chairman, of the **Appropriations Committee** requests a fiscal note on the Senate Committee Substitute bill. Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for tomorrow, Friday, July 23, for receipt of the fiscal note.

H.B. 83 (Senate Committee Substitute No. 2), a bill to temporarily increase the scrap tire disposal tax, to provide for the distribution of the additional tax proceeds, to temporarily revoke the general authority of a unit of local government or a contracting party to impose a separate scrape tire disposal fee, and to authorize the Department of Environment, Health, and Natural Resources to develop and implement alternative, market-based pilot programs for scrap tire collection and recycling, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Marshall, Martin of Pitt, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—39.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2, which changes the title.

H.B. 174 (Committee Substitute), a bill to authorize the Department of Revenue to allow or require payment of taxes by electronic funds transfer, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kincaid, Marshall, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Sherron, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—38.

Voting in the negative: Senator Ballance—1.

The Committee Substitute bill is ordered enrolled.

H.B. 578 (Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill, upon third reading.

The Committee Substitute bill, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carpenter, Cochrane, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1127 (Committee Substitute), a bill to authorize the conveyance of a right-of-way to the Department of Transportation within Pilot Mountain State Park, upon third reading.

Receiving a three-fifths affirmative majority, the Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1467 (Senate Committee Substitute), a bill to amend Chapter 105 of the General Statutes to require notification of property taxes due, to change the property tax valuation date for motor vehicles registered under the annual system, to make other tax law changes, and to increase the amount of some investments of funds held by the State Treasurer, upon third reading.

Senator Winner of Buncombe offers Amendment No. 1 which is adopted (45-0). The Chair rules the amendment not to be material.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Winner of Buncombe, and Winner of Mecklenburg—46.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill, which changes the title.

H.B. 124 (Committee Substitute), a bill to establish a statewide program to improve the collection of accounts receivable by the State, upon second reading.

On motion of Senator Winner of Buncombe, Committee Amendment No. 1 is adopted.

The Chair rules the measure does not require a call of the roll.

The Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 218 (Committee Substitute No. 2), a bill to provide for the regulation of the practice of counseling and the licensure of counselors, upon second reading.

On motion of Senator Tally, Committee Amendments No. 1 and No. 2 are adopted.

Senator Odom offers Amendment No. 3 which is adopted (45-0).

The Chair rules the measure does not require a call of the roll.

The Committee Substitute bill No. 2, as amended, passes its second (42-3) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Judiciary II Committee:**

S.B. 899 (House Committee Substitute), a bill to enact new Article 2A of the Uniform Commercial Code and to add a new Article 2 to Chapter 22B of the General Statutes making jury trial waiver provisions in contracts unenforceable, with a favorable report as to concurrence, which proposes to change the title.

With unanimous consent, the House Committee Substitute bill is ordered placed on the Calendar for today at the end of the regular order of business upon concurrence.

H.B. 1095, a bill to prohibit insurers from requiring the use of specified repair companies for motor vehicle damage repairs, with a favorable report, as amended.

H.B. 1043 (Senate Committee Substitute), a bill to clarify the law regarding the health care power of attorney, with a favorable report, as amended.

CALENDAR (Continued)

H.B. 297 (Committee Substitute), a bill to require an endorsement to sell fish taken from coastal fishing waters, to consolidate the vessel fishing license, and to amend other marine fisheries statutes, upon second reading.

On motion of Senator Perdue, Committee Amendment No. 1 is adopted.

The Chair rules the measure requires a call of the roll.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Conder, Cooper, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Sands, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—42.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 23, for further consideration upon third reading.

H.B. 606 (Senate Committee Substitute), a bill to provide that insurance policies or contracts that are issued in connection with the funding of periodic payments of workers' compensation or litigation awards or settlements are exempted from the premium tax, upon second reading.

The Chair rules the measure does not require a call of the roll.

The Senate Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill, which changes the title.

H.B. 622 (Committee Substitute No. 2), a bill to improve the laws relating to North Carolina's monitoring of insurance company finances and the preservation of insurance company solvency, to maintain North Carolina's accreditation by the National Association of Insurance Commissioners, and to establish a fee for the accreditation and renewal of accreditation of reinsurance companies, upon second reading.

The Chair rules the measure does not require a call of the roll.

The Committee Substitute bill No. 2 passes its second (39-0) and third readings and is ordered enrolled.

H.B. 862 (Committee Substitute No. 2), a bill to require the registration of out-of-state pharmacies that regularly distribute prescription medicines to citizens of the State through the mail or other common carriers, upon second reading.

The Chair rules the measure does not require a call of the roll.

The Committee Substitute bill No. 2 passes its second (42-0) and third readings and is ordered enrolled.

H.B. 1003 (Committee Substitute), a bill to provide for the creation of the Centennial Authority, upon second reading.

Senator Sherron offers Amendment No. 1 which is adopted (43-0).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Sherron, Simpson, Smith, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—43.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Friday, July 23, for further consideration, upon third reading.

H.B. 1109 (Senate Committee Substitute), a bill to authorize counties and cities to engage in additional local economic development activities, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Johnson, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—47.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 23, for further consideration, upon third reading.

S.B. 719 (Committee Substitute No. 2), a bill to amend the fees and per diem of the Board of Medical Examiners.

The Committee Substitute bill No. 2 passes its second (39-3) and third readings and is ordered sent to the House of Representatives by special messenger.

CONFERENCE REPORT

H.B. 747 (Senate Committee Substitute)

Senator Winner of Buncombe, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 747** (Senate Committee Substitute), a bill to amend the North Carolina Veterinary Practice Act, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 747, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA VETERINARY PRACTICE ACT, Fifth Edition Engrossed 7/20/93 wish to report as follows:

The House concurs in the Senate Committee substitute, with the following amendments:

(1) On page 5, lines 10 through 32, by rewriting those lines to read:

"'(a) In order to properly regulate the practice of veterinary medicine and surgery, there is established a Board to be known as the North Carolina Veterinary Medical Board which shall consist of seven members.

~~Four~~ Five members shall be appointed by the Governor. ~~Three~~ Four of these members shall have been legal residents of and licensed to practice veterinary medicine in this State for not less than five years preceding their appointment. The other member shall not be licensed or registered under the Article and shall represent their interest of the public at large. Each member appointed by the Governor shall reside in a different congressional district.

The Lieutenant Governor ~~and the Speaker of the House~~ shall ~~each~~ appoint to the Board one member who shall have been a resident of and licensed to practice veterinary medicine in this State for not less than five years preceding his appointment.

In addition to the six members appointed as provided above, the Commissioner of Agriculture shall biennially appoint to the Board the State Veterinarian or ~~licensed~~ another veterinarian from a staff of a North Carolina department or institution. This member shall have been a legal resident of and licensed to practice veterinary medicine in North Carolina for not less than five years preceding his appointment.

Every member shall, within 30 days after notice of appointment, appear before any person authorized to administer the oath of office and take an oath to faithfully discharge the duties of ~~his~~ the office.'"

(2) On page 17, line 3, by adding the following immediately before the period ", provided that Section 3 of this act does not affect the term of office of any member serving on that date"

The Senate agrees to the same

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the ____ day of July, 1993.

S/Dennis J. Winner
S/Austin M. Allran
S/James D. Speed
S/Joe Johnson
S/Luther H. Jordan

Conferees for the Senate

S/W. Dickson
S/James B. Black
S/Vernon James
S/George M. Holmes
S/John B. McLaughlin

Conferees for the House of Representatives

On motion of Senator Winner of Buncombe, the Conference Report is adopted (46-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

CALENDAR (Continued)

S.B. 883 (Committee Substitute No. 2), a bill to create the North Carolina Professional Teaching Standards Board.

Senator Lee offers Amendment No. 1 which is adopted (43-1).

The Committee Substitute bill No. 2, as amended, passes its second reading (47-0) and third reading (42-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1045 (Committee Substitute), a bill to broaden existing income tax credits for the production and installation of solar and photovoltaic equipment by increasing the amounts of the credits and extending the solar equipment credits to include equipment that generates electricity.

On motion of Senator Allran, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (44-1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

RECALL FROM COMMITTEE

H.J.R. 296 (Committee Substitute), a joint resolution honoring Donald Ross, the Father of American Golf Course Architecture, and recognizing Pinehurst as the Golf Capital of the World, referred to the **Rules and Operation of the Senate Committee** on May 3.

Senator Sands offers a motion the joint resolution be recalled from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration upon its passage, which motion prevails.

The Chair recalls the joint resolution from the **Rules and Operation of the Senate Committee** and orders it placed before the Senate for immediate consideration.

Senator Sands offers Amendment No. 1 which is adopted (43-0), changing the title to read **H.J.R. 296** (Committee Substitute), a joint resolution honoring Donald Ross and honoring Donald Ross, the Father of American Golf Course Architecture, and recognizing Pinehurst as the Golf Capital of the World.

Senator Basnight, President *Pro Tempore*, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The joint resolution, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Amendment No. 1 which changes the title, upon concurrence.

WITHDRAWAL FROM CALENDAR

S.B. 806, a bill to provide that voter registration shall be the sole criteria for allocating voting machines among precincts, received for concurrence in the House Committee Substitute bill, which changes the title to read **S.B. 806** (House Committee Substitute), a bill to provide that voter registration shall be the sole criteria for allocating voting machines among precincts in any county with four hundred fifty thousand or more population, placed on the Calendar for Friday, July 23, upon concurrence.

Senator Richardson offers a motion the House Committee Substitute bill be recalled from the Calendar for Friday, July 23, and placed before the Senate for immediate consideration, upon concurrence, which motions prevail.

The Chair recalls the House Committee Substitute from the Calendar for Friday, July 23, and orders the measure placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill (39-2), changing the title, and the measure is ordered enrolled.

CALENDAR (Continued)

H.B. 102 (Committee Substitute), a bill to require the local Boards of Education to use the energy guidelines for school design and construction and to require energy-use goals and standards in order to assure the construction of energy efficient new schools and school renovations.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 281 (Committee Substitute No. 2), a bill to create a State-County Criminal Justice Partnership in North Carolina.

On motion of Senator Ballance, the Committee Substitute bill No. 2 is recommitted to the **Judiciary I Committee.**

H.B. 1035 (Committee Substitute No. 2), a bill to authorize the Sentencing and Policy Advisory Commission to study restitution policy as a part of North Carolina's Criminal Justice System and to expand the Commission.

With unanimous consent, on motion of Senator Ballance, the Committee Substitute bill No. 2 is taken up out of its regular order of business.

On motion of Senator Ballance, the Committee Substitute No. 2 is recommitted to the **Judiciary I Committee.**

REPORT OF COMMITTEE

A standing committee reports is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee:**

S.B. 1072, a bill to allow State emergency management vehicles to be equipped with red lights and sirens, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 115 (Committee Substitute), a bill to make note taking by jurors a discretionary decision of the presiding judge, with a favorable report.

H.B. 364 (Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to amend the juvenile law and other laws to protect children more effectively from abuse, neglect, and dependency, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill, 3268, is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 23, for further consideration.

H.B. 538 (Committee Substitute), a bill to provide for immediate income withholding in non-IV-D child support cases, as required by the Family Support Act, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill, 6221, which changes the title, upon concurrence, to read

H.B. 538 (Senate Committee Substitute), a bill to provide for immediate income withholding in non-IV-D child support cases as required by the federal Family Support Act, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 23, for further consideration.

H.B. 698, a bill to amend laws relating to felonious larceny to make the threshold amount consistently one thousand dollars, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill, 4218, which changes the title, upon concurrence, to read **H.B. 698** (Senate Committee Substitute), a bill to amend laws relating to felonious larceny to make the threshold amount consistently one thousand dollars and to create offenses related to failing to provide or providing false information by itinerant merchants on their source of merchandise, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill, is adopted.

With unanimous consent the Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 23, for further consideration.

CALENDAR (Continued)

H.B. 587, a bill to clarify the rule-making authority of the Medical Care Commission for nursing home regulation.

On motion of Senator Cooper, consideration of the bill is postponed until Friday, July 23.

H.B. 1131, a bill to direct the Governor's Commission on Work Force Preparedness to study the need for grant funds for State literacy programs, as amended.

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 1359 (Committee Substitute), a bill to allow an income tax credit for expenditures to rehabilitate a certified historic structure.

On motion of Senator Walker, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 1053 (Senate Committee Substitute), a bill to authorize the designation of scenic highways and byways and to limit the construction of outdoor advertising to promote the safety and recreational value of public travel, and to enhance natural beauty, upon third reading.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill, which changes the title upon concurrence.

S.B. 155, a bill to make technical and conforming changes to the revenue laws and related statutes, for concurrence in the House Committee Substitute, which changes the title, upon concurrence, to read **S.B. 155** (House Committee Substitute), a bill to make technical and conforming changes to the revenue laws and to clarify and modify the tax secrecy provision, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter,

Harris, Hartsell, Hoyle, Hunt, Hyde, Johnson, Jordan, Kaplan, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, Winner of Buncombe, and Winner of Mecklenburg—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 23, for further consideration, upon concurrence, upon third reading.

S.B. 1157 (House Committee Substitute), a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property, for concurrence in the House Committee Substitute bill, upon second reading.

Receiving a three-fifths affirmative majority, the Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner of Buncombe—43.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 23, for further consideration upon third reading.

S.B. 892 (Committee Substitute), a bill to require that a delinquent juvenile on probation and required to attend school as a condition of probation be required to maintain a passing grade in four courses, for concurrence in House Amendment No. 1 and No. 2.

The Senate concurs in House Amendments No. 1 and No. 2 (43-0) and the measure is ordered enrolled.

S.B. 658 (House Committee Substitute), a bill to expand the property tax exemption for computer software, earlier today placed on the Calendar for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-1) and the measure is ordered enrolled.

WITHDRAWAL FROM CALENDAR

H.B. 364 (Senate Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to amend the juvenile law and other laws to protect children more effectively from abuse, neglect, and dependency, placed on the Calendar for Friday, July 23.

Senator Marshall offers a motion the Senate Committee Substitute bill be recalled from the Calendar for Friday, July 23, and placed on the Calendar for today at the end of the regular order of business, for consideration upon its passage, which motions prevail.

The Chair recalls the Senate Committee Substitute bill from the Calendar for Friday, July 23, and orders the measure placed on the Calendar for today at the end of the regular order of business, for consideration.

CALENDAR (Continued)

S.J.R. 594, a joint resolution supporting the establishment of the North Carolina Center for the Book, for concurrence in the House Committee Substitute joint resolution,

which changes the title, upon concurrence, to read **S.J.R. 594** (House Committee Substitute), a joint resolution honoring the memory of Paul Green, Dramatist Laureate of North Carolina and establishing the North Carolina Center for the Book, placed earlier today on the Calendar for consideration.

The Senate concurs in the House Committee Substitute joint resolution (42-0), changing the title, and the measure is ordered enrolled.

S.B. 954, a bill to permit the direct payment of certified social workers under health insurance policies, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 954** (House Committee Substitute), a bill to permit the direct payment of certified social workers and certain advanced practice registered nurses under health insurance policies and plans, placed earlier today on the Calendar for consideration.

The Senate concurs in the House Committee Substitute bill (41-0), changing the title, and the measure is ordered enrolled.

S.B. 860 (House Committee Substitute), a bill to clarify the Public Records Law with respect to criminal investigative records, for concurrence in the House Committee Substitute bill, placed earlier today on the Calendar for consideration.

The Senate concurs in the House Committee Substitute bill (40-0) and the measure is ordered enrolled.

S.B. 1249 (Committee Substitute No. 2), a bill to make changes concerning the Board of Electrolysis Examiners, placed earlier today on the Calendar for consideration..

The Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

S.B. 899 (Committee Substitute), a bill to enact new Article 2A of the Uniform Commercial Code, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 899** (House Committee Substitute), a bill to enact new Article 2A of the Uniform Commercial Code and to add a new Article 2 to Chapter 22B of the General Statutes making jury trial waiver provisions in contracts unenforceable, placed earlier today on the Calendar for consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (41-2) and the measure is ordered enrolled.

H.B. 364 (Senate Committee Substitute), a bill to implement a recommendation of the Child Fatality Task Force to amend the juvenile law and other laws to protect children more effectively from abuse, neglect, and dependency placed, earlier today on the Calendar for consideration..

The Senate Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives by special messenger for concurrence in the Senate Committee Substitute bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following joint resolution which is read the first time and disposed of, as follows:

H.J.R. 1498, a joint resolution honoring the late Raymond Markham "Pete" Thompson, Sr., former member of the General Assembly.

On motion of Senator Basnight, the joint resolution is placed before the Senate for immediate consideration and on his further motion is read in its entirety, as follows:

A JOINT RESOLUTION HONORING THE LATE RAYMOND MARKHAM "PETE" THOMPSON, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, on April 23, 1993, the State of North Carolina and especially Eastern North Carolina, suffered a great loss with the untimely death of Representative Raymond Markham Thompson, Sr.; and

Whereas, Raymond Markham Thompson, Sr. was born in the Community of Weeksville in Pasquotank County, on September 17, 1925, to Wallace L. Thompson, Sr. and Minnie Markham Thompson; and

Whereas, Raymond Markham Thompson, Sr. was better known to his wide variety of friends, acquaintances, and associates as "Pete" Thompson; and

Whereas, Pete Thompson graduated from Elizabeth City High School in 1943, and then served in the United States Coast Guard as a Signalman, Third Class, during World War II from 1943 until 1946, and was decorated for service in the Pacific and Atlantic; and

Whereas, after serving in the military, Pete Thompson attended North Carolina State University, earning a Bachelor of Science degree in Agricultural Education in 1950; and

Whereas, Pete Thompson made no secret of his fierce devotion to North Carolina State University, forever championing his alma mater upon every opportunity to do so; and

Whereas, Pete Thompson married Carolyn Pemberton of Raleigh on June 9, 1949, and from their union, three children were born; and

Whereas, Pete Thompson made a lifelong career in agriculture; he taught Vocational Agriculture from 1950 until 1951, served as Assistant Perquimans County Agent from 1951 until 1954, served as Chair of the Perquimans County Extension Service from 1954 until 1970, served as Chair of the Chowan County Extension Service from 1970 until 1981, served as a Farm Consultant with Peoples Bank from 1981 until 1983, and served as Manager for Chowan Storage from 1983 until 1987; and

Whereas, Pete Thompson was a member of numerous community, civic, and fraternal organizations including the County Agents Association, Epsilon Sigma Phi, the Hertford Lions Club, the Ruritan Club, the Edenton Lions Club, the American Legion Post #40, Veterans of Foreign Wars, and the Masonic Order, Unanimity Lodge No. 7; and

Whereas, Pete Thompson served on the Board of Directors of Chowan Hospital from 1977 until 1982 and of Peoples Bank from 1980 until his death; and

Whereas, during his life Pete Thompson displayed a zeal for life and a concern for others that greatly benefitted his fellow man; and

Whereas, Pete Thompson was elected to and served with honor and distinction in the North Carolina House of Representatives from 1987 until 1993; and

Whereas, as a member of the State House, Representative Thompson served on numerous committees, and most recently served as Chair of the House Local and Regional Government I Committee, as Vice-Chair of Finance, and as a member of the Agriculture, Environment, and Public Utilities Committees; and

Whereas, during his service in the General Assembly, Representative Thompson spearheaded many initiatives, including improvements in the highway system of Eastern North Carolina, promotion of tourism, improvements to the State day care system, protection of children, and enhanced protection of the environment; and

Whereas, Representative Thompson displayed a subtle presence as he walked the halls of the General Assembly; he was acutely informed on all major issues and knowledgeable about a majority of the legislation before the General Assembly; and

Whereas, Representative Thompson always displayed an affection and concern for the problems of every citizen in his District and that forever improved the quality of life for those citizens; and

Whereas, Pete Thompson was a member of the Edenton United Methodist Church and served as a Sunday School Teacher from 1972 until 1983; and

Whereas, Pete Thompson was a devoted husband, father, and grandfather; and

Whereas, Pete Thompson will be forever remembered for his infectious smile and for his quiet, unassuming mannerisms which brought him affection and respect from all who came to know him; and

Whereas, Pete Thompson is survived by two daughters, Gayle Norton and Sharon Farless; a son, R. Mark Thompson, Jr.; five grandchildren; and several other family members;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly honors the life and memory of Raymond Markham "Pete" Thompson, Sr. and expresses the gratitude and appreciation of this State and its citizens for his life and service to his community, to his State, and to his country.

Sec. 2. The General Assembly expresses its deep sorrow to the family and friends of Raymond Markham "Pete" Thompson, Sr. for the loss of a beloved father and grandfather, and a true friend.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Raymond Markham Thompson, Sr.

Sec. 4. This resolution is effective upon ratification.

On motion of Senator Basnight, the remarks memorializing Raymond Markham "Pete" Thompson, Sr. are spread upon the Journal, as follows:

By Senator Basnight:

Members of Our Chamber, you will notice a large number of people with us today. An unusually large number have come from Pete's district and his home town, and the parts of the community that he loved so much. This is going to be very difficult for me. He was special to myself. Because of what Pete was—a very loving, caring human being that carried himself at a much higher standard than I ever have been able to. He wanted to see success in everyone's eyes. He wanted people of all color, of all religion, and of all beliefs to share in a very simple common goal, in that we live as a one people dedicated to the welfare and the good being of what is in the best interests of people. Just people, living together.

I first met Pete, and this Resolution, to me, speaks to Pete and Carolyn, because to me they were not a couple that could be separated. Miss Carolyn was special to all who knew her, as was Pete. Miss Carolyn had a habit of telling you what was true and right, and she was very candid. She was a lovely person for those of you who did not have the opportunity to meet her.

My first opportunity, Sherry and Gayle, was in the Washington Country Club where the Medical Society was introducing theirselves to the new members of the General Assembly and those of us who were serving at the time. Pete had just been elected, and I had seen him previously, and I was sitting at the table across from Pete and Miss Carolyn and I remember so distinctly and so well when Miss Carolyn lit up a cigarette, and she looked at me in a little bit of amazement and confusion because I was staring at her—and a purpose in that; and she said, "Do you mind?" I said, "Yes, I do." She says, "Well, get up and leave."

She was like a mother when I was away from Manteo, to me. I always found joy when I would call the Thompson home and had a chance to talk to this wonderful lady who was married to Pete.

Pete and I would leave our home towns, respectively so, and meet at different places, Russell. We would ride across that district, through the poor and the rich, from Hatteras north to the State line in Currituck, all the small towns in between. Over the Currituck, the Pasquotank, the Perquimans, and the Little "Faddy," and the river he loved so much, the Chowan, where he lived. We'd talk about the herring, we'd talk about the melon, we'd talk about the sweet corn. He would tell me what it was like to work in the fields.

He had a habit of stopping places where very few politicians went, Pete did. He would stop at those little country stores, those little crossroad places where he was so welcomed

and loved. He spoke for the common man. He believed in a people's right to become whatever they could become, but you never would become any more than any other person was, no matter what your station was in life. We were all the same. I was in Comstocks one day, a special little place on Water Street in Elizabeth City, where another wonderful North Carolinian lives and works, and I asked him as Pete went to the rest room—and they went to school together—what was Pete like? He said Pete was like what we all should be.

He's the kind of person that I want to be. And Pete is what I think of, and many of you do, I am sure, on a regular basis. Pete was that special human being that comes through your life once, that you get to meet and you never forget those kinds of people.

He was a roommate that I had the opportunity to share thoughts with at the end of a long day in session. And he was always there when it was very difficult, Aaron, things weren't going just right—Pete always had that settling way of explaining the other side and making you realize that your stories weren't the only stories to be told, and that you had to listen a great deal. And, boy, could he be argumentative! Anytime that basketball team at N.C. State University, George, was competing, Pete was on the floor with them. He was into that game, and if he called you a Wolfpacker, he was one as good as any that walked. He loved that University, he loved this State. And, boy, did he love his family and his friends. Mickey, Sherry, Gayle, sisters, family, friends, Pete lives—he lives on—he lives in your hearts as he lives in mine. He was a monstrous man, a mountain of a man. I'll miss him—I'll miss him every day. Thank you.

By Senator Conder:

Ladies and Gentlemen of the Senate. I considered Pete Thompson a very, very close friend of mine, a very dear friend of mine. I'm certainly not a doctor, but I honestly believe that Pete grieved himself to death over Carolyn. We had dinner together at least twice a week while we were in session, generally, Marc, Pete and a few of us would go have dinner together and tell a lot of tales and have a lot of fun, tell a lot of stories. Pete was a man of unquestionable integrity. If Pete Thompson told you something, you could bank on it. You could put it in the bank and forget, it because that was it.

He was also a practical jokester. He loved to play jokes on people, and he sure got 'em back in return. And I know, Mark, several times on the golf course, some of his friends (and I plead innocent to this), would find Pete's ball before Pete got there and they'd shove it over behind a tree or they'd shove it in the water, and do things like that. Lemme tell you something, members of his family and friends, Pete paid 'em back. And rightfully so, but that was the type person that Pete Thompson was.

Just like Marc says, he was looked up to by everybody in this General Assembly, and particularly by those of us who spent a lot of time with him outside of the session, and we're going to miss Pete. We're going to miss him tremendously. His mark has been made upon this State and what he's done for this State, and I commend this Resolution to you because we miss him tremendously, and we miss Carolyn, too. Thank you, very much.

By Senator Plyler:

I, like Marc and Conder, Pete Thompson was a friend to everyone. I remember Pete, my first time to really find out what kind of a person he was. We were meeting at the end of the session, about like we're meeting now, both night and day. And Pete come in one Monday afternoon and he had a watermelon with him—it must have weighed a hundred pounds. And he says, "I brought something to keep ya'll cool late at night. He put that watermelon on refrigeration, then brought it up to one of our late meetings and we sat there and enjoyed one of the best watermelons that I have ever eaten in my life.

Pete was a true friend. We sat and talked about the Extension Service, our experience growing up, he and I being about the same age, on the farms, and the various commodities that are raised across North Carolina. And one of the things that I think we all enjoyed with Pete most was meeting at the Brownestone for breakfast, Beverly, when we

would have 'maters and muffins and mustard. That might not sound good, but it was certainly healthy, Dr. Forrester. And we sat there and we had some molasses to go along with it, too. The several members of the General Assembly would meet there and have fellowship and eat the things that we all dearly loved. We all will miss Pete. He was a dear friend to all, a great North Carolinian, a great legislator, and I say to the family, congratulations to you for having him as long as you have had him, and the things that he added to this great State will never be forgotten. I commend this Resolution to you.

By Senator Odom:

Members of the Senate. I'll be very brief. This is the first time that I've been here in five years that I have had the occasion to rise and speak on behalf of one of our departed members. And I am particularly proud that it is Pete Thompson that this is my first occasion. I got to know Pete very well in 1992, when he and I co-chaired the Solid Waste Study Committee, and Pete convinced me that he was the friend of the environment. We traveled the entire State of North Carolina. We held public hearings and talked with people from Asheville down to the Coast, Charlotte, Raleigh, and other places. Pete's mark on this General Assembly is a testimony to his interest in the environment. We have already enacted a number of bills—two of which we voted on today—that he helped put together from the Solid Waste Study Committee; one is the advance disposal fee on white goods, and the amendment and the increase on the advance disposal fee on motor vehicle tires. He was particularly concerned about the environment, and it was a real privilege for me to have that one year together working on this very important subject. Pete Thompson was not just a good friend of the General Assembly and to the people of this State, but to the environment.

By Senator Warren:

I will not echo what has been said at this point. Pete Thompson was a dear friend of mine. I respected his opinion for many reasons. One thing I say, he had compassion for his fellow man. He was always concerned about what could he do to make life better for people in North Carolina, particularly Eastern North Carolina. He visited me many times in Greenville at the Medical School, in the hospital. He stressed the importance of the Medical School to Eastern North Carolina. He was always speaking and talking about what we could do for the betterment of mankind in our area. And was said so well by the speakers before me, that cover so many things, I say of all things he had compassion. I think that's most important for all of us, for his fellow man, and particular always trying to work to improve our schools in North Carolina, particularly Eastern North Carolina. I always had pride in the privilege of working with Pete Thompson. I recommend the Resolution to you.

By Senator Cooper:

Members of the Senate. Pete Thompson and I went into the House as freshmen together in 1987. I sat behind him on the House floor. He always had a kind word, and not only was he a great legislator, but he was a calming influence in the House. He was a calming influence over me. Pete always jingled the change in his pocket. When it got time to say the prayer at the beginning of the session, everything was silent, except I could hear Pete jingling the change in his pocket. And for some reason, that was a very calming influence on me, because here I am, and here it is again, and here is the jingling, and here we're going on the House floor, and I know Pete Thompson is ahead of me.

He always had a snide comment about the State-Carolina game. Gave me a hard time about that. Was always wanting me to get married. Finally did, and made him happy, but I think that was because he knew what a good marriage was and what it could do for someone. Pete Thompson knew about the desperate needs of the people in Northeastern North Carolina, because he was one of them and he was one of the greatest soldiers in this Legislature for the people in that area. But not only in that area, but all over this

State. I have a little saying that I like to turn to sometimes when I think of what I ought to do in my own life and it reminded me of Pete. And it says that a man who turns his back on human suffering is an average man; a man who turns out his pockets, an admirable man; but a man who turns over his life, he is the best man of all. Pete Thompson turned over his life and he left his mark on this General Assembly and on this State. I commend this Resolution to you.

By Senator Perdue:

I met Pete Thompson—and I might cry, and I don't do that very often here. I met him when I was a freshman legislator. I went to Elizabeth City State, and you know, being from Eastern North Carolina, I ought to have been to Elizabeth City State sometime in my life, but I hadn't been, and I happened to sit with Pete at a caucus of big-wig Senators and Representatives, and he and I were little freshmen, and Pete was laughing at the fact that I hadn't gotten out of Craven County, that I sure was going to find it tough in Wake County. And we took up, we got to be good friends. We lived at the Brownestone Hotel, and Howard Johnson's for eight years together. Pete Thompson was as near to me as any brother I've ever had. But he was a little bit better, I guess, because he never asked anything of me in return for his love and his support and his friendship.

We both grew up on the country, and so I guess we were used to getting up early in the mornings. And I'll never forget the mornings that I went into that hotel lobby and drank coffee while Pete smoked those nasty cigarettes, and I'd say, "Pete, you're going to die," and he'd say, "We're all going to die, but I'm going to die happy, Bev. Why don't you mind your own business?" and I would. Those were good days that we had.

I can remember sitting there one morning. You friends from his home town knew how he felt about his two daughters and his son and his bride, Carolyn. And he talked to me about how sick his wife was, and how he loved her. And I loved him, because there are so few people in this world who can do what Pete and his family did, to see someone they love dying, to cherish her and nourish her and lift her up to the Lord.

One of the saddest days of my life was when my phone rang in New Bern and Howard Chapin, my good friend, said, "Bev, Pete's gone." You don't question the Lord very often in your life, I guess—that's what my preacher says—but that morning, I said, "Why, God? Why did you take him?" He was the good, he was the best, he was what the world should be about. I join all you folks up there in your love and in the honor you feel for that one fine man. He will truly be missed. He's truly missed every single day by all of us here who knew him and who loved him, and who thank you for sending him to us, to share in the joy that we shared in, knowing the man called Pete Thompson.

By Senator Kerr:

My wife, Sandra, and I join in this Resolution. Carolyn and my wife were very close friends. We came to the Legislature with the same class of '87, and I'm sure I knew Pete's name, but I never knew it was Raymond Markham. I probably knew it as a first termer, but I guess Pete is a kind of a common name for a very uncommon person. And I don't believe Raymond would have fitted Pete at all, because one thing about Pete, and I echo what's been said about him today, and I certainly can't call him Raymond. Really, I couldn't remember that was his name, because everybody just knew him as Pete.

Because he was the same way in 1986 when I first met him, and he continued to be that way in 1993. A lot of us come up here, and you get elected once or twice and you have kind of a big head—egos, but Pete was steady. He and I were philosophically close together on a lot of issues, but he was a calming person, but he cared. He was very concerned about the day care problem that affected his part of the State and affected him personally, and that's when I really saw him get excited about some legislative issues that we tried to work on together. But he was a great friend of mine and he was, you know, not Raymond Markham to me, but he was just Pete, and we loved him.

By Senator Blackmon:

Ladies and Gentlemen of the Senate, I probably did not know Pete as well as most of you. However, I did have a chance to meet him in 1991. It doesn't take long to realize that Pete is one tremendous person. You know, we were looking at some of the questions of Senator Marshall's bill this morning, and I was thinking about Pete earlier, and I thought, well, you know, you wouldn't need those bills if we were all "Petes". You just wouldn't need 'em. And I would like to say that if you look up "quality" in a dictionary, you will see Pete's name.

By Senator Speed:

Members of the Senate, all that has been said is certainly true. I had the pleasure of serving with Pete Thompson on several study commissions, as well as being associated with him here in the cafeteria and the halls of the Building, and so forth, and always found him to be a real friendly, fine person. But one thing in particular stood out. He was a great friend of agriculture. We had a lot in common. We served together on the Study Commission on Agriculture and Forestry, and he was a very fine member of that group. He contributed much in that respect. But North Carolina has lost a great friend and prominent citizen, but agriculture has lost one of its best friends.

By Senator Daniel:

Members of the Senate, I only knew Pete Thompson a short while. He, like Senator Cooper, we started our career together in 1987, and I guess what drew us together was the fact that we both were Wolfpackers and are Wolfpackers, or the fact that we had a similar background coming from an agricultural background. Pete sort of posed as a fatherly figure down here, given he was a little older, but also he attended State about the same time as my father; similar date as far as marriage; and with some of the discussions that we had, I could always get fatherly advice from Pete.

He was a very uncomplicated soul. To me he epitomized what the citizen's Legislature here in North Carolina is all about. He represented that little bit of Mayberry that's in each of us and which our State is known for. He was fun-loving. I think that, no matter how complicated it got during the day, his one bright spot in the evening was looking forward to that time when he and Vernon James and Howard Chapin, and Marc Basnight, and sometimes Beverly Perdue, when they'd let her go with them—when that Eastern gang would get together and they'd go find some unfortunate restaurant out here in Raleigh and descend upon it.

He loved a story. He loved a funny story. And periodically he liked a discolored story. And is didn't mind telling a few of them. But that was what Pete was all about. Because what he reminded me of is that no matter how important we think that we are here, that our mission is most important. He showed us that no matter how important our mission is, that we're not too important to poke fun at ourselves and take ourselves for what we really are. He was loyal to a fault. He loved his family. He loved his area and his people. He loved his friends and stuck by them. And he stuck by his University. He stuck by his work here in the Legislature. Pete Thompson is that rare individual that we're all blessed to have an opportunity to spend the time in life with. He's a great North Carolinian, and he'll be sorely missed.

By Senator Albertson:

Members of the Senate. Someone said one time that life was not measured by its duration, but rather by its donation. And I think about Pete Thompson when I think about that quote. He made a great contribution to the citizens and the people of this State, and it was a real honor and privilege for me to have the honor and privilege of serving with him, particularly on the Agriculture Committee. And Senator Speed, you're exactly right. He was a valued member of that Committee. I got to know him through serving there. He had a lot of experience when you started talking about chemicals and

pesticides. Pete Thompson knew what he was talking about, and I can say one final thing in conclusion, and I don't think there's anything greater that you can say about anybody. I believe with all my heart and soul that my life is better by having known Pete Thompson.

By Senator Martin of Pitt:

Ladies and Gentlemen of the Senate. When my telephone rang and I answered it and I was told that Pete Thompson had died, it shocked me to no end, as you could well reckon. And another fact is because on Wednesday evening of that same week, two days prior to his death, Sue and I, Pete, and Vernon and Thelma, and one or two other couples had had dinner together, and it was a very enjoyable evening. But I noticed that Pete was not as talkative, he was not as much a part of the process as he usually was, and the first thing I thought about was that dinner we had on Wednesday night and that I never knew, I often wondered, what was going across Pete's mind on Wednesday evening.

I got to know Pete soon after he arrived in the Legislature because they assigned him an office on my way to Room 605, where we had Appropriations N&ER meet every morning, Marc, at 8:30. He was always, most of the time, standing in the door—that's where I met him, standing in the door. And he had peanuts, he had invited me to participate in his peanut jar, and as it got to be a custom and I would always go by there on the way to 605 and most of the time I'd drop in and get me a few peanuts, and after eating his peanuts for a month or two, I was getting tired of peanuts and I told Pete that I was tired of peanuts and wanted some cashew nuts. He said, "If you get cashew nuts, you'll go to Winn-Dixie to get 'em. I won't give 'em to you."

But, anyway, I traveled also got around with Pete some with Marc and the others from, as you say, George, from the Eastern crowd. It was a motley crowd, they would raid places once they were in there, but we got out pretty good. And I learned to appreciate Pete, as all of you have here, not only in the Senate, but in the House, as a man of sterling character, a man, as it has been said, if he told you something, you could take it to the bank. Not only that, was he of sterling character, but he was also a very well-versed man and especially in agriculture and also in the doings of the North Carolina State Wolfpack. I used to pull his leg a little by saying some critical things about the Wolfpack in favor of Duke, and that would raise his eyes just a little bit, but he learned to know that I was trying to do that to him and I would only say this, Mr. President, Ladies and Gentlemen, is that I'm glad that Pete Thompson crossed my pathway. I know that I will be a better person because of that, and certainly I would urge you to adopt this Resolution.

By Lieutenant Governor Wicker:

The Chair would like to make just a few remarks about Pete Thompson. I served with Pete Thompson in the House for three terms, and I won't echo the things that have already been said about him. All of them are true. I sat beside Pete on the floor, over there in that corner with Vernon James and Pete and those, and came to know Pete very well. And he, indeed, was a special person.

I think that Pete—I would call him a promoter. He was promoting a cause, he was promoting another individual, but he was never promoting himself. I think that's a special characteristic of a person. We all love him, we are all going to miss him. And, Members of the Senate, as I have said before, truly another great oak has fallen in North Carolina.

The joint resolution passes its second reading (44-0) and third reading with members standing and is ordered enrolled.

The Chair extends courtesies of the gallery to the Sherry and Gayle, daughters of the late "Pete Thompson," and to other family members and the numerous friends who are present to salute the life of this great North Carolinian.

The Senate recesses at 3:00 P.M. for the purpose of committee meetings to reconvene at 3:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee:**

H.B. 230 (Committee Substitute), a bill recommended by the Juvenile Law Study Commission to require that opportunity to be heard be provided a juvenile's guardian ad litem prior to the dismissal of the petition alleging abuse or neglect of the juvenile, to ensure the guardian ad litem's standing to represent the juvenile, and to make other changes necessary to protect the interests of the juvenile, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill, 6222, which changes the title, upon concurrence, to read **H.B. 230** (Senate Committee Substitute), a bill recommended by the Juvenile Law Study Commission to ensure the guardian ad litem's standing to represent the juvenile and to make other changes related to proceedings under the juvenile code involving guardians ad litem, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 23, for further consideration.

By Senator Cooper for the **Judiciary II Committee:**

H.B. 541, a bill to implement a recommendation of the General Statutes Commission to delete the domiciliary or residency and citizenship requirements for examination and licensure as a certified public accountant and to make technical amendments by deleting obsolete references to public accountants, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Cooper, the rules are suspended, and the proposed Senate Committee Substitute bill, 1205, is placed before the Senate for immediate consideration and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 23, for further consideration.

H.B. 544, a bill to make technical amendments to the General Statutes as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill, 3266, which changes the title, upon concurrence, to read **H.B. 544** (Senate Committee Substitute), a bill to make technical amendments to the General Statutes as recommended by the General Statutes Commission, and to make technical corrections to other General Statutes and Session Laws, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 23, for further consideration.

H.B. 765, a bill to make amendments to the law of escheats and unclaimed property, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill, 2270, which changes the title, upon concurrence, to read **H.B. 765** (Senate Committee Substitute), a bill to make amendments to the law of escheats and unclaimed property and to limit molders' obligations to retain dies, molds, forms, or patterns, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee bill is ordered placed on the Calendar for tomorrow, Friday, July 23, for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 100

House of Representatives
July 22, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 100**, A BILL TO BE ENTITLED AN ACT TO VEST AUTHORITY IN THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO GRANT SHELLFISH CULTIVATION LEASES, TO MAKE CHANGES TO CHAPTER 113 OF THE NORTH CAROLINA GENERAL STATUTES, AND TO PREVENT MARINE LITTER.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Senate having adopted a like report, which changes the title, the President orders the House Committee Substitute bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 128
(House Committee Substitute)

House of Representatives
July 22, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 128**, A BILL BE ENTITLED AN ACT TO EXEMPT CERTAIN TRANSFERS OF VEHICLES FROM THE HIGHWAY USE TAX, TO REIMBURSE THE HIGHWAY TRUST FUND FOR REVENUE THAT WOULD OTHERWISE BE LOST AS A RESULT OF THE EXEMPTIONS, TO INCREASE REVENUES TO PROVIDE FUNDS TO MAKE THE REIMBURSEMENT, TO LOWER THE MAXIMUM HIGHWAY USE TAX ON CERTAIN COMMERCIAL VEHICLES, TO INCREASE THE ANNUAL REGISTRATION FEES FOR CERTAIN PROPERTY-HAULING VEHICLES, AND TO CREDIT THE INCREASED REVENUE FROM THE REGISTRATION FEES TO THE HIGHWAY TRUST FUND.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Senate having adopted a like report, the President orders the House Committee Substitute bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 799
(Senate Committee Substitute)

House of Representatives
July 22, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 799**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CITIES AND COUNTIES FROM CERTAIN ZONING NOTICE REQUIREMENTS AND TO REPEAL VARIOUS LOCAL ACTS.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 988 (Committee Substitute No. 2), a bill to amend the Licensure Act for speech and language pathologists and audiologists to exempt certain assistant personnel from the licensure requirement if they are registered with the Board by their employer.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee.**

COMMITTEE REPORTS

Standing committee reports are submitted out of the regular order of business, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee:**

CONFIRMATION OF APPOINTMENTS
BOARD OF TRUSTEES
TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM
NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27611

July 22, 1993

The President and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27611

Dear Mr. President and Members of the Senate:

In compliance with the provisions of G.S. 135-6 requiring appointees to the Board of Trustees of the Teachers' and State Employees' Retirement System to be confirmed by

the North Carolina Senate, Governor Hunt has submitted the following appointees for confirmation:

Lieutenant Colonel Cecil Wilkins, State Highway Patrol, law enforcement officer position. His term will expire April 1, 1997.

Ronald E. Copley, representative of higher education, for reappointment. His term will expire June 30, 1997.

Mana Johnson, retired teacher position. Her term will expire June 30, 1997.

Charles Davis of Morganton, retired state employee position. His term will expire June 30, 1997.

Leigh Wilson, public member, to fill the vacancy created by the resignation of Representative Eugene McCombs. His term will expire April 1, 1996.

Jim Edgerton, Department of Transportation employee position, to fill the vacancy created by the resignation of Clyde Cook. His term will expire April 1, 1995.

Spillman Grice, active state employee position, to fill the vacancy created by the resignation of Donna Creech. His term will expire April 1, 1995.

The Senate Committee on Pensions and Retirement has considered the appointments and makes the following recommendation to the North Carolina Senate.

That the appointments of the above be confirmed.

Senator Harris offers a motion to the end the Senate adopt the report of the Committee. The Senate adopts the report and confirms the appointments by the Governor by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Carpenter, Cochrane, Codington, Cooper, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Johnson, Kaplan, Kerr, Kincaid, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Winner of Mecklenburg—33.

Voting in the negative: None.

A message is ordered sent to the House of Representatives notifying that Honorable Body of such action.

By Senator Tally for the **Environment and Natural Resources Committee:**

S.B. 907, a bill to repeal the law that requires a permit to operate a community water system and imposes a fee for the permit, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and proposed Committee Substitute bill, 4688, which changes the title to read **S.B. 907** (Committee Substitute), a bill to restructure the fee schedule for community water systems, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is re-referred to the **Finance Committee.**

RECALL FROM COMMITTEE

H.J.R. 249, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Child and Adolescent Alcohol and Other Drug Abuse Plan as policy guidance for the development of services, referred to the **Rules and Operation of the Senate Committee** on July 17.

Senator Sands offers a motion the joint resolution be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Friday, July 23, upon its passage, which motions prevail.

The Chair recalls the joint resolution from the **Rules and Operation of the Senate Committee** and orders the measure placed on the Calendar for tomorrow, Friday, July 23, upon its passage.

H.J.R. 250, a joint resolution to implement a recommendation of the Mental Health Study Commission endorsing the Quality Improvement Report for Mental Health, Developmental Disabilities, and Substance Abuse Services, referred to the **Rules and Operation of the Senate Committee** on July 17.

Senator Sands offers a motion the joint resolution be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Friday, July 23, upon its passage, which motions prevail.

The Chair recalls the joint resolution from the **Rules and Operation of the Senate Committee** and orders the measure placed on the Calendar for tomorrow, Friday, July 23, upon its passage.

H.J.R. 251, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Comprehensive Plan for Services and Supports for Persons with Developmental Disabilities as policy guidance for the development of services, referred to the **Rules and Operation of the Senate Committee** on July 17.

Senator Sands offers a motion the joint resolution be recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar for tomorrow, Friday, July 23, upon its passage, which motions prevail.

The Chair recalls the joint resolution from the **Rules and Operation of the Senate Committee** and orders the measure placed on the Calendar for tomorrow, Friday, July 23, upon its passage.

CALENDAR (Continued)

S.B. 1249 (Committee Substitute No. 2), a bill to make changes concerning the Board of Electrolysis Examiners, temporarily displaced earlier.

The Committee Substitute bill No. 2 passes its second (39-1) and third readings and is ordered sent to the House of Representatives by special messenger.

RECALL FROM COMMITTEE

S.B. 710, a bill to authorize Nash County to use the proceeds of its occupancy tax for economic development projects, received for concurrence in the House Committee Substitute bill, which changes the title to read **S.B. 710** (House Committee Substitute), a bill to modify the Nash County room occupancy tax, referred to the **Finance Committee** on July 18.

Senator Winner of Buncombe offers a motion the House Committee Substitute bill be recalled from the **Finance Committee** and placed before the Senate for immediate consideration, upon concurrence, which motions prevail.

The Chair recalls the House Committee Substitute bill from the **Finance Committee** and orders the measure placed before the Senate for immediate consideration, upon concurrence.

The Senate fails to concur in the House Committee Substitute bill (0-41).

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Cooper (Chairman), Kerr, and Soles, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Senator Basnight announces the time as 11:41 P.M. and the date Thursday, July 22. Senator Kaplan serves as Reading Clerk.

CONFERENCE REPORT

S.B. 14 (House Committee Substitute)

Senator Daniel for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 14** (Committee Substitute), a bill to authorize the issuance of nine hundred eighty-nine million dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) capital improvements for community colleges, (3) public school facilities for counties, (4) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (5) grants and loans to local government units for solid waste management, which changes the title, upon concurrence, to read **S.B. 14** (House Committee Substitute), a bill to authorize the issuance of seven hundred forty-six million two hundred thousand dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) grants to community colleges for capital improvements, and (3) loans, revolving loans, and grants to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 14, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SEVEN HUNDRED FORTY-SIX MILLION TWO HUNDRED THOUSAND DOLLARS IN GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR (1) CAPITAL IMPROVEMENTS FOR THE UNIVERSITY OF NORTH CAROLINA, (2) GRANTS TO COMMUNITY COLLEGES FOR CAPITAL IMPROVEMENTS, AND (3) LOANS, REVOLVING LOANS, AND GRANTS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, House Committee Substitute Favorable 7/16/93, Fifth Edition Engrossed, wish to report as follows: The Senate concurs in the House Committee Substitute Favorable 7/16/93, Fifth Edition Engrossed with the following amendment: delete the entire House Committee Substitute Favorable 7/16/93, Fifth Edition Engrossed and substitute the attached proposed conference committee substitute S14-CCSLC-7/21

The House of Representatives agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 22 day of July, 1993.

S/George B. Daniel
S/Aaron W. Plyler
S/Ted Kaplan

S/Martin L. Nesbitt, Jr.
S/Joe Hackney
S/George Miller, Jr.

S/Howard N. Lee
S/Beverly M. Perdue
S/David R. Parnell
S/Robert G. Shaw

Conferees for the Senate

S/James B. Black
R. Eugene Rogers
S/Aaron E. Fussell
S/H.M. Michaux, Jr.
S/Milton F. Fitch, Jr.
S/Jack Hunt
S/C. Robert Brawley
George S. Robinson
S/Marie W. Colton
S/Joanne W. Bowie
S/Edward C. Bowen

Conferees for the House of Representatives

The text of the attached Proposed Conference Committee Substitute S14-CCSLC-7/21 is as follows:

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR (1) CAPITAL IMPROVEMENTS FOR THE UNIVERSITY OF NORTH CAROLINA, (2) GRANTS TO COMMUNITY COLLEGES FOR CAPITAL IMPROVEMENTS, (3) GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, AND (4) CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR NEW AND EXISTING STATE PARKS AND RECREATION AREAS.

The General Assembly of North Carolina enacts:

Section 1. Short title. This act shall be known and may be cited as the "Education, Clean Water, and Parks Bond Act of 1993".

Sec. 2. Purpose. It is the intent of the General Assembly by this act to provide for the issuance of general obligation bonds of the State, and to provide that the proceeds realized from the sale of the bonds shall be allocated as follows:

(1) Three hundred ten million dollars ($310,000,000) to provide capital improvements for the constituent and affiliated institutions of The University of North Carolina or for the Board of Governors of The University of North Carolina.

(2) Two hundred fifty million dollars ($250,000,000) to provide grants to individual community colleges to finance the costs of community college capital improvements for community colleges in this State.

(3) Forty-five million dollars ($45,000,000) to provide State matching funds required to receive federal wastewater or water supply assistance funds and to provide additional funding for the Clean Water Revolving Loan and Grant Fund established in Chapter 159G of the General Statutes or to provide funding by grants and loans to local government units, and one hundred million dollars ($100,000,000) to provide loans to local government units to finance all or a portion of the cost of construction, improvements, enlargements, extensions, and reconstruction of water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects.

The funds to be derived from the sale of the Clean Water bonds authorized by this act are sufficient to meet no more than a fraction of the needs which now exist and will arise in the immediate future. For this reason, although public necessity and the criteria established by Chapter 159G of the General Statutes shall be the primary consideration in granting and loaning funds, great emphasis shall also be placed on the creation of

efficient systems of regional wastewater disposal and regional water supply, and on the willingness and ability of local government units to meet their responsibilities through sound fiscal policies, creative planning, and efficient operation and management.

(4) Thirty-five million dollars ($35,000,000) to provide capital improvements in the form of repairs, renovations, new construction, and land acquisition for existing State parks and recreation areas.

Sec. 3. Definitions. As used in this act, unless the context otherwise requires:

(1) "Bonds" means bonds issued under this act.

(2) "Clean Water Revolving Loan and Grant Act" means Chapter 796 of the 1987 Session Laws, as the same may be amended from time to time, codified as Chapter 159G of the General Statutes.

(3) "Clean Water Revolving Loan and Grant Fund" means the Clean Water Revolving Loan and Grant Fund as defined in the Clean Water Revolving Loan and Grant Act.

(4) "Cost" means, without intending thereby to limit or restrict any proper definition of this term in financing the cost of facilities or purposes authorized by this act:

a. The cost of constructing, reconstructing, enlarging, acquiring, and improving facilities, and acquiring equipment and land therefor,

b. The cost of engineering, architectural, and other consulting services as may be required,

c. Administrative expenses and charges,

d. Finance charges and interest prior to and during construction and, if deemed advisable by the State Treasurer, for a period not exceeding two years after the estimated date of completion of construction,

e. The cost of bond insurance, investment contracts, credit enhancement and liquidity facilities, interest-rate swap agreements or other derivative products, financial and legal consultants, and related costs of bond and note issuance, to the extent and as determined by the State Treasurer,

f. The cost of reimbursing the State for any payments made for any cost described above, and

g. Any other costs and expenses necessary or incidental to the purposes of this act.

Allocations in this act of proceeds of bonds to the costs of a project or undertaking in each case may include allocations to pay the costs set forth in items c., d., e., f., and g. in connection with the issuance of bonds for the project or undertaking.

(5) "Credit facility" means an agreement entered into by the State Treasurer on behalf of the State with a bank, savings and loan association, or other banking institution, an insurance company, reinsurance company, surety company, or other insurance institution, a corporation, investment banking firm, or other investment institution, or any financial institution or other similar provider of a credit facility, which provider may be located within or without the United States of America, such agreement providing for prompt payment of all or any part of the principal or purchase price (whether at maturity, presentment or tender for purchase, redemption or acceleration), redemption premium, if any, and interest on any bonds or notes payable on demand or tender by the owner, in consideration of the State agreeing to repay the provider of the credit facility in accordance with the terms and provisions of such agreement.

(6) "Local government units" means local government units as defined in the Clean Water Revolving Loan and Grant Act.

(7) "Notes" means notes issued under this act.

(8) "Par formula" means any provision or formula adopted by the State to provide for the adjustment, from time to time, of the interest rate or rates borne by any bonds or notes, including:
   a. A provision providing for such adjustment so that the purchase price of such bonds or notes in the open market would be as close to par as possible,
   b. A provision providing for such adjustment based upon a percentage or percentages of a prime rate or base rate, which percentage or percentages may vary or be applied for different periods of time, or
   c. Such other provision as the State Treasurer may determine to be consistent with this act and will not materially and adversely affect the financial position of the State and the marketing of bonds or notes at a reasonable interest cost to the State.

(9) "State" means the State of North Carolina.

(10) "Wastewater collection systems" means wastewater collection systems as defined in the Clean Water Revolving Loan and Grant Act.

(11) "Wastewater treatment works" means wastewater treatment works as defined in the Clean Water Revolving Loan and Grant Act.

(12) "Water conservation projects" include but are not limited to any construction, repair, renovation, expansion, replacement of components, or other capital improvement, including related equipment and land acquisition, designed to:
   a. Eliminate the wasteful or unnecessary use or loss of water in the operations of a wastewater collection system, wastewater treatment works, or water supply system; or
   b. Enhance the operation of a wastewater collection system, wastewater treatment works, or water supply system to provide a more efficient use of water.

(13) "Water Pollution Control Revolving Fund" means the fund described by G.S. 159G-4(a) and G.S. 159G-5(c).

(14) "Water supply systems" means water supply systems as defined in the Clean Water Revolving Loan and Grant Act.

Sec. 4. Authorization of bonds and notes. (a) University Improvement Bonds. Subject to a favorable vote of a majority of the qualified voters of the State who vote on the question of issuing University Improvement Bonds in the election held as provided in this act, the State Treasurer is authorized, by and with the consent of the Council of State, to issue and sell, at one time or from time to time, general obligation bonds of the State to be designated "State of North Carolina University Improvement Bonds", with any additional designations as may be determined to indicate the issuance of bonds from time to time, or notes of the State as provided in this act, in the aggregate principal amount not exceeding three hundred ten million dollars ($310,000,000) for the purposes authorized in this act.

(b) Community College Bonds. Subject to a favorable vote of a majority of the qualified voters of the State who vote on the question of issuing Community College Bonds in the election held as provided in this act, the State Treasurer is authorized, by and with the consent of the Council of State, to issue and sell, at one time or from time to time, general obligation bonds of the State to be designated "State of North Carolina Community College Bonds", with any additional designations as may be determined to indicate the issuance of bonds from time to time, or notes of the State as provided in this act, in the aggregate principal amount not exceeding two hundred fifty million dollars ($250,000,000) for the purposes authorized in this act.

(c) Clean Water Bonds. Subject to a favorable vote of a majority of the qualified voters of the State who vote on the question of issuing Clean Water Bonds in the election called and held as provided in this act, the State Treasurer is hereby authorized, by and with the consent of the Council of State, to issue and sell, at one time or from time to time, general obligation bonds of the State to be designated "State of North Carolina Clean Water Bonds", with any additional designations as may be determined to indicate the issuance of bonds from time to time, or notes of the State as provided in this act, in an aggregate principal amount not exceeding one hundred forty-five million dollars ($145,000,000) for the purpose of providing funds, with any other available funds, for the purposes authorized in this act.

(d) State Parks Bonds. Subject to a favorable vote of a majority of the qualified voters of the State who vote on the question of issuing State Parks Bonds in the election called and held as provided in this act, the State Treasurer is hereby authorized, by and with the consent of the Council of State, to issue and sell, at one time or from time to time, general obligation bonds of the State to be designated "State of North Carolina State Parks Bonds", with any additional designations as may be determined to indicate the issuance of bonds from time to time, or notes of the State as provided in this act, in the aggregate principal amount not exceeding thirty-five million dollars ($35,000,000) for the purposes authorized in this act.

Sec. 5. Uses of bond and note proceeds. (a) University Improvement Bonds. The proceeds of University Improvement Bonds and notes shall be used for the purpose of (i) paying the cost of capital improvements for the constituent or affiliated institutions of The University of North Carolina, under the supervision of the Board of Governors of The University of North Carolina, including, without limitation, construction and renovation of classroom buildings, laboratory buildings, research facilities, libraries, physical education facilities, continuing education centers, student cafeteria and activity facilities, including sports facilities, administrative office buildings, and land acquisition, (ii) paying the cost of capital improvements for the North Carolina Center for Public Television under the Board of Governors of The University of North Carolina, and (iii) making grants to nonprofit corporations and public agencies to provide capital improvements for Area Health Education Centers. Grants made to provide capital improvements for Area Health Education Centers shall be made only to nonprofit corporations and public agencies. The rules and regulations and agreements governing the Area Health Education Center Program shall contain provisions necessary to assure that the proceeds of the bonds or notes are applied for the accomplishment of public purposes only within the meaning of Article V, Section 2 of the North Carolina Constitution, including, without limitation, provisions to assure that the grant moneys are applied to the payment of the cost of capital improvements used in connection with the Area Health Education Center Program and further shall contain provisions to assure compliance with G.S. 143-6.1. The buildings constructed using the proceeds of the bonds, other than any buildings constructed with Area Health Education Centers Construction Grants, may be constructed only after consideration of the energy design guidelines developed by the Energy Division of the Department of Commerce.

Any additional moneys that may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of any university improvements authorized by this act may be placed by the State Treasurer in the University Improvement Bonds Fund or in a separate account or fund and shall be disbursed, to the extent permitted by the terms of the grant or grants, without regard to any limitations imposed by this act.

The proceeds of University Improvement Bonds and notes may be used with any other moneys made available by the General Assembly for the making of university improvements, including the proceeds of any other State bond issues, whether heretofore made available or which may be made available at the session of the General Assembly at which this act is ratified or any subsequent sessions. The proceeds of University Improvement Bonds and notes shall be expended and disbursed under the direction and

supervision of the Director of the Budget. The funds provided by this act for university improvements shall be disbursed for the purposes provided in this act upon warrants drawn on the State Treasurer by the State Controller, which warrants shall not be drawn until requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes.

The Board of Governors of The University of North Carolina shall provide quarterly reports to the Joint Legislative Commission on Governmental Operations, the chairs of the Senate and House of Representatives Appropriations Committees, and the Fiscal Research Division on the expenditure of moneys from the University Improvement Bonds Fund.

(b) Community College Bonds. The proceeds of Community College Bonds and notes shall be used for the purpose of making grants to community colleges, as defined in Chapter 115D of the General Statutes, the proceeds of the grants to be allocated and expended for paying the cost of Community College capital improvements, including, without limitation, construction and renovation of classroom buildings, laboratory buildings, research facilities, libraries, physical education facilities, continuing education centers, student cafeteria and activity facilities, including sports facilities, administrative office buildings, and related equipment and land acquisition. The buildings constructed using the proceeds of the bonds may be constructed only after consideration of the energy design guidelines developed by the Energy Division of the Department of Commerce.

Any additional moneys which may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of any Community College grants authorized by this act may be placed by the State Treasurer in the Community College Bonds Fund or in a separate account or fund and shall be disbursed, to the extent permitted by the terms of the grant or grants, without regard to any limitations imposed by this act.

The proceeds of Community College Bonds and notes may be used with any other moneys made available by the General Assembly for the making of Community College grants, including the proceeds of any other State bond issues, whether heretofore made available or which may be made available at the session of the General Assembly at which this act is ratified or any subsequent sessions. The proceeds of Community College Bonds and notes shall be expended and disbursed under the direction and supervision of the Director of the Budget. The funds provided by this act for Community College improvements shall be disbursed for the purposes provided in this act upon warrants drawn on the State Treasurer by the State Controller, which warrants shall not be drawn until requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes.

The State Board of Community Colleges shall provide quarterly reports to the Joint Legislative Commission on Governmental Operations, the chairs of the Senate and House of Representatives Appropriations Committees, and the Fiscal Research Division on the expenditure of moneys from the Community College Bonds Fund.

(c) Clean Water Bonds. The proceeds of Clean Water Bonds and notes shall be used for the purpose of making loans and grants to local governments as follows:

(1) The proceeds of forty-five million dollars ($45,000,000) of Clean Water Bonds shall be used and allocated for the same purposes for which funds in the Clean Water Revolving Loan and Grant Fund may be used including, without limitation, to provide funds to be used to make revolving loans and grants to local government units. The revolving loans and grants shall be made for the purpose of paying the cost of water supply systems, wastewater collection systems, and wastewater treatment works.

The first priority for use of these proceeds shall be to provide State funds necessary for the 1993-95 fiscal biennium to match the federal wastewater

or water supply assistance funds, deposited in the Clean Water Pollution Control Revolving Fund or another fund, that are available from year to year, unless the General Assembly has provided other funds for this purpose, in which event this priority shall cease to exist to the extent of the availability of those other funds. For the purpose of implementing this priority, the Department of Environment, Health, and Natural Resources shall certify to the State Treasurer the amount of funds required for the State match for each of the fiscal years ending June 30, 1994, and June 30, 1995, and the extent to which the General Assembly has provided other funds for this purpose. Upon certification to the State Treasurer of the amount of funds required for the State match for the fiscal year ending June 30, 1994, the State may issue up to twenty-two million five hundred thousand dollars ($22,500,000) of Clean Water Bonds authorized by this subdivision for the purpose of funding the State match for that fiscal year and for any other purposes authorized by this subdivision. Upon certification to the State Treasurer of the amount of funds required for the State match for the fiscal year ending June 30, 1995, the State may issue the remaining balance of Clean Water Bonds authorized by this subdivision for the purpose of funding the State match for that fiscal year and for any other purposes authorized by this subdivision. The proceeds of the bonds necessary for the State match for each fiscal year shall be deposited in the Clean Water Pollution Control Revolving Fund or any other fund or account determined by the State Treasurer.

The proceeds may be (i) transferred directly to the Clean Water Revolving Loan and Grant Fund to make revolving loans or grants, (ii) used to make revolving loans or grants directly to the appropriate local government qualifying for a revolving loan or grant from the Clean Water Revolving Loan and Grant Fund, (iii) used for any combination of (i) and (ii), or (iv) used in such other manner as shall effectuate the purposes of this act. Although public necessity and the criteria established by Chapter 159G of the General Statutes shall be the primary consideration in granting and loaning funds, great emphasis shall be placed on the creation of efficient systems of regional wastewater disposal and regional water supply, and on the willingness and ability of local government units to meet their responsibilities through sound fiscal policies, creative planning, and efficient operation and management. Loans and grants made from bond proceeds transferred from the Clean Water Bonds Fund to the Clean Water Revolving Loan and Grant Fund shall be made and administered in accordance with the provisions of the Clean Water Revolving Loan and Grant Act. Loans and grants made from bond proceeds directly to local government units and any loan repayments shall, to the extent applicable, be made, administered, and applied in accordance with the provisions of the Clean Water Revolving Loan and Grant Act. Repayments of any direct loans may be initially placed into any fund or account as may be determined by the State Treasurer for the purpose of determining compliance with the applicable requirements of the federal tax law and shall be expended and disbursed therefrom under the direction and supervision of the Director of the Budget.

(2) The proceeds of one hundred million dollars ($100,000,000) of Clean Water Bonds shall be used for the purpose of making loans to local government units to pay the cost of water supply systems, water conservation projects, wastewater collection systems, and wastewater treatment works. Sixty-nine percent (69%) of the proceeds of the bonds and notes shall be allocated for loans to local government units for wastewater collection systems and wastewater treatment works. Thirty-one percent (31%) of the

proceeds of the bonds and notes shall be allocated for loans to local government units for water supply systems and water conservation projects.

The proceeds shall be used to make loans directly to local government units qualifying for a loan from the Clean Water Revolving Loan and Grant Fund or loaned in such other manner as shall effectuate the purposes of this act. To qualify for a loan from the Clean Water Bonds Fund for the purpose of paying the cost of water supply systems, a local government unit must have a water supply facility plan approved by the Department of Environment, Health, and Natural Resources. A water supply facility plan submitted by a local government unit to the Department under G.S. 143-355(l) will be sufficient to meet this requirement. To qualify for a loan from the Clean Water Bonds Fund for the purpose of paying the cost of wastewater collection systems or wastewater treatment works, a local government unit must have a wastewater facility plan approved by the Department of Environment, Health, and Natural Resources. A wastewater facility plan must project future wastewater treatment needs, must present a long-range plan to meet those needs, and must include plans for system operations and maintenance of the facilities being built with the bond proceeds.

The Department of Environment, Health, and Natural Resources shall set the priorities and determine the eligibility of local government units for these loans in accordance with Section 10 of this act. The form of the loans and the details thereof including, without limitation, the maturity, interest rate, and amortization schedule, shall be determined, from time to time, by the State Treasurer. In making these determinations, the State Treasurer shall consider the purpose of the loans, the ability of local government units to repay the loans, and the security for the loans. The interest rates on these loans shall reflect the self-supporting nature of the loan program and shall be sufficient to cover substantially all payments of debt service on the one hundred million dollars ($100,000,000) of Clean Water Bonds and the issuance costs and administrative expenses associated with the issuance of these bonds and the making of these loans, subject to any applicable requirements of the federal tax law.

Repayments of the loans shall be credited to the General Fund and may be used to pay, directly or indirectly, debt service on the bonds and notes issued. Repayments may be initially placed into such fund or account as may be determined by the State Treasurer for the purpose of determining compliance with applicable requirements of the federal tax law and shall be expended and disbursed therefrom under the direction and supervision of the Director of the Budget.

Any additional moneys which may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source for deposit to the Clean Water Bonds Fund may be placed in the Clean Water Bonds Fund or in a separate account or fund and shall be disbursed, to the extent permitted by the terms of the grant or grants, without regard to any limitations imposed by this act.

The proceeds of bonds and notes may be used with any other moneys made available by the General Assembly for making grants and loans authorized by this act, including the proceeds of any other State bond issues, whether heretofore made available or which may be made available at the session of the General Assembly at which this act is ratified or any subsequent sessions. The proceeds of bonds and notes shall be expended and disbursed under the direction and supervision of the Director of the Budget. The funds provided by this act shall be disbursed for the purposes provided in this act upon warrants drawn on the State Treasurer by the State Controller, which warrants shall not be drawn until requisition has been approved by the Director of the

Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes.

(d) State Parks Bonds. The proceeds of State Parks Bonds and notes shall be used for the purpose of paying the cost of capital improvements for new and existing State parks and recreation areas including, without limitation, land acquisition and the repair, renovation, and construction of visitors' centers, parking lots and access roads, dams, picnic areas, ranger residences, tent and trailer campsites, boat and canoe launching areas, rental cabins, boathouses, swimming facilities, trails, exhibits, storage buildings, water and wastewater systems, electrical systems, and underground fuel tanks. No more than thirty percent (30%) of the proceeds of the State Parks Bonds and notes for land acquisition may be used, however, for land acquisition.

Any additional moneys which may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source for deposit to the State Parks Bonds Fund may be placed in the State Parks Bonds Fund or in a separate account or fund and shall be disbursed, to the extent permitted by the terms of the grant or grants, without regard to any limitations imposed by this act.

The proceeds of bonds and notes may be used with any other moneys made available by the General Assembly for the cost of State parks and recreation facilities including the proceeds of any other State bond issues, whether heretofore made available or which may be made available at the session of the General Assembly at which this act is ratified or any subsequent sessions. The proceeds of bonds and notes shall be expended and disbursed under the direction and supervision of the Director of the Budget. The funds provided by this act shall be disbursed for the purposes provided in this act upon warrants drawn on the State Treasurer by the State Controller, which warrants shall not be drawn until requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes.

Sec. 6. Allocation of proceeds. (a) University Improvement Bonds. The proceeds of University Improvement Bonds and notes, including premium thereon, if any, except the proceeds of bonds the issuance of which has been anticipated by bond anticipation notes or the proceeds of refunding bonds or notes, shall be placed by the State Treasurer in a special fund to be designated "University Improvement Bonds Fund". Moneys in the University Improvement Bonds Fund shall be used for the purposes set forth in this act. The proceeds of University Improvement Bonds and notes shall be allocated and expended for paying the cost of university capital improvements, to the extent and as provided in this act and subject to change as provided in this act, as follows:

Constituent or Affiliated Institution or Board of Governors Capital Improvement	Projected Allocation
Appalachian State University	
Academic Support Services Building	$ 8,794,900
Science/Mathematics Complex, Phase I	15,000,000
East Carolina University	
Addition to Joyner Library	28,900,000
Land	5,000,000
Elizabeth City State University	
Fine Arts and Mass Communications Building	6,432,600
Fayetteville State University	
Residence Hall Renovations	9,479,600
North Carolina A & T State University	
School of Technology Classroom/Laboratory Building	7,961,900
Renovation of Bluford Library Building	5,051,400

North Carolina Central University	
Conversion of Women's Gymnasium in Support of Academic Programs	1,970,900
Chidley Hall Complex	9,018,300
North Carolina School of the Arts	
School of Filmmaking Production Facility	6,999,200
North Carolina State University at Raleigh	
Engineering Graduate Research Center	34,918,200
Agricultural Communications Building	4,484,900
Agricultural Programs - Laboratory Animal Facilities	4,484,100
Pembroke State University	
New Administrative Office Building	5,723,300
Repairs and Renovations to Business Administration Building	422,700
The University of North Carolina at Asheville	
Conference Center	3,974,400
Physical Education Building (Health Promotion)	5,475,600
The North Carolina Arboretum	2,500,000
The University of North Carolina at Chapel Hill	
New Building, School of Business Administration	13,490,900
Addition to Lineberger Cancer Research Center	8,119,900
Carolina Living and Learning Center for Autistic Adults, Phase II	1,190,400
Addition to School of Dentistry	8,887,100
Area Health Education Centers - Construction Grants	3,370,800
The University of North Carolina at Charlotte	
Classroom and Academic Support Facility	22,610,400
The University of North Carolina at Greensboro	
New Music Building	23,357,000
The University of North Carolina at Wilmington	
Physical Sciences Building and Renovation of DeLoach Hall	18,522,900
Construct West Wing of Bear Hall and Renovate West End of Bear Hall	992,050
Western Carolina University	
Completion of Belk Building and Asbestos Removal	3,280,200
Renovate Moore Hall, Phase II	2,043,900
Renovate Camp Lab School	1,896,500
Renovate Reid Gym	2,379,400
Winston-Salem State University	
Student Services/Cafeteria/Student Union Complex	6,073,350
Renovations to O'Kelly Library	1,119,500
North Carolina School of Science and Mathematics	
Educational Technologies Center and Auditorium	8,073,700
Board of Governors	
Other Critical Needs	12,000,000
UNC Center for Public Television	
Improvements to Facilities	6,000,000
TOTAL	$310,000,000

Projected allocations set forth above may be adjusted to reflect the availability of other funds.

The Board of Governors of The University of North Carolina shall allocate the funds designated above for "other critical needs" for specific projects, within the general purposes authorized for University Improvement Bonds and notes by this act, and within the aggregate amount of funds available under this section, after considering relative needs at all sixteen campuses.

The Director of the Budget is empowered, when the Director of the Budget determines it is in the best interest of the State and The University of North Carolina to do so, and if the cost of a particular project is less than the projected allocation, to use the excess funds to increase the size of that project or increase the size of any other project itemized in this section, or to increase the amount allocated to a particular institution or the Board of Governors within the aggregate amount of funds available under this section. The Director of the Budget may consult with the Advisory Budget Commission and the Joint Legislative Commission on Governmental Operations before making these changes. In addition, the particular capital improvements and the amount of the projected allocation therefor set forth above may be changed from time to time as the General Assembly may decide. The provisions of G.S. 116-11(9) with respect to appropriations to the Board of Governors of The University of North Carolina shall not apply to proceeds of University Improvements Bonds and notes issued pursuant to the provisions of this act.

Allocations to the costs of a capital improvement or undertaking in each case may include allocations to pay the costs set forth in Section 3(4)c., d., e., f., and g. of this act in connection with the issuance of bonds for that capital improvement or undertaking.

(b) Community College Bonds. The proceeds of Community College Bonds and notes, including premium thereon, if any, except the proceeds of bonds the issuance of which has been anticipated by bond anticipation notes or the proceeds of refunding bonds or notes, shall be placed by the State Treasurer in a special fund to be designated "Community College Bonds Fund" and shall be disbursed as provided in this act. Moneys in the Community College Bonds Fund shall be used for making grants to community colleges, as set forth in this act.

I. The proceeds of grants made from the proceeds of two hundred twenty-six million one hundred thousand dollars ($226,100,000) Community College Bonds and notes shall be allocated and expended for paying the cost of community college capital improvements, to the extent and as provided in this act and subject to change as provided in this act, as follows:

COLLEGE	CAPITAL IMPROVEMENT	PROJECTED ALLOCATION
Alamance CC	Phase III - LRC Expansion	$3,309,855
Anson CC	Advanced Technology Center	2,998,465
Union Cty.	Advanced Technology Center	2,500,000
Asheville-		
Buncombe TCC	Classroom/Lab/Office Building	5,000,000
Beaufort County CC	Student Services Center	2,900,000
Bladen CC	Allied Health Care Center	1,015,472
Blue Ridge CC	Allied Health Building	5,000,000
Transylvania Cty.	Classroom/Office Bldg.	502,225
Brunswick CC	Allied Health/Classroom	4,000,000
Caldwell CC & TI	Classroom/Lab Building	6,100,000
Watauga Cty.	Classroom/Lab Bldg.	2,261,539
Cape Fear CC	Health Sciences Building	7,340,485
Pender Cty.	Classroom Building	690,212
Carteret CC	Classroom/Student Center	2,437,904
Catawba Valley CC	Physical Ed./Classroom Bldg.	5,586,218
Central Carolina CC	Classroom Building	2,000,000
Chatham Cty.	Classroom Building	2,000,000
Harnett Cty.	Classroom Building	1,000,000
Central Piedmont CC	Science Labs Expansion	3,950,000
Cleveland CC	Advanced Technology Building	2,213,022
Coastal Carolina CC	Public Service Technology Bldg.	3,000,000

College of the Albemarle	Classroom/Administration Bldg.	3,215,924
Dare Cty.	Class/Lab/Student Services Bldg.	1,500,000
Craven CC	Academic Studies/Basic Skills Bldg.	2,790,276
Davidson County CC	Advanced Technology Building	3,875,000
Davie Cty.	Class/Lab/Instructional Support Bldg.	1,980,000
Durham TCC	Classroom/Office Building	5,800,000
Edgecombe CC	Class/Lab Addition-Rocky Mount	1,200,000
Fayetteville TCC	Health & Science Facility	6,000,000
Forsyth TCC	Class/Lab/Admin. - East Campus	7,900,000
Gaston College	Work Force Preparedness Center	5,860,000
Guilford TCC	Applied Technology Building	7,740,000
Halifax CC	Literacy Ed/Science Building	2,008,592
Haywood CC	Classroom Building	1,100,000
Isothermal CC	Cultural Arts Center	5,444,444
Polk Cty.	Classrooms/Labs Addition	358,686
James Sprunt CC	Multi-Purpose Center	3,708,406
Johnston CC	Allied Health Building	3,000,000
Lenoir CC	Classroom/Auditorium Building	3,326,348
Greene Cty.	New Instructional Facility	1,500,000
Jones Cty.	New Vocational Annex	100,000
Martin CC	Equine Arena	577,553
Bertie Cty.	Class/Lab/Office Building	250,000
Mayland CC	Shop/Student Lecture Hall	4,037,566
McDowell TCC	Classroom Building	1,900,000
Mitchell CC	Renovate Main Building	2,200,000
Montgomery CC	LRC Building	2,592,709
Nash CC	LRC/Student Center	4,409,179
Pamlico CC	Multi-Purpose Class/Office Bldg.	1,164,959
Piedmont CC	Classroom/Faculty Office Bldg.	459,815
Caswell Cty.	Adult Learning Center	1,300,000
Pitt CC	Student Services Building	4,500,000
Randolph CC	Allied Hlth/Science & Tech Center	2,816,878
Richmond CC	Fine Arts Ctr/Auditorium	2,251,414
Roanoke-Chowan CC	Classroom/Student Support Center	2,549,087
Robeson CC	Teaching Theaters/Allied Hlth Classroom	1,430,228
Rockingham CC	Multi-Purpose Building	2,700,000
Rowan-Cabarrus CC	Engineering Building	4,200,000
Cabarrus Cty.	Classroom Building	1,573,312
Sampson CC	Multi-Purpose Building	2,500,000
Sandhills CC	Cont. Ed. Center/Classrooms	4,800,000
Hoke Cty.	Renovate Classrooms	300,000
Southeastern CC	Nursing/Allied Health Building	1,309,400
Southwestern CC	General Classroom Building	2,000,000
Macon Cty.	Region Law Enf. Defensive Dr. Course	300,000
Swain Cty.	Class/Lab/Office Bldg.	900,000
Stanly CC	Learning Resource Center	2,341,210
Surry CC	Health/Day Care/Library Building	4,054,417
Tri-County CC	Student Services Ctr./Classroom Bldg.	1,123,010
Graham Cty.	Class/Lab/Study Bldg.	480,000
Vance-Granville CC	Allied Health/Day Care/Classroom Bldg.	2,127,400
Franklin Cty.	Class/Lab/Office Building	1,500,000
Granville Cty.	Additional Classrooms	377,500
Warren Cty.	Campus Renovations	212,500
Wake TCC	Student Education Bldg.	11,000,000

Wayne CC	Student & Telecommunications Bldg.	6,328,622
Western Piedmont CC	Class/Office Bldg. (Bus. Tech.)	3,420,168
Wilkes CC	LRC-Student Development	4,700,000
Ashe Cty.	Classroom Building	200,000
Wilson TCC	Multi-Purpose Building	1,000,000
TOTAL		$226,100,000

Projected allocations set forth above may be adjusted to reflect the availability of other funds. The Board of Trustees of an individual community college may change the projects or allocations for that college, but not for a satellite campus, within the total amount of funds allocated for that college; the Board of Trustees may not, however, change, reduce, or eliminate a project or an allocation at a satellite campus of the community college.

The Director of the Budget is empowered, when the Director of the Budget determines it is in the best interest of the State and the North Carolina Community College System to do so, and if the cost of a particular project is less than the projected allocation, to use the excess funds to increase the size of that project or increase the size of any other project itemized in this section, or to increase the amount allocated to a particular community college within the aggregate amount of funds available under this section. The Director of the Budget may consult with the Advisory Budget Commission and the Joint Legislative Commission on Governmental Operations before making these changes. In addition, the particular capital improvements and the amount of the projected allocation therefor set forth above may be changed from time to time as the General Assembly may decide.

II. The proceeds of grants made from the proceeds of twenty-three million nine hundred thousand dollars ($23,900,000) Community College Bonds and notes shall be allocated and expended for particular projects to be determined as hereinafter provided. The proceeds of twenty-three million nine hundred thousand dollars ($23,900,000) Community College Bonds or notes shall not be issued and no proceeds of twenty-three million nine hundred thousand dollars ($23,900,000) Community College Bonds or notes shall be allocated for the purposes provided in this act, however, until the General Assembly authorizes the issuance of some or all of these Community College Bonds or notes and appropriates the proceeds of these bonds and notes for specific projects within these purposes by separate legislative action in addition to this act in 1994 or at any subsequent session.

It is the intent of the General Assembly to appropriate the proceeds of the bonds and notes in 1994 or at a subsequent session based on consideration of the recommendations of the Legislative Study Commission on Community College Capital Needs in its report to be submitted to the General Assembly by April 1994 as provided in Section 11 of this act. Actual appropriations by the General Assembly in 1994 or at a subsequent session may be made without regard to the expressed intentions set forth above.

Nothing in this act or as a result of the approval of the bonds at the election provided for in this act restricts the right of the General Assembly, in addition to the right to specify the projects and the allocations therefor, in 1994 or at a subsequent session to:

(1) Establish a procedure whereby projected allocations set forth in subsequent legislation may be increased or decreased to reflect the availability of other funds, including, without limitation, contingency funds, income earned on the investment of bond and notes proceeds, and the proceeds of grants.

(2) Establish a contingency account and provide for an allocation of bond proceeds thereto. The funds in the contingency account may be used to pay the cost of projects, the costs of issuance of bonds and notes, and increased project costs resulting from construction costs exceeding projections, inflationary factors, and changes in projects and allocations. The funds

allocated to the contingency account shall be placed by the State Treasurer in a separate account in the Community College Bonds Fund and shall be disbursed in accordance with the procedures established for disbursements from the Community College Bonds Fund.

(3) Empower the Director of the Budget, when the Director determines it is in the best interest of the State and the Community College System to do so, and if the cost of a particular project is less than the projected allocation, to use the excess funds to increase the size of that project or increase the size of any other project authorized by the General Assembly.

III. Allocations to the costs of a capital improvement or undertaking in each case may include allocations to pay the costs set forth in Section 3(4)c., d., e., f., and g. of this act in connection with the issuance of bonds for that capital improvement or undertaking. The matching requirements of G.S. 115D-31(a)(1) apply to the proceeds of Community College Bonds and notes used to make grants to community colleges.

(c) Clean Water Bonds. The proceeds of Clean Water Bonds and notes, including premium thereon, if any, except the proceeds of bonds the issuance of which has been anticipated by bond anticipation notes or the proceeds of refunding bonds or notes, shall be placed by the State Treasurer in a special fund to be designated "Clean Water Bonds Fund", which may include such appropriate special accounts therein as may be determined by the State Treasurer, and shall be disbursed as provided in this act. Moneys in the Clean Water Bonds Fund shall be allocated and expended as provided in this act.

(d) State Parks Bonds. The proceeds of State Parks Bonds and notes, including premium thereon, if any, except the proceeds of bonds the issuance of which has been anticipated by bond anticipation notes or the proceeds of refunding bonds or notes, shall be placed by the State Treasurer in a special fund to be designated "State Parks Bonds Fund", which may include such appropriate special accounts therein as may be determined by the State Treasurer, and shall be disbursed as provided in this act. Moneys in the State Parks Bonds Fund shall be used for the purposes set forth in this act, and the particular projects within such purposes to be financed in whole or in part from the proceeds shall be determined as hereinafter provided.

No State Parks Bonds or notes shall be issued and no proceeds of State Parks Bonds and notes shall be allocated for the purposes provided in this act, however, until the General Assembly authorizes issuance of some or all of State Parks Bonds and notes and appropriates the proceeds of the bonds and notes for specific projects within these purposes by separate legislative action in addition to this act in 1993 or at any subsequent session. The General Assembly shall appropriate no more than thirty percent (30%) of the proceeds of the bonds and notes for land acquisition.

It is the intent of the General Assembly to appropriate the proceeds of the bonds and notes in 1994 or at a subsequent session based on the recommendations of the Department of Environment, Health, and Natural Resources in its State parks capital improvement and land acquisition plan to be submitted to the General Assembly by May 1994 as provided in Section 11 of this act. Actual appropriations by the General Assembly in 1993 or at a subsequent session may be made without regard to the expressed intentions set forth above.

Nothing in this act or as a result of the approval of the bonds at the election provided for in this act restricts the right of the General Assembly in 1993 or at a subsequent session to:

(1) Establish a procedure whereby projected allocations set forth in subsequent legislation may be increased or decreased to reflect the availability of other funds, including, without limitation, contingency funds, income earned on the investment of bonds and notes proceeds, and the proceeds of grants.

(2) Establish a contingency account and provide for an allocation of bond proceeds thereto. The funds in the contingency account may be used to pay the cost of projects, the costs of issuance of bonds and notes, and increased

project costs resulting from construction costs exceeding projections, inflationary factors, and changes in projects and allocations. The funds allocated to the contingency account shall be placed by the State Treasurer in a separate account in the State Parks Bonds Fund and shall be disbursed in accordance with the procedures established for disbursements from the State Parks Bonds Fund.

(3) Empower the Director of the Budget, when the Director determines it is in the best interest of the State and the State Parks System to do so, and if the cost of a particular project is less than the projected allocation, to use the excess funds to increase the size of that project or increase the size of any other project itemized by the General Assembly, or to increase the amount allocated to a particular project within the aggregate amount of funds available under this section; the Director of the Budget having the right to consult with the Advisory Budget Commission and the Joint Legislative Commission on Governmental Operations.

(4) Provide that to the extent that funds are not required to be expended for the specific projects identified by the General Assembly, allocations may be used for capital outlay projects at any State park as replacement projects, but no such funds may be used for operating expenditures.

Allocations to the costs of a capital improvement or undertaking in each case may include allocations to pay the costs set forth in Section 3(4)c., d., e., f., and g. of this act in connection with the issuance of bonds for that capital improvement or undertaking.

Sec. 7. Election. The questions of the issuance of the bonds authorized by this act shall be submitted to the qualified voters of the State at an election to be held on the first Tuesday after the first Monday of November 1993. Any other primary, election, or referendum validly called or scheduled by law at the time the election on the bond questions provided for in this section is held, may be held as called or scheduled. Notice of the election on the bond questions shall be given by publication twice in a newspaper or newspapers having general circulation in each county in the State, and the election and the registration of voters therefor shall be held under and in accordance with the general laws of the State. Absentee ballots shall be authorized in the election.

The State Board of Elections shall reimburse the counties of the State for all necessary expenses incurred in holding the election that are in addition to those that would have otherwise been incurred, the same to be paid out of the Contingency and Emergency Fund or other funds available to the State Board of Elections.

Voting machines, ballots, or both may be used in accordance with rules prescribed by the State Board of Elections. The bond questions to be used in the voting machines and ballots shall be in substantially the following forms:

"[ ] FOR the issuance of three hundred ten million dollars ($310,000,000) State of North Carolina University Improvement Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds, with any other available funds, to pay the cost of capital improvements for constituent or affiliated institutions and the Center for Public Television of The University of North Carolina.

[ ] AGAINST the issuance of three hundred ten million dollars ($310,000,000) State of North Carolina University Improvement Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds, with any other available funds, to pay the cost of capital improvements for constituent or affiliated institutions and the Center for Public Television of The University of North Carolina.

[ ] FOR the issuance of two hundred fifty million dollars ($250,000,000) State of North Carolina Community College Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds, together with other available funds, to make grants to community colleges to pay all or a portion of the cost of providing capital improvements.

[ ] AGAINST the issuance of two hundred fifty million dollars ($250,000,000) State of North Carolina Community College Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds, together with other available funds, to make grants to community colleges to pay all or a portion of the cost of providing capital improvements.

[ ] FOR the issuance of one hundred forty-five million dollars ($145,000,000) State of North Carolina Clean Water Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds, with any other available funds, to make loans, revolving loans, and grants to local government units to pay all or a portion of the cost of clean water projects.

[ ] AGAINST the issuance of one hundred forty-five million dollars ($145,000,000) State of North Carolina Clean Water Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds, with any other available funds, to make loans, revolving loans, and grants to local government units to pay all or a portion of the cost of clean water projects.

[ ] FOR the issuance of thirty-five million dollars ($35,000,000) State of North Carolina State Parks Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds, with any other available funds, to pay the cost of land acquisition and capital improvements for new and existing State parks and recreation areas.

[ ] AGAINST the issuance of thirty-five million dollars ($35,000,000) State of North Carolina State Parks Bonds constituting general obligation bonds of the State secured by a pledge of the faith and credit and taxing power of the State for the purpose of providing funds, with any other available funds, to pay the cost of land acquisition and capital improvements for new and existing State parks and recreation areas."

If a majority of those voting on a bond question in the election vote in favor of the issuance of the bonds described in the question, those bonds may be issued as provided in this act. If a majority of those voting on a bond question in the election vote against the issuance of the bonds described in the question, those bonds shall not be issued.

The results of the election shall be canvassed and declared as provided by law for elections for State officers; the results of the election shall be certified by the State Board of Elections to the Secretary of State, in the manner and at the time provided by the general election laws of the State.

Sec. 8. Issuance of bonds and notes. (a) Terms and Conditions. Bonds or notes may bear such date or dates, may be serial or term bonds or notes, or any combination thereof, may mature in such amounts and at such time or times, not exceeding 40 years from their date or dates, may be payable at such place or places, either within or without the United States of America, in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts, may bear interest at such rate or rates, which may vary from time to time, and may be made redeemable before maturity, at the option of the State or otherwise as may be provided by the State, at such price or prices, including a price less than the face amount

of the bonds or notes, and under such terms and conditions, all as may be determined by the State Treasurer, by and with the consent of the Council of State.

(b) Signatures; Form and Denomination; Registration. Bonds or notes may be issued as certificated or uncertificated obligations. If issued as certificated obligations, bonds or notes shall be signed on behalf of the State by the Governor or shall bear his facsimile signature, shall be signed by the State Treasurer or shall bear his facsimile signature, and shall bear the Great Seal of the State or a facsimile thereof shall be impressed or imprinted thereon. If bonds or notes bear the facsimile signatures of the Governor and the State Treasurer, the bonds or notes shall also bear a manual signature which may be that of a bond registrar, trustee, paying agent, or designated assistant of the State Treasurer. Should any officer whose signature or facsimile signature appears on bonds or notes cease to be such officer before the delivery of the bonds or notes, the signature or facsimile signature shall nevertheless have the same validity for all purposes as if the officer had remained in office until delivery and bonds or notes may bear the facsimile signatures of persons who at the actual time of the execution of the bonds or notes shall be the proper officers to sign any bond or note although at the date of the bond or note such persons may not have been such officers. The form and denomination of bonds or notes, including the provisions with respect to registration of the bonds or notes and any system for their registration, shall be as the State Treasurer may determine in conformity with this act; provided, however, that nothing in this act shall prohibit the State Treasurer from proceeding, with respect to the issuance and form of the bonds or notes, under the provisions of Chapter 159E of the General Statutes, the Registered Public Obligations Act, as well as under this act.

(c) Manner of Sale; Expenses. Subject to determination by the Council of State as to the manner in which bonds or notes shall be offered for sale, whether at public or private sale, whether within or without the United States of America and whether by publishing notices in certain newspapers and financial journals, mailing notices, inviting bids by correspondence, negotiating contracts of purchase or otherwise, the State Treasurer is authorized to sell bonds or notes at one time or from time to time at such rate or rates of interest, which may vary from time to time, and at such price or prices, including a price less than the face amount of the bonds or the notes, as the State Treasurer may determine. All expenses incurred in preparation, sale, and issuance of bonds or notes shall be paid by the State Treasurer from the proceeds of bonds or notes or other available moneys.

(d) Notes; Repayment.

(1) By and with the consent of the Council of State, the State Treasurer is hereby authorized to borrow money and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

a. For anticipating the sale of bonds to the issuance of which the Council of State shall have given consent, if the State Treasurer shall deem it advisable to postpone the issuance of the bonds;

b. For the payment of interest on or any installment of principal of any bonds then outstanding, if there shall not be sufficient funds in the State treasury with which to pay the interest or installment of principal as they respectively become due;

c. For the renewal of any loan evidenced by notes herein authorized;

d. For the purposes authorized in this act; and

e. For refunding bonds or notes as herein authorized.

(2) Funds derived from the sale of bonds or notes may be used in the payment of any bond anticipation notes issued under this act. Funds provided by the General Assembly for the payment of interest on or principal of bonds shall be used in paying the interest on or principal of any notes and any renewals thereof, the proceeds of which shall have been used in paying interest on or principal of the bonds.

(e) Refunding Bonds and Notes. By and with the consent of the Council of State, the State Treasurer is authorized to issue and sell refunding bonds and notes pursuant to the provisions of the State Refunding Bond Act for the purpose of refunding bonds or notes issued pursuant to this act. The refunding bonds and notes may be combined with any other issues of State bonds and notes similarly secured.

(f) Tax Exemption. Bonds and notes shall be exempt from all State, county, and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, excluding inheritance and gift taxes, income taxes on the gain from the transfer of bonds and notes, and franchise taxes. The interest on bonds and notes shall not be subject to taxation as to income.

(g) Investment Eligibility. Bonds and notes are hereby made securities in which all public officers, agencies, and public bodies of the State and its political subdivisions, all insurance companies, trust companies, investment companies, banks, savings banks, savings and loan associations, credit unions, pension or retirement funds, other financial institutions engaged in business in the State, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Bonds and notes are hereby made securities which may properly and legally be deposited with and received by any officer or agency of the State or political subdivision of the State for any purpose for which the deposit of bonds, notes, or obligations of the State or any political subdivision is now or may hereafter be authorized by law.

(h) Faith and Credit. The faith and credit and taxing power of the State are hereby pledged for the payment of the principal of and the interest on bonds and notes. In addition to the State's right to amend any provision of this act to the extent it does not impair any contractual right of a bond owner, the State expressly reserves the right to amend any provision of this act with respect to the making and repayment of loans, the disposition of any repayments of loans, and any intercept provisions relating to the failure of a local government unit to repay a loan, the bonds not being secured in any respect by loans, any repayments thereof, or any intercept provisions with respect thereto.

Sec. 9. Variable interest rates. In fixing the details of bonds and notes, the State Treasurer may provide that any of the bonds or notes may:

(1) Be made payable from time to time on demand or tender for purchase by the owner thereof provided a credit facility supports the bonds or notes, unless the State Treasurer specifically determines that a credit facility is not required upon a finding and determination by the State Treasurer that the absence of a credit facility will not materially or adversely affect the financial position of the State and the marketing of the bonds or notes at a reasonable interest cost to the State;

(2) Be additionally supported by a credit facility;

(3) Be made subject to redemption or a mandatory tender for purchase prior to maturity;

(4) Bear interest at a rate or rates that may vary for such period or periods of time, all as may be provided in the proceedings providing for the issuance of the bonds or notes, including, without limitation, such variations as may be permitted pursuant to a par formula; and

(5) Be made the subject of a remarketing agreement whereby an attempt is made to remarket bonds or notes to new purchasers prior to their presentment for payment to the provider of the credit facility or to the State.

If the aggregate principal amount repayable by the State under a credit facility is in excess of the aggregate principal amount of bonds or notes secured by the credit facility, whether as a result of the inclusion in the credit facility of a provision for the payment of interest for a limited period of time or the payment of a redemption premium or for any other reason, then the amount of authorized but unissued bonds or notes during the term of such credit facility shall not be less than the amount of such excess, unless the

payment of such excess is otherwise provided for by agreement of the State executed by the State Treasurer.

Sec. 10. Special provisions governing clean water loans. (a) Scope. The provisions of this section shall apply to loans being made from the proceeds of bonds authorized by this act for clean water projects, other than from funds deposited in the Clean Water Revolving Loan and Grant Fund.

(b) Clean Water Bonds Loan Fund. There is established in the Department of State Treasurer a fund to be known as the Clean Water Bonds Loan Fund, which may include any special or segregated accounts the State Treasurer considers appropriate. There shall be deposited in the Clean Water Bonds Loan Fund proceeds of the Clean Water Bonds and notes to be used to make loans, other than loans to be made through the Clean Water Revolving Loan and Grant Fund, to local government units for clean water projects as provided in this act. Funds in the various accounts may be invested from time to time by the State Treasurer in the same manner permitted for investments of funds belonging to the State or held in the State treasury. Any investment earnings shall be credited to the particular account from which the investment was made.

All moneys accruing to the credit of the Clean Water Bonds Loan Fund, other than funds set aside for administrative expenses, including expenses related to determining compliance with applicable requirements of the federal tax law and costs of issuance, shall be used to make loans for the purposes provided in this act. The State Treasurer shall be responsible for making and administering all loans pursuant to the provisions of this section.

(c) Application for Loans; Hearings.

(1) Eligibility/Initial Hearing.

a. Prior to filing an application for a loan, a local government unit shall hold a public hearing. A notice of the public hearing shall be published once at least 10 days before the date fixed for the hearing.

b. All applications for loans shall be filed with the Department of Environment, Health, and Natural Resources. The form of the application shall be prescribed by the Department and shall require any information necessary to determine the eligibility for a loan under the provisions of this section. All applications approved by the Department of Environment, Health, and Natural Resources shall be filed with the Local Government Commission. Each applicant shall furnish to the Department of Environment, Health, and Natural Resources and the Local Government Commission information in addition or supplemental to the information contained in its application, upon request.

c. A local government unit shall not be eligible for a loan unless it demonstrates to the satisfaction of the Department of Environment, Health, and Natural Resources and the Local Government Commission that:

1. The applicant is a local government unit;
2. The applicant has the financial capacity to pay the principal of and interest on its proposed loan as evidenced by the approval of the Local Government Commission;
3. The applicant has substantially complied or will substantially comply with all applicable laws, rules, regulations, and ordinances, whether federal, State, or local; and
4. The applicant has agreed by official resolution to adopt and place into effect a schedule of fees and charges or the application of other sources of revenue which will provide adequate funds for proper operation, maintenance, and administration of the project and repayment of all principal and interest on the loan.

(2) Assessment. The Department of Environment, Health, and Natural Resources may require any applicant to file with its application an assessment of the impact the project for which the funds are sought will have upon meeting the facility needs of the area within which the project is to be located.

(3) Hearing by the Department of Environment, Health, and Natural Resources or the Local Government Commission. A public hearing may be held by the Department of Environment, Health, and Natural Resources or the Local Government Commission at any time on any application. Public hearings may also be held by the Department of Environment, Health, and Natural Resources in its discretion upon written request from any citizen or taxpayer who is a resident of the county or counties in which the project is to be located or a resident of the local government unit that proposes to borrow moneys under this act, if it appears that the public interest will be served by the hearing. The written request shall set forth each objection to the proposed project or other reason for requesting a hearing on the application and shall contain the name and address of the persons submitting it. The Department of Environment, Health, and Natural Resources may consider all written objections to the proposed project and other statements along with the application including any significant considerations on facility needs and shall determine if the public interest will be served by a hearing. The determination by the Department of Environment, Health, and Natural Resources shall be conclusive and all written requests for a hearing shall be retained as a permanent part of the records pertaining to the application.

(4) Petition for Vote. A petition, demanding that the question of whether to enter into a loan agreement with the State under this act be submitted to voters, may be filed with the clerk of the local government unit applying for the loan within 15 days after the public hearing required by this section. The petition's sufficiency shall be determined and a referendum, if any, shall be conducted, according to the standards, procedures, and limitations set out in G.S. 159-60 through G.S. 159-62.

(d) Priorities.

(1) Determination. Determination of priorities to be assigned each eligible project shall be made semiannually by the Department of Environment, Health, and Natural Resources during each fiscal year. Every eligible project shall be considered by the Department of Environment, Health, and Natural Resources with every other project eligible during this same priority period.

(2) Priority Factors. All applications for loans under this act shall be assigned a priority by the Department of Environment, Health, and Natural Resources. The Department of Environment, Health, and Natural Resources shall establish by rule the priority factors criteria.

(3) Assignment of Priority. A written statement relative to each priority assigned shall be prepared by the Department of Environment, Health, and Natural Resources and shall be attached to the application. The priority assigned shall be conclusive.

(4) Failure to Qualify. If an application does not qualify for a loan as of the prior period in which the application was eligible for consideration by reason of the priority assigned, the application shall be considered during the next succeeding priority period upon request of the applicant. If the application again fails to qualify for a loan during the second priority period by reason of the priority assigned, the application shall receive no further consideration. An applicant may file a new application at any time and may amend any pending application to include additional data or information.

(5) Withdrawal of Commitment. Failure of an applicant within one year after the date of acceptance of the loan to arrange for necessary financing of the proposed project or award of the contract of the construction of the proposed project shall constitute sufficient cause for withdrawal of the commitment. Prior to withdrawal of a commitment, the Department of Environment, Health, and Natural Resources shall give due consideration to any extenuating circumstances presented by the applicant as reasons for failure to arrange necessary financing or to award a contract, and the commitment may be extended for an additional period of time if, in the judgment of the Department of Environment, Health, and Natural Resources, the extension is justified.

(e) Disbursement. To be eligible to receive the loans provided for in this section, a local government unit must arrange to borrow the amounts necessary pursuant to rules adopted by the Local Government Commission. No funds shall be disbursed until the Department of Environment, Health, and Natural Resources gives a certificate of eligibility to the effect that the applicant meets all eligibility criteria and that all procedural requirements of this act have been met. The maximum principal amount of a loan shall be one hundred percent (100%) of the cost of any eligible project.

(f) Intercept. The governing body of a local government unit shall by resolution authorize to be included in its loan agreement a provision authorizing the State Treasurer, upon failure of the local government unit to make a scheduled repayment of the loan, to withhold from the local government unit any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan. In such event, notwithstanding any other provision of law, the State Treasurer is authorized to withhold and apply such funds to the repayment of the loan, except that such funds shall not be withheld if (i) before the execution of the loan agreement, such funds have been legally pledged to secure special obligation bonds or other obligations of the local government unit, or (ii) after the execution of the loan agreement, such funds are legally pledged to secure special obligation bonds or other obligations of the local government unit as authorized in this subsection. After the execution of a loan agreement, all or any portion of the State funds specified in the loan agreement to be so withheld may be pledged to secure special obligation bonds or other obligations of the local government unit only with the prior written consent of the State Treasurer.

The State Treasurer shall notify the Secretary of Revenue and the State Controller of the amount to be withheld from the local government unit, and the Secretary of Revenue and the State Controller shall transfer to the State Treasurer the amount so requested to be applied by the State Treasurer to the repayment of the loan.

(g) Inspection. Inspection of a project for which a loan has been made under this act may be performed by qualified personnel of the Department of Environment, Health, and Natural Resources or may be performed by qualified engineers registered in this State approved by the Department of Environment, Health, and Natural Resources. No person shall be approved to perform inspections who is an officer employed by the local government unit to which the loan was made or who is an owner, officer, employer, or agent of a contractor or subcontractor engaged in the construction of the project for which the loan was made. For the purpose of payment of inspection fees, inspection services shall be included in the term "cost" as used in this act.

(h) Rules. The State Treasurer, the Local Government Commission, and the Department of Environment, Health, and Natural Resources may adopt, modify, and repeal rules necessary for the administration of their respective duties under this act. Uniform rules may be jointly adopted where feasible and desirable, and no rule, jointly adopted, may be modified or revoked except upon concurrence of all agencies involved.

(i) Federal Grants and Loans. In order to carry out the purposes of this act to secure the greatest possible benefits to the citizens of this State of the funds appropriated,

the State Treasurer, the Local Government Commission, and the Department of Environment, Health, and Natural Resources shall adopt rules and criteria, not inconsistent with provisions of this act, as are necessary and appropriate to conform to regulations for federal grants and loans for any of the purposes set forth in this act.

(j) Reports. The Department of Environment, Health, and Natural Resources shall prepare and file each year on or before July 31 with the Joint Legislative Commission on Governmental Operations a report for the preceding fiscal year concerning the allocation and making of loans authorized by this act. The report shall set forth for the preceding fiscal year:

(1) Itemized and total allocations of loans authorized and unallocated funds for the loan program as of the end of the preceding fiscal year;

(2) Identification of each loan agreement entered into by the State during the preceding fiscal year and the total amount of loans authorized by such loan agreements;

(3) The amount disbursed to each local government unit pursuant to such loan agreements during the preceding fiscal year and the total amount of such disbursements;

(4) The loan repayments made by each local government unit pursuant to such loan agreements and the total amount of such loan repayments during the preceding fiscal year; and

(5) A summary for all preceding years of the information required by subdivisions (1) through (4).

The report shall be signed by the Secretary of Environment, Health, and Natural Resources.

(k) Local Government Commission.

(1) Local government units may execute debt instruments payable to the State in order to obtain loans provided for in this act. Local government units shall pledge or agree to apply as security for such obligations:

a. Any available source of revenues of the local government unit, including revenues from benefitted facilities or systems, provided that (i) the local government unit has not otherwise pledged the revenues as security for, or contractually agreed to apply the revenues to, the payment of any other obligations of the local government unit, (ii) the use of the revenues is not otherwise restricted by law, or (iii) the revenues are not derived from the exercise of the local government unit's taxing power; or

b. Their faith and credit; or

c. Any combination of a. or b. above.

The faith and credit of a local government unit shall not be pledged or be deemed to have been pledged unless the requirements of Article 4 of Chapter 159 of the General Statutes have been met. The State Treasurer, with the assistance of the Local Government Commission, shall develop and adopt appropriate debt instruments for use under this act.

(2) Nothing contained in this act shall prohibit any local government unit from applying any funds of the local government unit not otherwise restricted as to use by law to the payment of any debt instrument payable to the State incurred pursuant to the provisions of this act.

(3) The Local Government Commission shall review and approve proposed loans to local government units under this act under the provisions of Articles 4 and 5 of Chapter 159 of the General Statutes. The Local Government Commission in considering the ability of a local government unit to repay a loan may regard as a source of revenue for repayment of a loan revenue sources that may not be available other than on an annual discretionary basis and that may not be subject to a pledge or agreement to

apply. Loans under this act shall be outstanding debts for the purposes of Article 10 of Chapter 159 of the General Statutes.

(4) The State Treasurer shall annually certify to the General Assembly the financial condition of the loan program and identify existing delinquencies.

Sec. 11. Community college and State parks reports. (a) Community Colleges Projects Report.

(1) There is established the Legislative Study Commission on Community College Capital Needs. The Commission shall be composed of twelve members: (i) five Senators appointed by the President *Pro Tempore* of the Senate; (ii) five Representatives appointed by the Speaker of the House of Representatives, and (iii) the President of the Community College System and the Chair of the State Board of Community Colleges each of whom shall serve as an ex officio, nonvoting member. All voting members shall be appointed within 30 days after adjournment of the 1993 Regular Session of the 1993 General Assembly.

(2) The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each designate one appointee as cochair. These cochairs shall jointly call the first meeting and shall preside at alternate meetings.

(3) The Commission shall study and evaluate the issue of present and future capital needs of the Community College System. The Commission shall evaluate all objective, meaningful factors relevant to determining capital needs and shall design a mechanism for establishing and ranking legitimate capital need priorities for the Community College System. This mechanism shall be designed to enable the State to generate, from time to time, priority rankings of community college projects to which public funds can be allocated with confidence and integrity. The Commission shall also recommend a list of valid, priority projects to be funded with the remaining proceeds of the Community College Bonds not already allocated in this act. The Commission's study and recommendations shall be based on all of the following:

a. Consideration of the fundamental mission of the Community College System to provide job training and workforce preparedness.
b. Assignment of high priority to facilities that will enhance occupational training by programs with high or critical occupational demands.
c. Assignment of high priority to facilities to be used in regional programs.
d. Consideration of the ability of students to have access to existing programs through the availability of technology and transportation.
e. Consideration of the possible negative impact of new facilities on other existing colleges, campuses, and centers.
f. Consideration of the adequacy of existing facilities in relation to the number of full-time equivalent students.
g. Consideration of trends of increasing and decreasing enrollment at some colleges.
h. Consideration of whether the project is needed to meet a current need as opposed to a projected future need.
i. Consideration, in evaluating the rank order for capital projects, of the following criteria, which are included in the State Board of Community Colleges' capital outlay resource allocation funding formula:
—Space to population ratio.
—Population served ratio.
—Capacity enrollment ratio.
—Local to State and vocational education ratios.
—Type of project.
—Readiness to implement.

(4) Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

(5) The Commission cochairs may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02 and may purchase or contract for the materials and services the Commission needs.

The Legislative Services Commission, through the Legislative Administrative Officer, may assign professional staff to assist in the work of the Commission. The Supervisors of Clerks of the House of Representatives and of the Senate, upon the direction of the Legislative Services Commission, shall assign clerical staff to the Commission. The expenses related to the clerical employees shall be borne by the Commission.

(6) The Commission, with the approval of the Legislative Services Commission, may meet in the Legislative Building or the Legislative Office Building.

(7) The Commission shall make a final report to the General Assembly by April 1, 1994.

(8) Upon the request of the Commission, all State departments and agencies, all local governments and their subdivisions, and all institutions and departments under the jurisdiction of the State Board of Community Colleges shall furnish the Commission with any information in their possession or available to them.

(9) The Legislative Services Commission shall allocate funds for the work of the Legislative Study Commission on Community College Capital Needs from funds appropriated in Chapter 321 of the 1993 Session Laws to the General Assembly for the 1993-94 fiscal year.

(b) State Parks Capital Improvement and Land Acquisition Plan. The Department of Environment, Health, and Natural Resources shall develop a State parks capital improvement and land acquisition plan that recommends two priority lists of needed projects for the entire park system, one priority list for renovations, repairs, and new construction, and one priority list for land acquisition. The priority lists shall be based on objective criteria and shall include the costs of each project and the basis for calculating the costs. The priority list for land acquisition shall include total projected costs equal to no more than thirty percent (30%) of the total amount of State Parks Bonds authorized in this act. The Department of Environment, Health, and Natural Resources shall report its recommendations to the 1993 General Assembly by the first day of the 1994 Regular Session.

Sec. 12. (a) G.S. 159G-4(b) reads as rewritten:

"(b) Of the appropriations made from the General Fund to the Clean Water Revolving Loan and Grant Fund for use of the Department of Environment, Health, and Natural Resources as provided in this Chapter, allocations are made as follows after first subtracting the amounts allocated under subsection (a) of this section, to the extent that there are any excess funds available:

Wastewater Accounts	
General Wastewater Revolving Loan Account	~~45.00%~~ 39.00%
Emergency Wastewater Revolving Loan Account	~~14.00%~~ 10.00%
High-Unit Cost Wastewater Account	~~10.00%~~ 20.00%
Water Supply Accounts	
General Water Supply Revolving Loan Account	~~23.00%~~ 21.00%
High-Unit Cost Water Supply Account	~~3.00%~~ 5.00%
Emergency Water Supply Revolving Loan Account	5.00%".

(b) G.S. 159G-6(a) reads as rewritten:

"(a) Revolving loans and grants.

(1) All funds appropriated or accruing to the Clean Water Revolving Loan and Grant Fund, other than funds set aside for administrative expenses, shall be used for revolving loans and grants to local government units for construction costs of wastewater treatment works, wastewater collection systems and water supply systems and other assistance as provided in this Chapter.

(2) The maximum principal amount of a revolving loan or a grant may be one hundred percent (100%) of the nonfederal share of the construction costs of any eligible project. The maximum principal amount of revolving loans made to any one local government unit during any fiscal year shall be three million dollars ($3,000,000). The maximum principal amount of grants made to any one local government unit during any fiscal year shall be ~~five hundred thousand dollars ($500,000).~~ one million dollars ($1,000,000).

(3) The State Treasurer shall be responsible for investing and distributing all funds appropriated or accruing to the Clean Water Revolving Loan and Grant Fund for revolving loans and grants under this Chapter. In fulfilling his responsibilities under this section, the State Treasurer shall make a written request to the Department of Environment, Health, and Natural Resources to arrange for the appropriated funds to be (i) transferred from the appropriate accounts to a local government unit to provide funds for one or more revolving loans or grants or (ii) invested as authorized by this Chapter with the interest on and the principal of such investments to be transferred to the local government unit to provide funds for one or more revolving loans or grants."

(c) If a majority of those voting on the question of the issuance of one hundred forty-five million dollars ($145,000,000) State of North Carolina Clean Water Bonds in the election held as provided in Section 7 of this act vote in favor of the issuance of the bonds, this section becomes effective January 1, 1994. If a majority of those voting on the question of the issuance of one hundred forty-five million dollars ($145,000,000) State of North Carolina Clean Water Bonds in the election held as provided in Section 7 of this act vote against the issuance of the bonds, this section does not become effective.

Sec. 13. G.S. 142-29.5 reads as rewritten:

"**§ 142-29.5. Authorization of refunding obligations.**

By and with the consent of the Council of State, the State Treasurer is authorized to issue and sell, from time to time, refunding obligations for the purpose of refunding outstanding obligations as and to the extent authorized by this Article. The principal amount of any such refunding obligations shall not exceed the principal amount of outstanding obligations to be ~~refunded.~~ refunded unless (i) the refunding results in an aggregate debt service savings and (ii) the increase in the principal amount issued does not create cash-in-hand available for new capital improvements.

Refunding obligations issued pursuant to the provisions of this Article shall not be subject to limitations imposed by any other law including, without limitation, the other Articles of this Chapter."

Sec. 14. Minority business participation. The goals set by G.S. 143-128 for participation in projects by minority businesses apply to projects funded by the proceeds of bonds or notes issued under this act. The following State agencies shall monitor compliance with this requirement and shall report to the General Assembly by January 1 of each year on the participation by minority businesses in these projects. The State Construction Office, Department of Administration, shall monitor compliance with regard to projects funded by the proceeds of University Improvement Bonds and notes; the Board of Governors of The University of North Carolina shall provide the State Construction Office any information required by the State Construction Office to monitor

compliance. The Department of Community Colleges shall monitor compliance with regard to projects funded by the proceeds of Community College Bonds and notes. The Department of Environment, Health, and Natural Resources shall monitor compliance with regard to projects funded by the proceeds of Clean Water Bonds and notes.

Sec. 15. Interpretation of act. (a) Additional Method. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

(b) Statutory References. References in this act to specific sections or Chapters of the General Statutes or to specific acts are intended to be references to these sections, Chapters, or acts as they may be amended from time to time by the General Assembly.

(c) Liberal Construction. This act, being necessary for the health and welfare of the people of the State, shall be liberally construed to effect the purposes thereof.

(d) Inconsistent Provisions. Insofar as the provisions of this act are inconsistent with the provisions of any general laws, or parts thereof, the provisions of this act shall be controlling.

(e) Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 16. Effective date. This act is effective upon ratification.

The Chair rules the Conference Report to be material and submission constitutes the first reading of the measure.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Friday, July 23, for adoption of the Conference Report, upon second reading.

On motion of Senator Daniel, seconded by Senator Kaplan, the Senate adjourns at 11:46 P.M. in memory of Thad Eure, former Secretary of State, to meet tomorrow, Friday, July 23, at 10:00 A.M.

ONE HUNDRED EIGHTH DAY

SENATE CHAMBER,
Friday, July 23, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, when the final Journal of this Legislative Session is written, the events of this year's General Assembly will become an historic document.

"But more than just history, it is a story of people, of friendships forged, of battles both personal and corporate, lost and won. Allow the Senators and staff to hold in memory this year's toil and accomplishments until they meet again.

"'May they always be ready as the years come and go, to carry on, with widening reach and heightened power, the work they sought to do and did begin.' Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Thursday, July 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for today to Senator Blackmon, to Senator Johnson; to Senator Forrester to cover his medical practice; to Senator Smith to attend the State Legislative Conference, and to Senator Winner of Buncombe.

Pursuant to the motion of Senator Sands prevailing on July 16, all messages ordered to the House of Representatives are sent by special messenger.

The President *Pro Tempore* extends words of welcome to Senator Mary Seymour of Guilford County, whose presence in the Senate Chamber is acknowledged after her absence for medical reasons and the Senate extends a warm and long-standing ovation.

Senator Seymour acknowledges with gratitude the words of encouragement and the assistance of the Members during her absence.

The courtesies of the floor are extended to Larry Cobb, former Senator from Mecklenburg County.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

H.B. 976 (Committee Substitute No. 2), a bill to reorganize and transfer the Governor's Waste Management Board to the Office of Environmental Education, to make conforming changes, and to create the Pollution Prevention Advisory Council, with a favorable report.

With unanimous consent, the rules are suspended and the Committee Substitute bill No. 2 is placed on the Calendar for today, for consideration.

With unanimous consent, on motion of Senator Basnight, all House messages received today are placed on the Calendar at the end of the regular order of business.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 799
(Senate Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

Pursuant to your message that your Honorable Body has adopted the report of the Conferees on **HB 799**, we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 161
(House Committee Substitute)

House of Representatives
July 22, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 161**, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL TRAILERS TO OBTAIN MULTIYEAR LICENSE PLATES, TO INCREASE THE TYPES OF SPECIAL LICENSE PLATES, TO SPECIFY HOW FEES FROM THE NEW SPECIAL LICENSE PLATES ARE TO BE USED, TO MODIFY THE APPEARANCE OF THE SPECIAL LICENSE PLATE ISSUED TO MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, AND TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE LAWS CONCERNING SPECIAL LICENSE PLATES, the Speaker has appointed as conferees on the part of the House, Representative Fitch, Representative Devane, Representative Morgan, Representative Robinson, Representative Richardson, Representative Kinney, and Representative Wilmoth, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 618
(Committee Substitute)

House of Representatives
July 22, 1993

Mr. President:

Pursuant to your message requesting the return of **HB 618**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE EXPIRATION DATE FROM THE LAW ALLOWING THE DEPARTMENT OF TRANSPORTATION TO USE NONLICENSED OR NONCERTIFIED APPRAISERS IN THE ACQUISITION OF REAL ESTATE ACQUIRED BY THE DEPARTMENT WHEN THE ESTIMATED VALUE OF THE REAL ESTATE IS LESS THAN TEN THOUSAND DOLLARS, the House is respectfully honoring your request.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Senator Winner of Mecklenburg offers a motion that the vote by which the Committee Substitute bill, as amended, which reads **H.B. 618** (Committee Substitute), a bill to remove the expiration date from the law allowing the Department of Transportation to use nonlicensed or noncertified appraisers in the acquisition of real estate acquired by the Department when the estimated value of the real estate is less than ten thousand dollars and allowing placement on DOT controlled access facility advertising signs of logos of radio stations providing traffic advisory information. passed its third reading be reconsidered, which motion prevails, and the question becomes the passage of the measure, as amended, upon third reading.

Senator Winner of Mecklenburg offers a motion that the vote by which the Committee Substitute bill, as amended, passed its second reading be reconsidered, which motion prevails, and the question becomes the passage of the measure, as amended, upon second reading.

Senator Winner of Mecklenburg offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails, and the question becomes the adoption of Amendment No. 1.

With unanimous consent, Senator Winner of Mecklenburg withdraws Amendment No. 1, which changes the title to its original form to read **H.B. 618** (Committee Substitute), a bill to remove the expiration date from the law allowing the Department of Transportation to use nonlicensed or noncertified appraisers in the acquisition of real estate acquired by the Department when the estimated value of the real estate is less than ten thousand dollars.

On motion of Senator Sherron, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 154, a bill to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax and to exempt certain mobile classrooms from sales tax, for concurrence in House Amendment No. 1.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 544 (House Committee Substitute No. 2), a bill to amend various statutes pertaining to early intervention services from birth to five years of age, for concurrence in the House Committee Substitute bill No. 2.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill No. 2 is placed on the Calendar for today for consideration, upon concurrence.

S.B. 1112, a bill to amend the North Carolina Clean Water Revolving Loan and Grant Program to allow municipalities to pledge user fees or any available sources of revenues for the payment of revolving funds, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1112** (House Committee Substitute), a bill to amend the North Carolina Clean Water Revolving Loan and Grant Program to allow municipalities to pledge user fees or any available sources of revenues for the payment of revolving funds and to clarify the authority of the Environmental Management Commission with respect to certification of laboratories that monitor water and air quality.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 976 (Committee Substitute No. 2), a bill to reorganize and transfer the Governor's Waste Management Board to the Office of Environmental Education, to make conforming changes, and to create the Pollution Prevention Advisory Council, placed earlier today on the Calendar for consideration upon its passage.

The Committee Substitute bill No. 2 passes its second (38-1) and third readings.

Senator Plyler requests to be recorded voting "aye" on third reading.

The Committee Substitute bill No. 2 is ordered enrolled.

S.B. 14 (Committee Substitute No. 3), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) capital improvements for community colleges, (3) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (4) capital improvements and land acquisition for State parks and recreation areas, which House Committee Substitute bill changes the title to read **S.B. 14** (House Committee Substitute), a bill to authorize the issuance of seven hundred forty-six million two hundred thousand dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) grants to community colleges for capital improvements, and (3) loans, revolving loans, and grants to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, Conference Report, submitted Thursday, July 22, which proposes to change the title to read **S.B. 14**, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) grants to community colleges for capital improvements, (3) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (4) capital improvements and land acquisition for new and existing State parks and recreation areas, for adoption, upon second reading.

On motion of Senator Perdue, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Simpson, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—38.

Voting in the negative: None.

Receiving a three-fifths majority vote, the Conference Report remains on the Calendar for tomorrow, Saturday, July 24, for adoption, upon third reading.

S.B. 60 (House Committee Substitute), a bill to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods, Conference Report, submitted Wednesday, July 21, for adoption, upon third reading.

On motion of Senator Basnight, the Senate adopts the Conference Report on its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Seymour, Shaw, Simpson, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—37.

Voting in the negative: None.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 23, 1993

S.B. 60
(House Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 60**, A BILL TO BE ENTITLED AN ACT TO IMPOSE AN ADVANCE DISPOSAL TAX ON NEW WHITE GOODS, TO REQUIRE EACH COUNTY TO PROVIDE FOR THE MANAGEMENT OF DISCARDED WHITE GOODS, AND TO PROVIDE FOR THE REMOVAL OF CHLOROFLUOROCARBON REFRIGERANTS FROM WHITE GOODS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Senate having taken a similar action, the Chair orders the measure enrolled.

CALENDAR (Continued)

H.B. 890 (Committee Substitute), a bill to allow the Town of Middlesex to annex a certain described territory to the corporate limits of the Town, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Perdue, Plexico, Plyler, Shaw, Simpson, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—32.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 865 (Senate Committee Substitute), a bill to clarify that the plan for election of the Guilford County Board of Commissioners enacted by the 1991 General Assembly is the only lawful plan, and to extend the time for action on an act concerning the Sampson County Board of Commissioners.

The Chair orders, without objection, the Senate Committee Substitute bill, temporarily displaced.

S.B. 501, a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax. for concurrence in the House Committee Substitute bill, which changes the title to read **S.B. 501** (House Committee Substitute), a bill to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax and to set the maximum room occupancy tax rate for accommodations furnished in Avery County, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 32, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Carpenter, Codington, Conder, Cooper, Daniel, Edwards, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Perdue, Plexico, Plyler, Richardson, Shaw, Simpson, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—32.

Voting in the negative: Senator Cochrane—1.

The House Committee Substitute bill is ordered enrolled.

H.B. 297 (Committee Substitute), a bill to require an endorsement to sell fish taken from coastal fishing waters, to consolidate the vessel fishing license, and to amend other marine fisheries statutes, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Allran, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Gulley, Gunter, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kerr, Marshall, Martin of Pitt, Martin of Guilford, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Simpson, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—32.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, by special messenger.

H.B. 1003 (Committee Substitute), a bill to provide for the creation of the Centennial Authority, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Allran, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kerr, Marshall, Martin of Pitt, Martin of Guilford, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Speed, Tally, Walker, Ward, and Warren—33.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 1109 (Senate Committee Substitute), a bill to authorize counties and cities to engage in additional local economic development activities, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Gulley, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kerr, Marshall, Martin of Pitt, Martin of Guilford, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Simpson, Speed, Tally, Walker, Ward, Warren, and Winner of Mecklenburg—34.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

With unanimous consent, the Chair excuses Senator Seymour for the remainder of today.

H.B. 865 (Senate Committee Substitute), a bill to clarify that the plan for election of the Guilford County Board of Commissioners enacted by the 1991 General Assembly is the only lawful plan, and to extend the time for action on an act concerning the Sampson County Board of Commissioners, temporarily displaced earlier.

The Chair announces a fiscal note requested July 22 is attached to the measure.

The Senate Committee Substitute bill passes its second (24-7) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill, which changes the title.

S.J.R. 1297, a joint resolution setting the time for adjournment of the 1993 General Assembly to meet in 1994, limiting the subjects that may be considered in that Session, and providing for adjournment sine die of the General Assembly.

The Chair orders, without objection, the joint resolution temporarily displaced.

H.B. 115 (Committee Substitute), a bill to make note taking by jurors a discretionary decision of the presiding judge.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 230 (Senate Committee Substitute), a bill recommended by the Juvenile Law Study Commission to ensure the guardian ad litem's standing to represent the juvenile and to make other changes related to proceedings under the juvenile code involving guardians ad litem.

The Senate Committee Substitute bill, passes its second reading (29-0).

Senator Marshall offers Amendment No. 1 which is adopted (30-0).

The Senate Committee Substitute bill, as amended, passes its third reading (31-0).

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill, which changes the title.

H.J.R. 249, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Child and Adolescent Alcohol and Other Drug Abuse Plan as policy guidance for the development of services.

The joint resolution passes its second (32-0) and third readings and is ordered enrolled.

H.J.R. 250, a joint resolution to implement a recommendation of the Mental Health Study Commission endorsing the Quality Improvement Report for Mental Health, Developmental Disabilities, and Substance Abuse Services.

The joint resolution passes its second (32-0) and third readings and is ordered enrolled.

H.J.R. 251, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Comprehensive Plan for Services and Supports for Persons with Developmental Disabilities as policy guidance for the development of services.

The joint resolution passes its second (30-0) and third readings and is ordered enrolled.

H.B. 538 (Senate Committee Substitute), a bill to provide for immediate income withholding in non-IV-D child support cases as required by the federal Family Support Act.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 541 (Senate Committee Substitute), a bill to implement a recommendation of the General Statutes Commission to delete the domiciliary or residency and citizenship requirements for examination and licensure as a certified public accountant and to make technical amendments by deleting obsolete references to public accountants.

The Senate Committee Substitute bill passes its second (30-1) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

H.B. 544 (Senate Committee Substitute), a bill to make technical amendments to the General Statutes as recommended by the General Statutes Commission, and to make technical corrections to other General Statutes and Session Laws.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 587, a bill to clarify the rule-making authority of the Medical Care Commission for nursing home regulation.

The bill passes its second (34-0) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 808 (House Committee Substitute), an act authorizing the Town of Hillsborough to impose a prepared food and beverage tax. (Ch. 449)

H.B. 174 (Committee Substitute), an act to authorize the Department of Revenue to allow or require payment of taxes by electronic funds transfer. (Ch. 450)

H.B. 578 (Committee Substitute), an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina and the University of North Carolina Hospitals at Chapel Hill. (Ch. 451)

H.B. 622 (Committee Substitute No. 2), an act to improve the laws relating to North Carolina's monitoring of insurance company finances and the preservation of insurance company solvency, to maintain North Carolina's accreditation by the National Association of Insurance Commissioners, and to establish a fee for the accreditation and renewal of accreditation of reinsurance companies. (Ch. 452)

H.B. 649 (Committee Substitute), an act to authorize the City of Thomasville to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Davidson County and the cities and towns located in Davidson County. (Ch. 453)

H.B. 859 (Committee Substitute), an act to authorize Granville County to levy a room occupancy and tourism development tax and to set the maximum combined city and county room occupancy tax rate for Granville County and the cities and towns located in Granville County. (Ch. 454)

H.B. 862 (Committee Substitute No. 2), an act to require the registration of out-of-state pharmacies that regularly distribute prescription medicines to citizens of the State through the mail or other common carriers. (Ch. 455)

H.B. 874, an act to increase the motor vehicles tax that may be levied by the City of Durham and to allow Alleghany County to levy a motor vehicles tax. (Ch. 456)

H.B. 1127 (Committee Substitute), an act to authorize the conveyance of a right-of-way to the Department of Transportation within Pilot Mountain State Park. (Ch. 457)

S.B. 516, an act to authorize the extension of county housing authority jurisdiction to cities located in whole or in part within the county's boundaries. (Ch. 458)

S.B. 658 (House Committee Substitute), an act to expand the property tax exemption for computer software. (Ch. 459)

S.B. 806 (House Committee Substitute), an act to provide that voter registration shall be the sole criteria for allocating voting machines among precincts in any county with four hundred fifty thousand or more population. (Ch. 460)

S.B. 860 (House Committee Substitute), an act to clarify the Public Records Law with respect to criminal investigative records. (Ch. 461)

S.B. 892 (Committee Substitute), an act to require that a delinquent juvenile on probation and required to attend school as a condition of probation be required to maintain a passing grade in four courses. (Ch. 462)

S.B. 899 (House Committee Substitute), an act to enact new Article 2A of the Uniform Commercial Code and to add a new Article 2 to Chapter 22B of the General Statutes making jury trial waiver provisions in contracts unenforceable. (Ch. 463)

S.B. 954 (House Committee Substitute), an act to permit the direct payment of certified social workers and certain advanced practice registered nurses under health insurance policies and plans. (Ch. 464)

H.B. 102 (Committee Substitute), an act to require the local Boards of Education to use the energy guidelines for school design and construction and to require energy-use goals and standards in order to assure the construction of energy efficient new schools and school renovations. (Ch. 465)

S.B. 100 (House Committee Substitute No. 2), an act to vest authority in the Secretary of Environment, Health, and Natural Resources to grant shellfish cultivation leases, to make changes to Chapter 113 of the North Carolina General Statutes, and to study the prevention of marine litter. (Ch. 466)

S.B. 128 (House Committee Substitute), an act to exempt certain transfers of vehicles from the highway use tax, to reimburse the Highway Trust Fund for revenue that would otherwise be lost as a result of the exemptions, to increase revenues to provide funds to make the reimbursement, to lower the maximum highway use tax on certain commercial vehicles, to increase the annual registration fees for certain property-hauling vehicles, and to credit the increased revenue from the registration fees to the Highway Trust Fund. (Ch. 467)

H.B. 736 (Senate Committee Substitute), an act to complete the merger of the Edgecombe County and Tarboro City School Administrative Units, to require that the Boards of Trustees of Edgecombe Community College and Nash Community College study a possible merger of the two colleges into a consolidated community college to serve a combined service delivery area and to provide that the Cabarrus County Board of Education may call for a special election to fill a vacancy on that Board. (Ch. 468)

H.B. 799 (Senate Committee Substitute), an act to exempt cities and counties from certain zoning notice requirements and to repeal various local acts. (Ch. 469)

H.B. 982 (Senate Committee Substitute No. 2), an act to permit increased weights for hauling agricultural crops within thirty-five miles of the farm where they were grown. (Ch. 470)

H.J.R. 1498, a joint resolution honoring the late Raymond Markham "Pete" Thompson, Sr., former member of the General Assembly. (Res. 24)

S.J.R. 594 (House Committee Substitute), a joint resolution honoring the memory of Paul Green, Dramatist Laureate of North Carolina and establishing the North Carolina Center for the Book. (Res. 25)

H.J.R. 296 (Committee Substitute), a joint resolution honoring Donald Ross and honoring Donald Ross, the Father of American Golf Course Architecture, and recognizing Pinehurst as the Golf Capital of the World. (Res. 26)

CONFERENCE REPORT

S.B. 1148 (House Committee Substitute)

Senator Kaplan, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1148**, a bill to make provisions which affect the Teachers' and State Employees' Comprehensive Major Medical Plan, received for concurrence in the House Committee Substitute bill, which proposes to change the title to read **S.B. 1148** (House Committee Substitute), a bill to clarify provisions that affect the Teachers' and State Employees' Comprehensive Major Medical Plan, submits the following report, which further proposes to change the title to read **S.B. 1148** (House Committee Substitute), a bill to affect the Teachers' and State Employees' Comprehensive Major Medical Plan.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **SB 1148**, A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS THAT AFFECT THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, House Committee Substitute Favorable 6/29/93, wish to report as follows:

The Senate concurs in the House Committee Substitute Favorable 6/29/93 with the following amendments:
(1) On page 1, line 2, delete the words "CLARIFY PROVISIONS THAT"; and

(2) On page 2, line 16, rewrite that line to read:
"Sec. 2. This act becomes effective July 1, 1993, and shall not apply to any litigation or administrative proceedings pending prior to that date."

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the ____ day of July, 1993.

S/"Ted" Kaplan	S/Martin Nesbitt
S/Roy Cooper, III	S/C. Robert Brawley
S/J. Richard Conder	S/Erin J. Kuczmarski
S/Ollie Harris	S/W. Pete Cunningham
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Kaplan, the Conference Report is adopted (33-0) changing the title, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECALL FROM COMMITTEE

H.B. 1260, a bill to establish the Martin Luther King, Jr. Commission, referred to the **Rules and Operation of the Senate Committee** on July 16.

Senator Sands offers a motion the bill be recalled from the **Rules and Operation of the Senate Committee** and be placed on the Calendar for today at the end of the regular order of business for consideration, upon its passage.

The Chair recalls the bill from the **Rules and Operation of the Senate Committee** and orders the measure placed on the Calendar for today upon its passage.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 747
(Senate Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on Senate Committee Substitute to **HB 747**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA VETERINARY PRACTICE ACT, pursuant to a message that your Honorable Body has taken similar action, we have ordered the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

CALENDAR (Continued)

H.B. 698 (Senate Committee Substitute), a bill to amend laws relating to felonious larceny to make the threshold amount consistently one thousand dollars and to create offenses related to failing to provide or providing false information by itinerant merchants on their source of merchandise.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

H.B. 765 (Senate Committee Substitute), a bill to make amendments to the law of escheats and unclaimed property and to limit molders' obligations to retain dies, molds, forms, or patterns.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 935, a bill to delete the references to the Department of Public Education.

On motion of Senator Conder, Committee Amendment No. 1 is adopted (30-2).

Senator Basnight, President *Pro Tempore*, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The bill, as amended, passes its second (30-5) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 698 (Senate Committee Substitute), a bill to amend laws relating to felonious larceny to make the threshold amount consistently one thousand dollars and to create offenses related to failing to provide or providing false information by itinerant merchants on their source of merchandise, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second (30-4) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 1111, a bill to allow each of the members of the Farmers Mutual Fire Insurance Association of North Carolina to be independently chartered, for concurrence in House Amendment No. 1.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 625 (Committee Substitute), a bill to amend the General Statutes in order to allow full implementation of the flexible funding and alternative uses authorized under the Federal Intermodal Surface Transportation Efficiency Act of 1991, for concurrence in House Amendment No. 1.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

CALENDAR (Continued)

H.B. 1043 (Senate Committee Substitute), a bill to clarify the law regarding the health care power of attorney.

On motion of Senator Cooper, Committee Amendment No. 1 is adopted.

The Senate Committee Substitute bill, as amended, passes its second (34-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill without engrossment of Amendment No. 1.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee**:

H.B. 689, a bill to create the offense of third degree trespass in Wilkes and Yadkin Counties, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the rules are suspended, and the proposed Senate Committee Substitute bill 6223, which changes the title, upon concurrence, to read **H.B. 689** (Senate Committee Substitute), a bill to create a new offense of third degree trespass, is placed before the Senate for immediate consideration.

On motion of Senator Ballance, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill remains on the Calendar for today, for further consideration upon its passage.

CALENDAR (Continued)

H.B. 1095, a bill to prohibit insurers from requiring the use of specified repair companies for motor vehicle damage repairs.

On motion of Senator Cooper, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (36-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

H.B. 1492 (Committee Substitute No. 2), a bill to require the Building Code Council to establish standards for temporary toilet facilities at construction sites to ensure sanitary conditions for construction workers.

On motion of Senator Richardson, Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 2, as amended, passes its second (35-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1.

The Senate recesses at 12:45 P.M. for the purpose of committee meetings to reconvene at 1:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Upon the appearance of Senator Blackmon in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR (Continued)

S.B. 155, a bill to make technical and conforming changes to the revenue laws and related statutes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 155** (House Committee Substitute), a bill to make technical and conforming changes to the revenue laws and to clarify and modify the tax secrecy provision, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Folger, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Richardson, Shaw, Simpson, Soles, Speed, Walker, Ward, and Warren—30.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1157 (House Committee Substitute), a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property, for concurrence in the House Committee Substitute bill, upon third reading.

The Chair orders, without objection, the House Committee Substitute bill, temporarily displaced.

S.B. 8 (House Committee Substitute), a bill to prohibit health care providers from referring patients to health care goods or services offered by entities in which the referring provider has an ownership interest, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (28-0) and the measure is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 26
(House Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 26**, A BILL TO BE ENTITLED AN ACT TO MAKE

APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, the Speaker has appointed as conferees on the part of the House, Representative Nesbitt, Representative Diamont, Representative Black, Representative Bowman, Representative Brawley, Representative Crawford, Representative DeVane, Representative Easterling, Representative Fitch, Representative Gist, Representative Gottovi, Representative Grady, Representative Holmes, Representative Holt, Representative McAllister, Representative McLaughlin, Representative Michaux, Representative Nye, Representative Rogers, Representative Sutton, and Representative Wainwright, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 799 (Committee Substitute), a bill to provide that a person, after a finding of probable cause or indictment for committing certain sex offenses and a finding of probable cause of transmission of the AIDS virus, shall be tested for AIDS upon the request of the victim through the district attorney, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 799** (House Committee Substitute), a bill to provide that a defendant, after a finding of probable cause or indictment for committing a nonconsensual sex offense, shall be tested for certain sexually transmitted infections upon the request of the victim.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 897 (Committee Substitute), a bill to exempt Mecklenburg County from provisions of the North Carolina Building Code that require building inspection departments to review residential plans, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 897** (House Committee Substitute), a bill to eliminate the requirement that city or county property conveyances to a nonprofit entity at private sale receive a unanimous vote of the governing board.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 1066, a bill to provide for voter preregistration of sixteen- and seventeen-year olds by drivers license examiners, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1066** (House Committee Substitute No. 2), a bill to provide for voter preregistration of sixteen- and seventeen-year olds by drivers license examiners, to allow early voting, and to allow mailed absentee ballots without excuse in certain circumstances.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill No. 2 is placed on the Calendar for today for consideration, upon concurrence.

S.B. 64 (House Committee Substitute), a bill to create a Rail Council within the Department of Transportation and to broaden the authority of the Board of Transportation, for concurrence in the House Committee Substitute bill.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 836 (Committee Substitute), a bill to waive the fee for special identification cards for homeless persons, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 836** (House Committee Substitute No. 2), a bill to waive the fee for special identification cards for homeless persons and to abolish the reserve fund for fees collected for special identification cards.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill No. 2 is placed on the Calendar for today for consideration, upon concurrence.

H.B. 1226 (Committee Substitute), a bill to allow seizure of vehicles when owners fail to pay penalties for overloading of motor vehicles.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee.**

CALENDAR (Continued)

H.B. 115 (Committee Substitute), a bill to make note taking by jurors a discretionary decision of the presiding judge, temporarily displaced earlier.

The Committee Substitute bill passes its second (33-0) and third readings and is ordered enrolled.

S.B. 1157 (House Committee Substitute), a bill to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property, for concurrence in the House Committee Substitute bill, upon third reading, temporarily displaced earlier.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 34, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Gunter, Harris, Hartsell, Hoyle, Hunt, Hyde, Jordan, Kaplan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Richardson, Shaw, Simpson, Soles, Speed, Tally, Walker, Ward, and Warren—34.

Voting in the negative: Senators Folger, and Winner of Mecklenburg—2.

The House Committee Substitute bill is ordered enrolled.

H.B. 538 (Senate Committee Substitute), a bill to provide for immediate income withholding in non-IV-D child support cases as required by the federal Family Support Act, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second (34-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill, which changes the title.

H.B. 544 (Senate Committee Substitute), a bill to make technical amendments to the General Statutes as recommended by the General Statutes Commission, and to make technical corrections to other General Statutes and Session Laws, temporarily displaced earlier.

Senator Cooper offers Amendment No. 1 which is adopted (33-0).

Senator Perdue offers Amendment No. 2 which is adopted (33-0).

The Senate Committee Substitute bill, as amended, passes its second reading (35-0).

With unanimous consent, the Senate Committee Substitute bill, as amended, is subsequently ordered temporarily displaced.

S.B. 154, a bill to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax and to exempt certain mobile classrooms from sales tax,

received upon a message from the House of Representatives earlier today for concurrence in House Amendment No. 1.

The Chair orders, without objection, the bill, temporarily displaced.

S.B. 544 (House Committee Substitute No. 2), a bill to amend various statutes pertaining to early intervention services from birth to five years of age, received upon a message from the House of Representatives earlier today, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (32-0) and the measure is ordered enrolled.

S.B. 1112 (House Committee Substitute), a bill to amend the North Carolina Clean Water Revolving Loan and Grant Program to allow municipalities to pledge user fees or any available sources of revenues for the payment of revolving funds and to clarify the authority of the Environmental Management Commission with respect to certification of laboratories that monitor water and air quality, received upon a message from the House of Representatives earlier today, for concurrence in the House Committee Substitute bill.

The Chair rules the measure does not require a call of the roll.

The Senate concurs in the House Committee Substitute bill (33-0) and the measure is ordered enrolled.

S.B. 154, a bill to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax and to exempt certain mobile classrooms from sales tax, received upon a message from the House of Representatives earlier today, for concurrence in House Amendment No. 1, temporarily displaced earlier.

The Senate concurs in House Amendment No. 1 (32-0) and the measure is ordered enrolled.

H.B. 1260, a bill to establish the Martin Luther King, Jr. Commission, earlier today recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar upon its passage.

The Chair orders, without objection, the bill temporarily displaced.

S.B. 625 (Committee Substitute), a bill to amend the General Statutes in order to allow full implementation of the flexible funding and alternative uses authorized under the Federal Intermodal Surface Transportation Efficiency Act of 1991, received upon a message from the House of Representatives earlier today, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (29-0) and the measure is ordered enrolled.

H.B. 1260, a bill to establish the Martin Luther King, Jr. Commission, earlier today recalled from the **Rules and Operation of the Senate Committee** and placed on the Calendar upon its passage.

The bill passes its second (31-1) and third readings and is ordered enrolled.

S.B. 1111, a bill to allow each of the members of the Farmers Mutual Fire Insurance Association of North Carolina to be independently chartered, received upon a message from the House of Representatives earlier today, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (33-0) and the measure is ordered enrolled.

H.B. 689 (Senate Committee Substitute), a bill to create a new offense of third degree trespass, received upon a message from the House of Representatives earlier today, for concurrence in the Senate Committee Substitute bill.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 618 (Committee Substitute), a bill to remove the expiration date from the law allowing the Department of Transportation to use nonlicensed or noncertified appraisers in the acquisition of real estate acquired by the Department when the estimated value of the real estate is less than ten thousand dollars, temporarily displaced earlier.

Senator Sherron offers Amendment No. 2 which is adopted (32-0-).

The Committee Substitute bill, as amended, passes its second (36-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 2.

S.B. 64, a bill to create a rail council within the Department of Transportation and to broaden the authority of the Board of Transportation, received upon a message from the House of Representatives earlier today, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (33-0) and the measure is ordered enrolled.

S.B. 799 (House Committee Substitute), a bill to provide that a defendant, after a finding of probable cause or indictment for committing a nonconsensual sex offense, shall be tested for certain sexually transmitted infections upon the request of the victim, received upon a message from the House of Representatives earlier today, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (35-0) and the measure is ordered enrolled.

S.B. 836 (House Committee Substitute No. 2), a bill to waive the fee for special identification cards for homeless persons and to abolish the reserve fund for fees collected for special identification cards, received upon a message from the House of Representatives earlier today, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (34-0) and the measure is ordered enrolled.

S.B. 897 (House Committee Substitute), a bill to eliminate the requirement that city or county property conveyances to a nonprofit entity at private sale receive a unanimous vote of the governing board, received upon a message from the House of Representatives earlier today, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (35-0) and the measure is ordered enrolled.

S.B. 1066 (House Committee Substitute No. 2), a bill to provide for voter preregistration of sixteen- and seventeen-year-olds by drivers license examiners, to allow early voting, and to allow mailed absentee ballots without excuse in certain circumstances, received upon a message from the House of Representatives earlier today, for concurrence in the House Committee Substitute bill No. 2, without engrossment of Amendments No. 1 and No. 2.

The Senate fails to concur in the House Committee Substitute bill No. 2 (0-36).

Senator Gunter offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

With unanimous consent, a leave of absence is granted to Senator Folger for the remainder of this session.

The Senate recesses at 3:15 P.M. for the purpose of committee meetings to reconvene at 3:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 60 (House Committee Substitute), an act to impose an advance disposal tax on new white goods, to require each county to provide for the management of discarded white goods, and to provide for the removal of chlorofluorocarbon refrigerants from white goods. (Ch. 471)

S.B. 501 (House Committee Substitute), an act to authorize Avery County to levy a room occupancy and tourism development tax on businesses in the County that are not subject to a municipal occupancy tax and to set the maximum room occupancy tax rate for accommodations furnished in Avery County. (Ch. 472)

S.B. 1003 (Committee Substitute), an act to require that a public hearing be held prior to the approval of an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill. (Ch. 473)

H.B. 187, an act requiring certain detail in the decisions and reports of the OSHA Review Board. (Ch. 474)

H.B. 639, an act to permit teacher assistants and other instructional personnel who do not require a substitute to take vacation leave when students are in attendance. (Ch. 475)

H.B. 781 (Senate Committee Substitute), an act to permit the City of Durham to proceed with condemnation of real property when ownership is transferred. (Ch. 476)

H.B. 814 (Senate Committee Substitute), an act to provide that Mecklenburg County park rangers may act as special peace officers on property owned or leased by the City of Charlotte. (Ch. 477)

H.B. 815, an act authorizing various counties to assist thoroughfare plan implementation. (Ch. 478)

H.B. 888, an act to revise and consolidate the Charter of the Town of Enfield. (Ch. 479)

H.B. 890 (Committee Substitute), an act to allow the Town of Middlesex to annex a certain described territory to the corporate limits of the Town. (Ch. 480)

H.B. 1102 (Committee Substitute), an act to create the Pesticide Environmental Trust Fund, to be funded by an assessment for each brand or grade of pesticide registered. (Ch. 481)

H.J.R. 249, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Child and Adolescent Alcohol and Other Drug Abuse Plan as policy guidance for the development of services. (Res. 27)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 586 (Committee Substitute), a bill to make technical amendments, clarifications, and corrections in various insurance and insurance-related laws, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to

read **S.B. 586** (House Committee Substitute), a bill to make technical amendments, clarifications, and corrections in various insurance and insurance-related laws and to make changes to the laws on service agreements for motor vehicles and home appliances.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 611, a bill to provide the same confidentiality of personnel records of water and sewer authorities as are provided those of cities, counties, and other units of local government, for concurrence in House Amendment No. 1.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 622 (Committee Substitute), a bill to make miscellaneous amendments to laws governing health insurance, for concurrence in House Amendments No. 1 and No. 2.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 989 (Committee Substitute), a bill to require local Boards of Education to report acts of school violence to the State Board of Education and to adopt clear rules regarding the consequences of committing violent acts at school, to encourage the implementation and use of conflict resolution programs and parent involvement programs in schools, and to require employers to grant leave at a mutually agreed upon time to employees for involvement at their children's schools, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 989** (House Committee Substitute), a bill to require employers to grant leave at a mutually agreed upon time to employees for involvement at their children's schools, to encourage schools to implement parent involvement and conflict resolution programs, and to direct local Boards of Education to reevaluate their school safety policies in light of 1993 legislation.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 1021, a bill to provide that the cost of emergency medical services for an inmate in a local confinement facility shall be paid by a third-party insurer if the inmate has such insurance, for concurrence in House Amendment No. 1 which changes the title, upon concurrence, to read **S.B. 1021**, a bill to provide that the cost of emergency medical services for an inmate in a local confinement facility shall be paid by a third-party insurer if the inmate has such insurance and to clarify that the County may recover the cost of emergency medical services from the inmate.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 1165 (Committee Substitute), a bill to provide that fees collected under the commercial hazardous waste facilities resident inspectors program are nonreverting, to revise the method by which resident inspectors are assigned, and to provide that certain facilities that burn hazardous waste as a fuel are subject to the resident inspectors program, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 1165** (Committee Substitute), a bill to revise the method by which resident inspectors are assigned, and to provide that certain facilities that burn hazardous waste as a fuel are subject to the resident inspectors program.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

H.B. 404 (Committee Substitute), a bill to amend certain criminal statutes to make the crimes of making a false report concerning destructive device, and perpetrating a hoax by the use of a false bomb or other device, more serious as they apply to educational property.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Judiciary I Committee.**

H.B. 1029, a bill to simplify the licensing requirements for certain pesticide applicators.

Referred to **Rules and Operation of the Senate Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Ballance for the **Judiciary I Committee:**

H.B. 281 (Committee Substitute No. 2), a bill to create a State-County Criminal Justice Partnership in North Carolina, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Appropriations Committee.**

H.B. 1035 (Committee Substitute No. 2), a bill to authorize the Sentencing and Policy Advisory Commission to study restitution policy as a part of North Carolina's Criminal Justice System and to expand the Commission, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is recommitted to the **Appropriations Committee.**

H.B. 278 (Committee Substitute), a bill to classify misdemeanors and to reclassify some felonies as recommended by the North Carolina Sentencing and Policy Advisory Commission, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee.**

H.B. 277 (Committee Substitute No. 2), a bill to provide for structured sentencing in North Carolina consistent with the standard operating capacity of the Department of Correction and local confinement facilities and to redefine State and county responsibilities for the confinement of misdemeanants, with an unfavorable report as to Committee Substitute No. 2 bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ballance, the proposed Senate Committee Substitute bill 6224 is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 1222, a bill to provide for a disabled sportsman program under the Wildlife Resources Commission, for concurrence in the House Committee Substitute bill, which

changes the title, upon concurrence, to read **S.B. 1222** (House Committee Substitute), a bill to provide for a disabled sportsman program under the Wildlife Resources Commission and to establish a nonresident bear hunting license.

On motion of Senator Basnight, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration, for concurrence, upon second reading.

The Senate fails to concur in the House Committee Substitute bill on its second reading by roll-call vote, ayes 4, noes 30, as follows:

Voting in the affirmative: Senators Ballance, Carpenter, Folger, and Marshall—4.

Voting in the negative: Senators Albertson, Basnight, Blackmon, Cochrane, Codington, Conder, Cooper, Edwards, Gulley, Gunter, Harris, Hoyle, Hunt, Hyde, Jordan, Kaplan, Lee, Martin of Guilford, Parnell, Perdue, Plyler, Richardson, Sands, Sherron, Simpson, Soles, Speed, Walker, Warren, and Winner of Mecklenburg—30.

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Albertson, Chairman, Shaw, and Speed as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1066, a bill to provide for voter preregistration of sixteen- and seventeen-year olds by drivers license examiners, which House Committee Substitute proposes to change the title to read **S.B. 1066** (House Committee Substitute No. 2), a bill to provide for voter preregistration of sixteen- and seventeen-year-olds by drivers license examiners, to allow early voting, and to allow mailed absentee ballots without excuse in certain circumstances, with the motion of Senator Gunter, prevailing earlier today, that the Senate do appoint conferees.

The President *Pro Tempore* appoints Senators Gunter, Chairman, Hyde, Hartsell, and Winner of Mecklenburg as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (Continued)

S.B. 622 (Committee Substitute), a bill to make miscellaneous amendments to laws governing health insurance, for concurrence in House Amendments No. 1 and No. 2.

With unanimous consent, on motion of Senator Kaplan, the Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in House Amendments No. 1 and No. 2 (35-0) and the measure is ordered enrolled.

S.B. 586 (Committee Substitute), a bill to make technical amendments, clarifications, and corrections in various insurance and insurance-related laws, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 586** (House Committee Substitute), a bill to make technical amendments, clarifications, and corrections in various insurance and insurance-related laws and to make changes to the laws on service agreements for motor vehicles and home appliances.

The Senate concurs in the House Committee Substitute bill (35-0) and the measure is ordered enrolled.

S.B. 611, a bill to provide the same confidentiality of personnel records of water and sewer authorities as are provided those of cities, counties, and other units of local government, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (36-0) and the measure is ordered enrolled.

S.B. 989 (Committee Substitute), a bill to require local Boards of Education to report acts of school violence to the State Board of Education and to adopt clear rules regarding the consequences of committing violent acts at school, to encourage the implementation and use of conflict resolution programs and parent involvement programs in schools, and to require employers to grant leave at a mutually agreed upon time to employees for involvement at their children's schools, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 989** (House Committee Substitute), a bill to require employers to grant leave at a mutually agreed upon time to employees for involvement at their children's schools, to encourage schools to implement parent involvement and conflict resolution programs, and to direct local Boards of Education to reevaluate their school safety policies in light of 1993 legislation.

The Senate concurs in the House Committee Substitute bill (37-0) and the measure is ordered enrolled.

S.B. 1021, a bill to provide that the cost of emergency medical services for an inmate in a local confinement facility shall be paid by a third-party insurer if the inmate has such insurance, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 1021**, a bill to provide that the cost of emergency medical services for an inmate in a local confinement facility shall be paid by a third-party insurer if the inmate has such insurance and to clarify that the County may recover the cost of emergency medical services from the inmate.

The Senate concurs in House Amendment No. 1 (34-0) and the measure is ordered enrolled.

H.B. 689 (Senate Committee Substitute), a bill to create a new offense of third degree trespass, ordered placed on today's Calendar earlier and subsequently temporarily displaced.

Senator Ballance offers Amendment No. 1 which is adopted (33-1).

The Senate Committee Substitute bill, as amended, passes its second (25-11) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill without engrossment of Senate Amendment No. 1.

S.B. 1165 (Committee Substitute), a bill to provide that fees collected under the commercial hazardous waste facilities resident inspectors program are nonreverting, to revise the method by which resident inspectors are assigned, and to provide that certain facilities that burn hazardous waste as a fuel are subject to the resident inspectors program, received earlier today on a message from the House of Representatives, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 1165** (Committee Substitute), a bill to revise the method by which resident inspectors are assigned, and to provide that certain facilities that burn hazardous waste as a fuel are subject to the resident inspectors program.

The Senate concurs in House Amendment No. 1 (39-0) and the measure is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 600, a bill to amend the Legislative Retirement System, the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, and the Consolidated Judicial Retirement System to comply with the Internal Revenue Code, for concurrence in the House Committee Substitute bill, which changes

the title, upon concurrence, to read **S.B. 600** (House Committee Substitute), a bill to amend the Legislative Retirement System, the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, and the Consolidated Judicial Retirement System to comply with the Internal Revenue Code, and to permit certain rollovers among qualified plans.

Recommitted to **Pensions and Retirement Committee.**

The Senate recesses at 6:00 P.M. for the purpose of committee meetings to reconvene at 8:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1158 House of Representatives
July 23, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Amendment # 2 to **HB 1158**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ERECTION OF OUTDOOR ADVERTISING ON A PORTION OF U.S. HIGHWAY 52 AND NORTH CAROLINA HIGHWAY 752 IN SURRY COUNTY AND TO PROHIBIT THE ERECTION OF OUTDOOR ADVERTISING ON ANY INTERSTATE HIGHWAY IN BUNCOMBE COUNTY OUTSIDE THE LIMITS OF A MUNICIPALITY, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 710 House of Representatives
(House Committee Substitute) July 23, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 710**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE NASH COUNTY ROOM OCCUPANCY TAX, the Speaker has appointed as conferees on the part of the House, Representative Fitch, Representative D. Brown, and Representative Arnold, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1066
(House Committee Substitute No. 2)

House of Representatives
July 23, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute # 2 for **SB 1066**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR VOTER PREREGISTRATION OF SIXTEEN- AND SEVENTEEN-YEAR-OLDS BY DRIVERS LICENSE EXAMINERS, TO ALLOW EARLY VOTING, AND TO ALLOW MAILED ABSENTEE BALLOTS WITHOUT EXCUSE IN CERTAIN CIRCUMSTANCES, the Speaker has appointed as conferees on the part of the House, Representative Michaux, Representative Lemmond, and Representative Holt, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1222
(House Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **SB 1222**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DISABLED SPORTSMAN PROGRAM UNDER THE WILDLIFE RESOURCES COMMISSION, the Speaker has appointed as conferees on the part of the House, Representative James, Representative Ramsey, Representative J. Brown, and Representative Hensley, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills which are read the first time and disposed of, as follows:

S.B. 832, a bill to provide a timetable within which the Department of Revenue must hold administrative hearings and render decisions, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 832** (House Committee Substitute), a bill to provide a timetable within which the Department of Revenue and the Tax Review Board must hold administrative hearings and render decisions and to provide for State taxpayers' rights.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 575, a bill to require the payment of outstanding fines as a condition of license renewal for domiciliary care facilities and nursing facilities, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 575**, a bill to require the payment of outstanding fines as a condition of license renewal for domiciliary care facilities and nursing facilities and to make changes concerning the licensure of electrologists.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the bill is placed on the Calendar for today for consideration, upon concurrence.

S.B. 1074, a bill providing for North Carolina to join the Drivers License Compact, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1074** (House Committee Substitute), a bill enabling North Carolina to join the Drivers License Compact, making technical and clarifying changes to the motor vehicle laws, and establishing new offenses concerning the wrongful issuance of a drivers license or a special identification card.

Pursuant to the motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill is placed on the Calendar for today for consideration, upon concurrence.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Harris for the **Pensions and Retirement Committee**:

S.B. 600 (House Committee Substitute), a bill to amend the Legislative Retirement System, the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, and the Consolidated Judicial Retirement System to comply with the Internal Revenue Code, and to permit certain rollovers among qualified plans, with a favorable report as to concurrence, which changes the title.

CONFERENCE COMMITTEE

S.B. 431, a bill recommended by the Juvenile Law Study Commission to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors, committed to a Conference Committee on July 9.

Senator Allran offers a motion the Senate discharge conferees appointed July 9, which motion prevails with unanimous consent.

Senator Allran offers a motion the vote by which conferees were appointed be reconsidered which motion prevails and the question reverts to the appointment of conferees. With unanimous consent Senator Allran withdraws the motion to appoint conferees.

Senator Allran offers a further motion the vote by which the Senate fails to concur be reconsidered which motion prevails and the question reverts to concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (31-0) and the bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 832, a bill to provide a timetable within which the Department of Revenue must hold administrative hearings and render decisions, received earlier today on a message from the House of Representatives, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 832** (House Committee

Substitute), a bill to provide a timetable within which the Department of Revenue and the Tax Review Board must hold administrative hearings and render decisions and to provide for State taxpayers' rights.

The Senate concurs in the House Committee Substitute bill (38-0) and the measure is ordered enrolled.

S.B. 575, a bill to require the payment of outstanding fines as a condition of license renewal for domiciliary care facilities and nursing facilities, received earlier today on a message from the House of Representatives for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 575**, a bill to require the payment of outstanding fines as a condition of license renewal for domiciliary care facilities and nursing facilities and to make changes concerning the licensure of electrologists.

The Senate concurs in House Amendment No. 1 (37-0) and the measure is ordered enrolled.

S.B. 1074, a bill providing for North Carolina to join the Drivers License Compact, received earlier today on a message from the House of Representatives, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1074** (House Committee Substitute), a bill enabling North Carolina to join the Drivers License Compact, making technical and clarifying changes to the motor vehicle laws, and establishing new offenses concerning the wrongful issuance of a drivers license or a special identification card, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (33-0) and the measure is ordered enrolled.

CONFERENCE REPORT

S.B. 1222 (House Committee Substitute)

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1222**, a bill to provide for a disabled sportsman program under the Wildlife Resources Commission, received for concurrence in the House Committee Substitute bill, which proposes to change the title to read **S.B. 1222** (House Committee Substitute), a bill to provide for a disabled sportsman program under the Wildlife Resources Commission and to establish a nonresident bear hunting license, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 1222, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DISABLED SPORTSMAN PROGRAM UNDER THE WILDLIFE RESOURCES COMMISSION AND TO ESTABLISH A NONRESIDENT BEAR HUNTING LICENSE, House Committee Substitute Favorable 7/21/93 (Second Edition).

wish to report as follows:

The Senate Concurs with the House Committee Substitute (Second Edition) with the following amendments:

on page 2, line 25, by rewriting that line to read:

"(5) Permit the use of crossbows or other specially equipped bows by persons incapable of arm movement sufficient to operate a longbow, recurve bow, or compound bow, but only during a season for hunting with bow and arrow and only during a special hunt organized and supervised by the Wildlife Resources Commission for the Disabled Sportsman Program; and"

and on page 2, line 26, by deleting "(5)" and substituting "(6)".

and the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23rd day of July, 1993.

S/Charles W. Albertson
S/Robert G. Shaw
S/James D. Speed

Conferees for the Senate

S/Vernon G. James
S/John W. Brown
S/Liston B. Ramsey

Conferees for the House of Representatives

On motion of Senator Albertson, the Conference Report is adopted (34-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

H.B. 539 (Senate Committee Substitute)

Senator Cooper for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 539** (Senate Committee Substitute), a bill to amend the North Carolina Business Corporation Act and to amend G.S. 54-139 relating to foreign cooperative corporations as recommended by the General Statutes Commission and to make other amendments to the Business Corporation Act, submits the following report:

To the President of the Senate and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 539, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO AMEND G.S. 54-139 RELATING TO FOREIGN COOPERATIVE CORPORATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE OTHER AMENDMENTS TO THE BUSINESS CORPORATION ACT, Senate Judiciary II Committee Substitute Adopted 6/16/93,

wish to report as follows:

The House concurs in the Senate Committee Substitute (Third Edition) with the following amendments:

on page 2, line 22, by deleting the citation "G.S. 15-14-20" and substituting the citation of "G.S. 55-14-20";

and on page 4, lines 27-39, by rewriting those lines to read:

"Sec. 8. G.S. 55-6-30(d) reads as rewritten:

'(d) Notwithstanding the foregoing provision of this section, shareholders of a corporation incorporated ~~prior to July 1, 1990~~ before July 1, 1990, other than a public corporation, shall have a preemptive right to acquire the unissued shares of the corporation, to the extent provided in (and subject to the limitations of) subdivisions (b)(1)-(6) and subsection (c)of this section, except to the extent the articles of incorporation expressly provide otherwise.'";

and on page 5, lines 28 and 36, by deleting the word "three" each time it appears and substituting the phrase "~~three~~ three";

and on page 5, line 29, by deleting the word "one-third" and substituting the phrase "~~one-third~~ one-third";
and on page 5, line 34, by deleting the word "election" and substituting the phrase "~~election~~ election.".

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 9th day of July, 1993.

S/Roy A. Cooper, III
S/Fletcher L. Hartsell, Jr.
S/R.C. Soles, Jr.

Conferees for the Senate

S/Annie Brown Kennedy
Jerry Braswell
David Thomas Flaherty, Jr.
S/Robert C. Hunter
S/H.M. Michaux, Jr.
S/Willard Eugene McCombs

Conferees for the House of Representatives

On motion of Senator Cooper, the Conference Report is adopted (32-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 600, a bill to amend the Legislative Retirement System, the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, and the Consolidated Judicial Retirement System to comply with the Internal Revenue Code, received earlier today on a message from the House of Representatives, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 600** (House Committee Substitute), a bill to amend the Legislative Retirement System, the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, and the Consolidated Judicial Retirement System to comply with the Internal Revenue Code, and to permit certain rollovers among qualified plans.

The Senate concurs in the House Committee Substitute bill (35-1) and the measure is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

H.B. 277 (Senate Committee Substitute), a bill to provide for structured sentencing in North Carolina consistent with the standard operating capacity of the Department of Correction and local confinement facilities and to redefine State and county responsibilities for the confinement of misdemeanants, as written by the **Judiciary I Committee**, with a favorable report.

Senator Hunt offers a motion the rules be suspended to the end the Senate Committee Substitute bill be placed on the Calendar for today upon its passage without review by the **Finance Committee**, which motion prevails.

The Chair orders the measure placed on the Calendar for today at the end of the regular order of business.

H.B. 281 (Committee Substitute No. 2), a bill to create a State-County Criminal Justice Partnership in North Carolina, with a favorable report.

With unanimous consent, the Chair orders the Committee Substitute bill No. 2 placed on the Calendar today at the end of the regular order of business for consideration, upon its passage.

H.B. 278 (Committee Substitute), a bill to classify misdemeanors and to reclassify some felonies as recommended by the North Carolina Sentencing and Policy Advisory Commission, as amended by the **Judiciary I Committee**, with a favorable report.

With unanimous consent, the Chair orders the Committee Substitute bill, as amended, placed on the Calendar today at the end of the regular order of business for consideration, upon its passage.

H.B. 1035 (Committee Substitute No. 2), a bill to authorize the Sentencing and Policy Advisory Commission to study restitution policy as a part of North Carolina's Criminal Justice System and to expand the Commission, with a favorable report.

With unanimous consent, the Chair orders the Committee Substitute bill No. 2 placed on the Calendar today at the end of the regular order of business for consideration, upon its passage.

S.B. 252 (Committee Substitute), a bill to implement a recommendation of the Government Performance Audit Committee to develop and monitor the outcome measures for major State programs, to establish and implement a State strategic planning process, and to require that the Governor submit to the General Assembly and the General Assembly enact a budget that focuses on program results, with an unfavorable report as to Committee Substitute bill, as written by the **Government Performance Audit Select Committee**, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Plyler, the rules are suspended, and the proposed Committee Substitute bill No. 2, 2723, which changes the title to read **S.B. 252** (Committee Substitute No. 2), a bill to implement various recommendations of the Government Performance Audit Committee, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Committee Substitute bill No. 2 remains on the Calendar for today for consideration, upon its passage, and the Chair orders it placed at the end of the regular order of business.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 8 (House Committee Substitute), an act to prohibit health care providers from referring patients to health care goods or services offered by entities in which the referring provider has an ownership interest. (Ch. 482)

S.B. 64 (House Committee Substitute), an act to create a Rail Council within the Department of Transportation and to broaden the authority of the Board of Transportation. (Ch. 483)

S.B. 154, an act to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax and to exempt certain mobile classrooms from sales tax. (Ch. 484)

S.B. 155 (House Committee Substitute), an act to make technical and conforming changes to the revenue laws and to clarify and modify the tax secrecy provision. (Ch. 485)

S.B. 533 (Committee Substitute), an act to institute a statewide reporting system for occupational diseases, illnesses, and injuries. (Ch. 486)

S.B. 544 (House Committee Substitute No. 2), an act to amend various statutes pertaining to early intervention services from birth to five years of age. (Ch. 487)

S.B. 625 (Committee Substitute), an act to amend the General Statutes in order to allow full implementation of the flexible funding and alternative uses authorized under the Federal Intermodal Surface Transportation Efficiency Act of 1991. (Ch. 488)

S.B. 799 (House Committee Substitute), an act to provide that a defendant, after a finding of probable cause or indictment for committing a nonconsensual sex offense, shall be tested for certain sexually transmitted infections upon the request of the victim. (Ch. 489)

S.B. 836 (House Committee Substitute No. 2), an act to waive the fee for special identification cards for homeless persons and to abolish the reserve fund for fees collected for special identification cards. (Ch. 490)

S.B. 897 (House Committee Substitute), an act to eliminate the requirement that city or county property conveyances to a nonprofit entity at private sale receive a unanimous vote of the governing board. (Ch. 491)

S.B. 913 (Committee Substitute No. 2), an act to require annual continuing education for real estate brokers and salespersons. (Ch. 492)

S.B. 961 (Committee Substitute), an act to allow certain counties to regulate junkyards on North Carolina routes. (Ch. 493)

S.B. 1018, an act to clarify that real estate mortgage investment conduits will be treated as pass-through entities for State tax purposes to the same extent as under the Federal tax law. (Ch. 494)

S.B. 1111, an act to allow each of the members of the Farmers Mutual Fire Insurance Association of North Carolina to be independently chartered. (Ch. 495)

S.B. 1112 (House Committee Substitute), an act to amend the North Carolina Clean Water Revolving Loan and Grant Program to allow municipalities to pledge user fees or any available sources of revenues for the payment of revolving funds and to clarify the authority of the Environmental Management Commission with respect to certification of laboratories that monitor water and air quality. (Ch. 496)

S.B. 1157 (House Committee Substitute), an act to amend the Constitution to permit cities and counties to issue bonds to finance the public portion of economic development projects and to authorize counties and cities to accept as consideration for a conveyance or lease of property to a private party the amount of increased tax revenue expected to be generated by the improvements to be constructed on the property. (Ch. 497)

H.B. 115 (Committee Substitute), an act to make note taking by jurors a discretionary decision of the presiding judge. (Ch. 498)

H.B. 587, an act to clarify the rule-making authority of the Medical Care Commission for nursing home regulation. (Ch. 499)

H.B. 747 (Senate Committee Substitute), an act to amend the North Carolina Veterinary Practice Act. (Ch. 500)

H.B. 976 (Committee Substitute No. 2), an act to reorganize and transfer the Governor's Waste Management Board to the Office of Environmental Education, to make conforming changes, and to create the Pollution Prevention Advisory Council. (Ch. 501)

H.B. 1260, an act to establish the Martin Luther King, Jr. Commission. (Ch. 502)

H.J.R. 250, a joint resolution to implement a recommendation of the Mental Health Study Commission endorsing the Quality Improvement Report for Mental Health, Developmental Disabilities, and Substance Abuse Services. (Res. 28)

H.J.R. 251, a joint resolution to implement a recommendation of the Mental Health Study Commission adopting the Comprehensive Plan for Services and Supports for Persons with Developmental Disabilities as policy guidance for the development of services. (Res. 29)

CALENDAR (Continued)

H.B. 765 (Senate Committee Substitute), a bill to make amendments to the law of escheats and unclaimed property and to limit molders' obligations to retain dies, molds, forms, or patterns, temporarily displaced earlier.

Senator Cooper offers Amendment No. 1 which is adopted (36-0).

The Senate Committee Substitute bill, as amended, passes its second (33-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill without engrossment of Amendment No. 1.

S.B. 252 (Committee Substitute No. 2), a bill to implement various recommendations of the Government Performance Audit Committee, placed earlier today on the Calendar upon a report from the **Appropriations Committee**.

The Committee Substitute bill No. 2 passes its second (36-1) and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 277 (Senate Committee Substitute), a bill to provide for structured sentencing in North Carolina consistent with the standard operating capacity of the Department of Correction and local confinement facilities and to redefine State and county responsibilities for the confinement of misdemeanants, placed earlier today on the Calendar upon a report from the **Appropriations Committee**.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

On motion of Senator Marshall, with unanimous consent, the staff is granted privileges of the floor to assist in the explanation of the measure.

Senator Marshall offers Amendment No. 1.

Senator Ballance calls the previous question on Amendment No. 1, seconded by Senator Plyler. The call is sustained (23-12) and Amendment No. 1 fails of adoption (8-27).

Debate ensues and Senator Ballance calls the previous question, seconded by Senator Plyler. The call is sustained (34-0).

The Senate Committee Substitute bill, as amended, passes its second reading (37-0) and third reading (37-0). The Chair orders the measure sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

H.B. 281 (Committee Substitute No. 2), a bill to create a State-County Criminal Justice Partnership in North Carolina, placed earlier today on the Calendar upon a report from the **Appropriations Committee**.

The Committee Substitute bill No. 2 passes its second reading (34-0) and third reading (31-0) and is ordered enrolled.

H.B. 1035 (Committee Substitute No. 2), a bill to authorize the Sentencing and Policy Advisory Commission to study restitution policy as a part of North Carolina's Criminal Justice System and to expand the Commission, placed earlier today on the Calendar upon a report from the **Appropriations Committee.**

The Committee Substitute bill No. 2 passes its second reading (30-0) and third reading (29-0) and is ordered enrolled.

H.B. 278 (Committee Substitute), a bill to classify misdemeanors and to reclassify some felonies as recommended by the North Carolina Sentencing and Policy Advisory Commission, as amended, placed earlier today on the Calendar upon a report from the **Appropriations Committee.**

The Committee Substitute bill, as amended, passes its second reading (35-0) and third reading (36-0) and is ordered sent to the House of Representatives by special messenger for concurrence in Senate Amendment No. 1.

RESIGNATION OF SENATOR HUNT

Senator Hunt, representing the 13th Senatorial District, submits a letter and the Chair orders the Reading Clerk to read as follows:

THE NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27601-2808

June 30, 1993

The Honorable Dennis A Wicker, President of the Senate
The Honorable Marc Basnight, President *Pro Tempore* of the Senate
The Honorable Members of the Senate
Legislative Building
Raleigh, North Carolina 27601-2808

Dear Mr. President and Senate Colleagues:

Beginning in 1973 and for 11 consecutive years, the citizens of Durham honored me with the privilege of representing them as a member of the Durham City Council. Since 1984, I have been privileged to serve in the North Carolina State Senate, representing the citizens of the thirteenth senatorial district.

On April 30th of this year, I was further honored when Governor Hunt appointed me to the North Carolina Utilities Commission, an action which the Legislature confirmed on June 10.

I am slated to take the oath and assume a seat on the Commission on Monday, July 26, 1993. This will afford me the honor and privilege of serving the good citizens of this great State in a new capacity.

So that I may be prepared to take the oath on July 26, I herewith submit to you my resignation from the North Carolina State Senate effective at the close of business on Saturday, July 24, 1993.

It has been a great privilege and a high honor for me to have served with members of this great body for nine years. I will miss each of you.

Thank you so much.

With kindest personal regards, I am

Yours sincerely,
S/Ralph A. Hunt

The members of the Senate acknowledge the service of Senator Hunt. Remarks are offered and on motion of Senator Martin of Guilford, the remarks of Senator Hunt and the members speaking are spread upon the Journal, as follows:

By Senator Hunt:

"Thank you, Mr. President, and ladies and gentlemen of the Senate. Someone just said to me just a few moments ago that the "dirty dozen" is about to shrink by one. It has been tough for me to get to this point, and I've held it out as long as I possibly can, but it has come time now when I must say to you, 'goodbye.'

"Ordinarily, it is somewhat of a routine task, or routine occasion, to say 'goodbye.' But, not on an occasion such as this. Simply because I'm saying 'goodbye' to a group of friends. But not just a group of friends—a group of **special** friends.

"And to reflect just a little bit as to when all of this began, I'll go back to 1984 and over at the Velvet Cloak Hotel, when then Lieutenant Governor-Elect Bob Jordan gathered us there, and among the group there were eight of us who were freshmen of the Class of 1985. And of those eight, there are four survivors, and all four of those survivors are located in this particular quadrant. Perhaps that reflects something about our resiliency—those four of us who were members of that particular class. But, as I recall, we sort of clustered in groups, small groups, over there just before breakfast was served. And among the group who gathered then, Senator Speed, and he welcomed us, asked some of us questions about where we were from and what we were all about. And the group began to disband. And, of course, there were two of us who were left in the group of which we were a part, and we began to talk, we began to sort of scrutinize and analyze one another, and the person with whom I was speaking, I noticed he was somewhat of a funny-looking fellow—he sort of talked funny, but I just felt that he had a great deal of potential. And, of course, I was correct on all three counts. That potential at this point in time has developed into his being the leader of this organization, Marc Basnight. I think, as a result of that particular meeting, a wonderful friendship developed between the two of us. A friendship which has, for more than eight years lasted, and a friendship which I believe will be for an everlasting period. Thank you for your friendship, Marc.

"Bob Martin, I don't know where he is at this point in time, but we became suitemates in 1985, and of course we began to chat about one thing or another over the years, and we became the best of friends. And it was sort of sad for both of us when I moved from the back row to this particular point. But I wanted to say to Bob, wherever he is, thank you so much for the wonderful friendship which we developed over the years.

"I want to say to all of my colleagues, but I want to give a special thanks also to the members of the Legislative Black Caucus. You know, coming here when I came in 1985, there were three of us here who are Black in this Body, and of course there are lots of thoughts that ran through my mind as to how are we going to fare in such a setting as that. But over the years, beginning with the three members of the Legislative Black Caucus and who are also members of the Senate, and the other, I believe, eight members—there were eleven of all together at one time, who were members of the House—we have made very broad strides in promoting the efforts which you would think that we would have a special interest in, and efforts which, perhaps, without our presence would not receive the attention which they have received over the years. And over time we have increased to twenty-five in numbers. And we are here as a group, not just to represent one segment of this population. We are here to represent the entire population of the State of North Carolina. But in doing so, we must—we must place special emphasis on certain areas which otherwise perhaps would not receive the level of attention were we not present to make sure that that attention was given.

"And let me just take another minute or so, Mr. President and ladies and gentlemen, to reflect on where I came from to get to this particular point. And of course, it's a very unlikely ending. Simply because there were all of the trappings for, let's just say, a drifting kind of situation for me, as a result of the environment which I grew up in. And of course, perhaps it was a good chance for whichever way the wind blew is the direction

in which I would have gone. But you know, years ago our vocabulary was not a broad as it has developed into over in recent years, and there have been so many contemporary terms which have been developed, which have good, positive meanings and sometimes they are catch words, but other times they are signals and negative signals as they are interpreted by a number of people. You know, years ago, we used to use and hear the term often, 'helping hand.' And the primary reason that I'm able to stand here today and speak to you in the capacity in which I speak is because of the "helping hands," and that's plural, which I received over time.

"Number one, I was born, and lucky to be born with very strong parents. Parents who believed in working hard. Parents who not only believed and practiced, but they promoted a strong work ethic. Although there were eight of us children, there was never a day when my parents received any public assistance, and had they been offered any, they would have refused. There was never a day when we received a favor from a neighbor whereby we did not give something in return. Simply because we believed that man and woman given help and given strength, should be able to make some provision for themselves, but there should be help available when help was needed. And of course I think those experiences have borne heavily upon the political philosophy I have taken as it relates to fiscal matters.

"And I just want to mention this term, 'helping hand,' once again. Now today that's translated into a number of different comments, and one of them is affirmative action. We talk about goals, we talk about '_____,' we talk about, what do you call them, quotas, which to some extents is a 'no, no' in the minds of some people. But my reason for being here today and not winding up blowing in the wind and going in whichever direction the wind blew, is because back then I was able to receive a helping hand, which to me is synonymous with affirmative action. In addition to my parents' strength and strong direction, there was a little school down in Charlotte, Johnson C. Smith University, Senator Richardson, which gave me a helping hand, and as a supporter of such institutions as Johnson C. Smith, there was the United Negro College Fund. And when I went away to school, I went broke. And I had very little knowledge or thought as to where the support would come from. But somebody said to me, 'You get to Johnson C. Smith University, and they will find a way for you.' Well, I was able to get to Johnson C. Smith University by thumbing a ride. And the rest is history as it relates to Johnson C. Smith University.

"In later years I found out what happened to cause my stay to be, over a period of more than four years there, to graduate. And it was because of what the United Negro College Fund had done, and I had been afraid to ask where the money was coming from, simply because I thought they might say, 'Well, this is a loan, and by the way we forgot to bill you for that loan, and you owe the principal plus interest.' So, therefore, I did not ask and once I found out, I was very much relieved that there was no payback required of the funds.

"And then, of course, it's very ironic that Leslie Winner just walked into the door, because I'm about to continue my comments with reference to that helping hand, or affirmative action kind of help which I received to cause me to do what I'm doing here this evening, as opposed to perpetuating, perhaps, a negative kind of future, which could very well have been my experience. I received some very good help from some people in the form of affirmative action. They did not have to do it, but they did it because they felt that it would develop in much more of a positive manner if they did, as opposed to not doing it. And of course these people left just happened to have been Jews. They helped me a lot then as I was moving through my educational process, and of course again as I was moving into the world, and of course entering into business. Another group of people who happened to have also been Jews made a sweetheart deal with me, an offer to me which I could not refuse. And as a result of those kinds of assistances which I have

received, which we can refer to as 'helping hands,' or we can refer to it as affirmative action. They are both the same.

"Those are the reasons who I can stand here today and submit to you my resignation from the North Carolina State Senate after having served here for more than eight years, as opposed to having drifted and perhaps having gone down the wrong road and the wrong path, creating problems not only for myself, but problems for society. And of course it also reduces the possibility and the probability that the next generation, my children, because they will not have to travel that path which I was vulnerable to and could very well have taken. And then their children are going to be able to—it's a perpetual kind of thing. When we help people to get on the right track, it helps us all.

"So I simply say to you, if there's anything I can leave with you here upon my departure, is that be open-minded to helping people where there's a need, where there's some indication that the help given would certainly eliminate the negative kinds of problems which we have just spend about an hour talking about here—prisons, and how long we are going to keep people incarcerated, and how much it's going to cost us in the process of doing it.

"Let's just help people, and let's just don't help one segment of people. Let's just don't, as an example, put an additional $30 million into the Venture Capital Fund, which I think is a very good thing to do. That's going to help some people, it is a form of affirmative action because its venture capital that can be used in hiring situations. People must have an opportunity to not only succeed, but they also must have an opportunity whereby there might be failure. And they must have that opportunity.

"So let's spread our generosity out. Let's spread it out to the extent that people will feel that government is an institution that works for them, as a part of that institution, not because they are the bottom segment of that institution, but that there is something which government can do to help to cause them to enjoy a greater quality of life and a better lifestyle. If there's nothing else I can leave with you, please, just listen to those comments, and I think the individuals who are helped will be much better off, and as a result certainly the State of North Carolina will be better off.

"Let me just say to each and every one of you, thank you for your friendship. I love you, and with those comments, let me just say, 'goodbye.'"

By Senator Basnight:

"Mr. President, Members of this Body, I was one of the eight, as you heard, and I still am one of those eight, and I still, Ralph, from those very early days realized and knew then that you were some kind of special to the people of this State. And you have proven that beyond any question that any man could ever raise. You've given to, not just Durham, not just to your family and your community, but you've given of yourself for eight years to make life better for people of all color, and you've done it very unselfishly. You've done it with a desire and a willingness to make sure that opportunity was afforded all people. You've never asked for anything that you weren't willing to give yourself. You're a man of the highest of standards, and you're a friend of mine for life, and I'm so proud, so very proud, to have you. And, Ralph, we all in this Senate will miss you a great deal, and we can't describe to you, no one here can, what you've meant to us and everyone else. We offer you God Speed and God Bless. We know things will come to you properly. Work will not be demanded of you for what will be rewarded you one day. You're a wonderful human being, and I'm so happy and glad I met you and got to share these little times together with you. Thanks so very much."

The Senate recesses at 10:50 P.M. for the purpose of committee meetings to reconvene at 11:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

H.B. 235 (Senate Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction, committed to a Conference Committee on July 18.

Senator Daniel offers a motion the conferees appointed on July 18 to consider the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute bill be discharged, which motion prevails. With unanimous consent Senator Daniel withdraws the motion to appoint conferees. Senator Daniel now offers a motion the Senate Committee Substitute bill be recalled from the House of Representatives for further consideration by the Senate. The Chair orders the measure recalled from the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 873
(Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Amendment # 2 to **HB 873** A BILL TO BE ENTITLED AN ACT TO FULFILL THE INTENT OF THE INSURANCE EQUALITY STATUTE BY CORRECTING OMISSIONS IN THAT STATUTE, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations Committee**:

H.B. 729 (Committee Substitute), a bill to promote the creation of health plan purchasing alliances to provide access to health benefits for employees of small employer groups and self-employed individuals, with an unfavorable report as to Committee Substitute bill, as amended by the **Insurance Committee**, but favorable as to Senate Committee Substitute bill with two amendments.

On motion of Senator Plyler, the rules are suspended, and the proposed Senate Committee Substitute bill 9283, which changes the title, upon concurrence, to read **H.B. 729** (Senate Committee Substitute), a bill to provide for health care reform planning, small employer purchasing groups, reorganization of State health functions into a State Department of Health, the creation of community health districts, uniform health claim forms, hospital cooperation agreements, and health delivery improvements, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill remains before the Senate for immediate consideration upon its passage.

Senator Simpson offers Amendment No. 1 which he subsequently withdraws.

The Senate Committee Substitute bill passes its second (34-0) and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill, which changes the title.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 235
(Senate Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

Pursuant to your message requesting the return of Senate Committee Substitute for **HB 235**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE THE BALANCE OF THE FUNDS FROM THE PROCEEDS OF THE TWO HUNDRED MILLION DOLLARS IN GENERAL OBLIGATION BONDS AUTHORIZED FOR THE CONSTRUCTION OF STATE PRISON AND YOUTH SERVICES FACILITIES, AND TO PROVIDE FOR THE USE OF INMATES IN PRISON CONSTRUCTION, the Speaker has dismissed the Conferees and we are respectfully honoring your request.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Senator Daniel offers a motion that the vote by which the Senate Committee Substitute bill passed its third reading be reconsidered, which motion prevails, and the question reverts to the passage of the measure upon third reading.

Senator Daniel offers a motion that the vote by which the Senate Committee Substitute bill passed its second reading be reconsidered, which motion prevails, and the question reverts to the passage of the measure upon second reading.

Senator Daniel offers a motion the vote by which the Senate adopted the Committee Substitute bill be reconsidered which motion prevails and the question reverts to the adoption of the amendment in the nature of a Committee Substitute bill. With unanimous consent, the Committee Substitute bill is recommitted to the **Appropriations Committee**.

Senator Daniel offers a motion the bill as committed to the **Appropriations Committee** be removed from the table placed there by an unfavorable report, which motion prevails. The Chair orders the bill placed before the Senate for consideration, upon its passage.

Senator Daniel offers Amendment No. 1 which is adopted (35-0).

The bill, as amended, passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Daniel, Edwards, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Speed, Warren, and Winner of Mecklenburg—34.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Saturday, July 24, upon third reading.

CONFERENCE REPORT

S.B. 853 (House Committee Substitute)

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 853**, a bill to authorize counties that will derive economic benefits from the North Carolina Global TransPark to form a Global TransPark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone, received for concurrence in the House Committee Substitute bill, submits the following report, which proposes to change the title, upon adoption, to read, **S.B. 853** (House Committee Substitute), a bill to authorize certain counties that will derive economic benefits from the North Carolina Global TransPark to form a Global TransPark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 853, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES THAT WILL DERIVE ECONOMIC BENEFITS FROM THE NORTH CAROLINA GLOBAL TRANSPARK TO FORM A GLOBAL TRANSPARK DEVELOPMENT ZONE TO PROMOTE ECONOMIC DEVELOPMENT OF, AND TO ENCOURAGE INFRASTRUCTURE CONSTRUCTION IN, THE COUNTIES OF THE ZONE, House Committee Substitute Favorable 7/14/93, Third Edition, wish to report as follows:

The Senate concurs in the House Committee Substitute with the following amendments:

On page 1, line 2, by adding after the word "AUTHORIZE" the word "CERTAIN":

And on page 2, lines 4 - 5, by rewriting the lines to read: "General Assembly desires to authorize certain counties to form an economic development district, to be known";

And on page 2, lines 28 - 37, by rewriting the lines to read:
"The purpose of this Article is to allow the following counties, which have the potential to derive direct economic benefits from the North Carolina Global TransPark, to create a special economic development district, to be known as the Global TransPark Development Zone: Carteret, Craven, Duplin, Edgecombe, Greene, Jones, Lenoir, Nash, New Hanover, Onslow, Pamlico, Pitt, Wayne, and Wilson.";

And on page 3, lines 25 - 26, by rewriting the lines to read: "(a) Resolution to Create Zone. — Any three or more of the counties listed in G.S. 158-31";

and on page 3, line 38, by adding at the end of the line the following: "after July 25, 1993, and";

and on page 6, lines 34 - 37, by rewriting the lines to read:
"(5) Reserved.";

and on page 9, line 13, by adding before the word "The" the following: "The effective date of a tax levied under this section shall be no earlier than July 1, 1994.;

and on page 10, line 21, by adding at the end of the line the following:
"The creation of the Global TransPark Development Zone in accordance with G.S. 158-33, as enacted by this act, is valid only if the resolutions required by G.S. 158-33(a) are adopted after the effective date of this act."

July 23, 1993

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23rd day of July, 1993.

S/John H. Kerr
S/Roy A. Cooper, III
S/Beverly M. Perdue
S/Ed Warren
S/Luther Jordan, Jr.
S/John B. Codington
S/R.L. Martin
S/Charles W. Albertson
S/James D. Speed
Dennis J. Winner
S/George B. Daniel
S/R.C. Soles, Jr.

Conferees for the Senate

S/Joe Hackney
S/George W. Miller, Jr.
S/Milton F. Fitch, Jr.
S/Philip A. Baddour, Jr.
E. David Redwine
S/Carolyn B. Russell
S/Robert Grady
S/Mary E. McAllister
Jerry Braswell
S/Gene G. Arnold
S/Edward C. Bowen
S/Vance Alphin
S/Ronald L. Smith
Zeno L. Edwards, Jr.

Conferees for the House of Representatives

The Chair fails to hold the Conference Report a material amendment and announces the question adoption of the Conference Report, upon second reading.

On motion of Senator Kerr, the Conference Report is adopted on second reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Speed, Warren, and Winner of Mecklenburg—32.

Voting in the negative: None.

The Conference Report remains on the Calendar for Saturday, July 24, for adoption, upon third reading.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 785 (House Committee Substitute), a bill to increase the membership of the North Carolina Sheriffs' Education and Training Standards Commission and to establish ten districts for the appointment of Commission members, for concurrence in the House Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, without objection, and the House Committee Substitute bill is placed on the Calendar for tomorrow, Saturday, July 24.

CONFERENCE REPORT

S.B. 161 (House Committee Substitute)

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 161** (Committee Substitute), a bill

to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, to authorize the Division of Motor Vehicles to issue specialized registration plates depicting various State attractions in North Carolina and to provide for the disposition of income from these plates, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of the Special Olympics and to provide for the disposition of income from these plates, and to make technical and administrative changes to the laws concerning special license plates, received for concurrence in the House Committee Substitute bill, which proposes to change the title to read **S.B. 161** (House Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to increase the types of special license plates, to specify how fees from the new special license plates are to be used, to modify the appearance of the special license plate issued to members of the North Carolina House of Representatives, and to make technical and administrative changes to the laws concerning special license plates, submits the following report, which proposes to further change the title to read, **S.B. 161** (House Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to increase the types of special license plates, to specify how fees from the new special license plates are to be used, to modify the appearance of the special license plate issued to members of the North Carolina General Assembly, and to make technical and administrative changes to the laws concerning special license plates.

To the President of the Senate and the
Speaker of the House of Representatives:

The conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 161, AN ACT TO ALLOW ALL TRAILERS TO OBTAIN MULTIYEAR LICENSE PLATES, TO INCREASE THE TYPES OF SPECIAL LICENSE PLATES, TO SPECIFY HOW FEES FROM THE NEW SPECIAL LICENSE PLATES ARE TO BE USED, TO MODIFY THE APPEARANCE OF THE SPECIAL LICENSE PLATE ISSUED TO MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, AND TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE LAWS CONCERNING SPECIAL LICENSE PLATES, Sixth Edition Engrossed 7/17/93, submit the following report:

The Senate concurs in the House Committee Substitute and the Senate and the House of Representatives agree to the following amendment:

On page 1, lines 6 and 7, by deleting "HOUSE OF REPRESENTATIVES," and substituting "GENERAL ASSEMBLY.";

and on page 4, lines 35 through 40, by rewriting those lines to read:
"Assembly. The plate shall bear 'The Great Seal of the State of North Carolina' and, as appropriate, the ~~words~~ word 'Senate' or ~~'State House'~~ 'House' followed by the Senator's or Representative's assigned seat number."

and on page 7, lines 25 through 27, by deleting those lines;

and on page 11, line 33, by adding the following sentence at the end of that line to read: "The change made by this act to G.S. 20-79.4(b)(14) applies to plates issued for legislators serving in the 1995 General Assembly and subsequent Assemblies."

The conferees recommend that the Senate and House of Representatives adopt this report.

This is the 23rd day of July, 1993.

July 23, 1993

S/John H. Kerr
S/Roy A. Cooper
S/C.R. Edwards
S/James D. Speed
Dennis J. Winner

Conferees for the Senate

S/Milton F. Fitch, Jr.
S/Daniel H. DeVane
S/Theodore J. Kinney
S/Richard T. Morgan
S/William O. Richardson
George S. Robinson
S/Wade F. Wilmoth

Conferees for the House of Representatives

The Chair announces the question is the adoption of the Conference Report, upon second reading.

On motion of Senator Kerr, the Conference Report is adopted on second reading by roll-call vote, ayes 30, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Speed, Warren, and Winner of Mecklenburg—30.

Voting in the negative: Senators Ballance and Sherron—2.

The Conference Report remains on the Calendar for Saturday, July 24, upon third reading.

On motion of Senator Basnight, seconded by Senator Marshall, the Senate adjourns at 12:00 M. to meet tomorrow, Saturday, July 24, at 12:15 A.M.

ONE HUNDRED NINTH DAY

SENATE CHAMBER,
Saturday, July 24, 1993.

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Senator C. R. Edwards, as follows:

"O Lord, our God, how excellent is Thy Name in all the earth. We pause at this moment to recognize Your Lordship in all that we do, and especially at this time as you have permitted us to see the beginning of another day. We know that Thou Art a Great God. If we turn toward You, we arise. If we turn from You, we'll fall, but if we abide in You, we will stand forever.

"We thank Thee for the fellowship we have enjoyed, or we are enjoying, and for the opportunity we've had to share our resources, our mental and moral and financial resources for the good of the people of the State of North Carolina. Grant Thy Blessings now upon all that we have attempted to do in Your Name.

"And may as we prepare to leave this Session, that Thou wouldst bless us that we might be a blessing to others. Forgive us, Lord, for all of our sins, and make us worthy to be a part of this gathering and to continue Your Work in this State and beyond. For we ask it all in His Name. Amen."

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Friday, July 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for this session to Senator Smith, to Senator Winner of Buncombe, to Senator Folger, to Senator Seymour, to Senator Johnson, and to Senator Forrester.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Martin of Guilford for the **Government Performance Audit Select Committee:**

S.B. 190, a bill to implement a recommendation of the Government Performance Audit Committee to restructure the Department of Commerce by eliminating unnecessary personnel and combining redundant programs, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended, and the proposed Committee Substitute bill 1710, which changes the title to read **S.B. 190** (Committee Substitute), a bill to direct the Joint Legislative Utility Review Committee to study recent rulings by the Utilities Commission on the regulatory treatment of the gain on sale of water and sewer facilities and to study municipal electric utility systems, and to direct the North Carolina Utilities Commission to study alternative means of rate making for natural gas companies, is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Committee Substitute bill is adopted.

On motion of Senator Sands, with unanimous consent, the Committee Substitute bill is re-referred to the **Rules and Operation of the Senate Committee.**

By Senator Sands for the **Rules and Operation of the Senate Committee:**

H.B. 439 (Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the proposed Senate Committee Substitute bill 5210 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill remains on the Calendar for today, at the end of the regular order of business, for consideration, upon its passage.

CONFERENCE REPORT

H.B. 873 (Committee Substitute)

Senator Cooper, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 873** (Committee Substitute), a bill to fulfill the intent of the insurance equality statute by correcting omissions in that Statute, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 873, A BILL TO BE ENTITLED AN ACT TO FULFILL THE INTENT OF THE INSURANCE EQUALITY STATUTE BY CORRECTING OMISSIONS IN THAT STATUTE, Committee Substitute Favorable 5/7/93, wish to report as follows:

The Senate recedes from Senate Amendment #2, and the House and Senate agree to the following:

on page 1, line 16, by deleting "~~chiropractor,~~ chiropractic physician, and substituting "chiropractor,";

and on page 1, lines 20 and 21 by deleting "~~chiropractor,~~ "chiropractic physician," and substituting "chiropractor,";

and on page 2, line 3 by deleting "~~chiropractor,~~ chiropractic physician," and substituting "chiropractor,";

and on page 2, lines 7 and 8 by deleting "~~chiropractor,~~ chiropractic physician," and substituting "chiropractor,";

and on page 2, line 14 by deleting "chiropractic physician" and substituting "chiropractor".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23rd day of July, 1993.

S/Roy Cooper III
S/John Kerr
S/Herbert L. Hyde

Conferees for the Senate

S/H.R. Michaux, Jr.
S/Erin Kuczmarski
S/James B. Black
David T. Flaherty, Jr.

Conferees for the House of Representatives

On motion of Senator Cooper, the Conference Report is adopted (30-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 161
(House Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **SB 161**, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL TRAILERS TO OBTAIN MULTIYEAR LICENSE PLATES, TO INCREASE THE TYPES OF SPECIAL LICENSE PLATES, TO SPECIFY HOW FEES FROM THE NEW SPECIAL LICENSE PLATES ARE TO BE USED, TO MODIFY THE APPEARANCE OF THE SPECIAL LICENSE PLATE ISSUED TO MEMBERS OF THE NORTH CAROLINA GENERAL ASSEMBLY, AND TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE LAWS CONCERNING SPECIAL LICENSE PLATES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 710
(House Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to

SB 710, A BILL TO BE ENTITLED AN ACT TO MODIFY THE NASH COUNTY ROOM OCCUPANCY TAX, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 853
(House Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **SB 853**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES THAT WILL DERIVE ECONOMIC BENEFITS FROM THE NORTH CAROLINA GLOBAL TRANSPARK TO FORM A GLOBAL TRANSPARK DEVELOPMENT ZONE TO PROMOTE ECONOMIC DEVELOPMENT OF, AND TO ENCOURAGE INFRASTRUCTURE CONSTRUCTION IN, THE COUNTIES OF THE ZONE, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1148
(House Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **SB 1148**, A BILL TO BE ENTITLED AN ACT TO AFFECT THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Senate having adopted the Conference Report, which changes the title on July 23, the Chair orders the House Committee Substitute bill enrolled.

CALENDAR

Bills and a resolution on the Calendar are taken up and disposed of, as follows:

S.J.R. 1297, a joint resolution setting the time for adjournment of the 1993 General Assembly to meet in 1994, limiting the subjects that may be considered in that Session, and providing for adjournment sine die of the General Assembly.

The Chair orders, without objection, the joint resolution temporarily displaced.

H.B. 544 (Senate Committee Substitute), a bill to make technical amendments to the General Statutes as recommended by the General Statutes Commission, and to make technical corrections to other General Statutes and Session Laws, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill without engrossing Amendments No. 1 and No. 2, and which changes the title.

S.B. 785 (House Committee Substitute), a bill to increase the membership of the North Carolina Sheriffs' Education and Training Standards Commission and to establish ten districts for the appointment of Commission members, for concurrence in the House Committee Substitute.

The Chair orders, without objection, the House Committee Substitute bill temporarily displaced.

S.B. 14 (Committee Substitute No. 3), a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) capital improvements for community colleges, (3) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (4) capital improvements and land acquisition for State parks and recreation areas, received for concurrence in the House Committee Substitute bill, which proposes to change the title, upon concurrence, to read **S.B. 14** (House Committee Substitute), a bill to authorize the issuance of seven hundred forty-six million two hundred thousand dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) grants to community colleges for capital improvements, and (3) loans, revolving loans, and grants to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, Conference Report, submitted Thursday, July 22, for adoption, which proposes to further change the title to read **S.B. 14**, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) grants to community colleges for capital improvements, (3) grants, loans, and revolving loans to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects, and (4) capital improvements and land acquisition for new and existing State parks and recreation areas, upon third reading.

Receiving a three-fifths affirmative majority, the Senate adopts the Conference Report on its third reading, by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Simpson, Speed, Warren, and Winner of Mecklenburg—33.

Voting in the negative: None.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 853 (House Committee Substitute), a bill to authorize counties that will derive economic benefits from the North Carolina Global TransPark to form a Global TransPark Development Zone to promote economic development of, and to encourage

infrastructure construction in, the counties of the Zone, Conference Report, submitted July 23, which proposes to further change the title to read **S.B. 853** (House Committee Substitute), a bill to authorize certain counties that will derive economic benefits from the North Carolina Global TransPark to form a Global TransPark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone, for adoption, upon third reading.

On motion of Senator Daniel, the Senate adopts the Conference Report on its third reading by roll-call vote, ayes 31, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kerr, Marshall, Martin of Pitt, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Speed, Warren, and Winner of Mecklenburg—31.

Voting in the negative: None.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 235 (Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Gulley, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Lee, Marshall, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Sherron, Speed, Warren, and Winner of Mecklenburg—32.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special messenger, for concurrence in Senate Amendment No. 1, which changes the title.

RECONSIDERATION

H.B. 544 (Senate Committee Substitute), a bill to make technical amendments to the General Statutes as recommended by the General Statutes Commission, and to make technical corrections to other General Statutes and Session Laws, passing third reading earlier today.

Senator Sands offers a motion that the vote by which the Senate Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails, and the question becomes the passage of the measure upon third reading.

The Chair recalls the measure to the Chamber and orders it, without objection, temporarily displaced.

CONFERENCE REPORT

S.B. 710 (House Committee Substitute)

Senator Cooper, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 710**, a bill to authorize Nash County to use the proceeds of its occupancy tax for economic development projects, received for concurrence in the House Committee Substitute bill, which proposes to change the title to read **S.B. 710** (House Committee Substitute), a bill to modify the Nash County room occupancy tax, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 710, A BILL TO BE ENTITLED AN ACT TO MODIFY THE NASH COUNTY ROOM OCCUPANCY TAX, House Committee Substitute Favorable 7/16/93, Second Edition, wish to report as follows:

The Senate concurs in the House Committee Substitute and the Senate and the House of Representatives agree to the following amendment:

On page 2, lines 42 and 43, by inserting between the lines the following new sections:

"Sec. 4. Section 2(a) of Chapter 32 of the 1987 Session Laws reads as rewritten:

'(a) Appointment and membership. When the Board of Commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the ~~Authority including the members' qualifications and terms of office,~~ Authority, the terms of office of the members, and ~~for~~ the filling of vacancies on the Authority. The members of the Authority shall be citizens of Nash County. If the Authority has an even number of members, then at least one-half of the members shall have experience in the promotion of travel and tourism. If the Authority has an odd number of members, then at least one less than one-half of the members shall have experience in the promotion of travel and tourism. The Board of Commissioners shall designate one member of the Authority as chair, and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair or upon a written request signed by at least one-third of its members and shall adopt rules of procedure to govern its meetings. The Finance Officer for Nash County shall be the ex officio finance officer of the Authority.'

Sec. 5. The Nash Tourism Development Authority has the sole power to determine if an expenditure of occupancy tax proceeds collected before August 1, 1993, is for a purpose stated in subsection 1(e) of Chapter 32 of the 1987 Session Laws.";

and on page 2, line 43, by rewriting the line to read:

"Sec. 6. Section 5 of this act is effective upon ratification. The remaining sections of this act become effective August 1, 1993.".

The conferees recommend that the Senate and House of Representatives adopt this report.

This the 23rd day of July, 1993.

S/Roy A. Cooper	S/Milton F. Fitch, Jr.
S/John H. Kerr	S/Gene G. Arnold
S/R.C. Soles	S/Dock M. Brown
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Cooper, the Conference Report is adopted (30-2) and the House Committee Substitute bill is ordered enrolled, changing the title. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 439 (Senate Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives.

The Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 544 (Senate Committee Substitute), a bill to make technical amendments to the General Statutes as recommended by the General Statutes Commission, and to make technical corrections to other General Statutes and Session Laws, as amended, upon third reading, temporarily displaced earlier.

Senator Cooper offers Amendment No. 3 which is adopted (31-0).

Senator Cooper offers Amendment No. 4 which is adopted (28-0).

The Senate Committee Substitute bill, as amended, passes its third reading (31-0).

The Senate Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill without engrossment of Amendments No. 1, No. 2, No. 3, and No. 4, which changes the title.

S.B. 161 (Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to redefine a "horseless carriage" as a vehicle that is a model year 1943 or older, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of a civic club, to authorize the Division of Motor Vehicles to issue specialized registration plates depicting various State attractions in North Carolina and to provide for the disposition of income from these plates, to authorize the Division of Motor Vehicles to issue specialized registration plates bearing the emblem of the Special Olympics and to provide for the disposition of income from these plates, and to make technical and administrative changes to the laws concerning special license plates, received from the House of Representatives for concurrence in the House Committee Substitute bill, which proposes to change the title to read **S.B. 161** (House Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to increase the types of special license plates, to specify how fees from the new special license plates are to be used, to modify the appearance of the special license plate issued to members of the North Carolina House of Representatives, and to make technical and administrative changes to the laws concerning special license plates, Conference Report submitted July 23, for adoption, upon third reading, which proposes to further change the title to read **S.B. 161** (House Committee Substitute), a bill to allow all trailers to obtain multiyear license plates, to increase the types of special license plates, to specify how fees from the new special license plates are to be used, to modify the appearance of the special license plate issued to members of the North Carolina General Assembly, and to make technical and administrative changes to the laws concerning special license plates.

On motion of Senator Kerr, the Senate adopts the Conference Report on its third reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Cooper, Edwards, Gunter, Harris, Hartsell, Hoyle, Hyde, Jordan, Kerr, Lee, Marshall, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Richardson, Sands, Speed, Warren, and Winner of Mecklenburg—29.

Voting in the negative: None.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

H.B. 1158

Senator Winner of Mecklenburg, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1158**, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County and to prohibit the erection of most new outdoor advertising on Interstate 26 and on a portion of Interstate 40, submits the following report, which proposes to change the title upon adoption to read **H.B. 1158**, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County and to prohibit the erection of outdoor advertising on any interstate highway in Buncombe County outside the limits of a municipality.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1158, AN ACT TO PROHIBIT THE ERECTION OF OUTDOOR ADVERTISING ON A PORTION OF U.S. HIGHWAY 52 AND NORTH CAROLINA HIGHWAY 752 IN SURRY COUNTY, wish to report as follows:

The Senate recedes from Senate Amendment #2, and the House and Senate agree to the following amendment:

on page 1, line 4, by adding after the word "COUNTY" and before the period the following:
"AND TO PROHIBIT THE ERECTION OF OUTDOOR ADVERTISING ON ANY INTERSTATE HIGHWAY IN BUNCOMBE COUNTY OUTSIDE THE LIMITS OF A MUNICIPALITY"; and

further amends the bill on page 1, line 10, by adding after the period the following:
"No new or replacement outdoor advertising, as defined in G.S. 136-128(3), shall be erected within 660 feet of any interstate highway located in Buncombe County outside the corporate limits of a municipality.".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 22nd day of July, 1993.

Dennis J. Winner	S/David H. Diamont
S/Leslie J. Winner	S/Wade F. Wilmoth
S/J. Clark Plexico	S/Jack Hunt
S/James D. Speed	S/Liston B. Ramsey
Paul S. Smith	S/Peggy Stamey
	S/Larry T. Justus
	S/William M. Ives
	S/Marie W. Colton
	Charles M. Beall
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Winner of Mecklenburg, the Conference Report is adopted (29-1) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 14	House of Representatives
(House Committee Substitute)	July 24, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for

SB 14, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR (1) CAPITAL IMPROVEMENTS FOR THE UNIVERSITY OF NORTH CAROLINA, (2) GRANTS TO COMMUNITY COLLEGES FOR CAPITAL IMPROVEMENTS, (3) GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, AND (4) CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR NEW AND EXISTING STATE PARKS AND RECREATION AREAS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Senate having adopted a like report earlier, the Chair orders the House Committee Substitute bill enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled at 2:18 A.M., and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 479, an act to establish the Senior Tar Heel Legislature. (Ch. 503)

S.B. 586 (House Committee Substitute), an act to make technical amendments, clarifications, and corrections in various insurance and insurance-related laws and to make changes to the laws on service agreements for motor vehicles and home appliances. (Ch. 504)

S.B. 611, an act to provide the same confidentiality of personnel records of water and sewer authorities as are provided those of cities, counties, and other units of local government. (Ch. 505)

S.B. 622 (Committee Substitute), an act to make miscellaneous amendments to laws governing health insurance. (Ch. 506)

S.B. 659, an act to provide that deposits on returnable aeronautic replacement parts will be treated the same way as deposits on returnable automotive, industrial, marine, and farm replacement parts for sales tax purposes. (Ch. 507)

S.B. 790 (Committee Substitute), an act to increase the amount of alcoholic beverages a person may purchase and possess without a permit. (Ch. 508)

S.B. 989 (House Committee Substitute), an act to require employers to grant leave at a mutually agreed upon time to employees for involvement at their children's schools, to encourage schools to implement parent involvement and conflict resolution programs, and to direct local Boards of Education to reevaluate their school safety policies in light of 1993 legislation. (Ch. 509)

S.B. 1021, an act to provide that the cost of emergency medical services for an inmate in a local confinement facility shall be paid by a third-party insurer if the inmate has such insurance and to clarify that the County may recover the cost of emergency medical services from the inmate. (Ch. 510)

S.B. 1165 (Committee Substitute), an act to revise the method by which resident inspectors are assigned, and to provide that certain facilities that burn hazardous waste as a fuel are subject to the resident inspectors program. (Ch. 511)

H.B. 124 (Committee Substitute), an act to establish a statewide program to improve the collection of accounts receivable by the State. (Ch. 512)

H.B. 179 (Senate Committee Substitute), an act to delete the requirement that certain reports on environmental issues be made to the Joint Legislative Commission on Governmental Operations, to set a date by which local governments shall submit local water supply plans, and to make clarifying, conforming, and technical changes to various laws relating to environment, health, and natural resources. (Ch. 513)

H.B. 218 (Committee Substitute No. 2), an act to provide for the regulation of the practice of counseling and the licensure of counselors. (Ch. 514)

H.B. 297 (Committee Substitute), an act to require an endorsement to sell fish taken from coastal fishing waters, to consolidate the vessel fishing license, and to amend other marine fisheries statutes. (Ch. 515)

H.B. 364 (Senate Committee Substitute), an act to implement a recommendation of the Child Fatality Task Force to amend the juvenile law and other laws to protect children more effectively from abuse, neglect, and dependency. (Ch. 516)

H.B. 538 (Senate Committee Substitute), an act to provide for immediate income withholding in non-IV-D child support cases as required by the federal Family Support Act. (Ch. 517)

H.B. 541 (Senate Committee Substitute), an act to implement a recommendation of the General Statutes Commission to delete the domiciliary or residency and citizenship requirements for examination and licensure as a certified public accountant and to make technical amendments by deleting obsolete references to public accountants. (Ch. 518)

H.B. 618 (Committee Substitute), an act to remove the expiration date from the law allowing the Department of Transportation to use nonlicensed or noncertified appraisers in the acquisition of real estate acquired by the Department when the estimated value of the real estate is less than ten thousand dollars. (Ch. 519)

H.B. 686 (Committee Substitute), an act to provide that the regulation of water supply watersheds does not apply to certain watersheds and to authorize Henderson and Transylvania Counties and the City of Brevard to take into consideration prospective revenues generated by a development in arriving at the amount of consideration for an economic development conveyance and to extend water and sewer lines to industrial properties for economic development purposes. (Ch. 520)

H.B. 865 (Senate Committee Substitute), an act to clarify that the plan for election of the Guilford County Board of Commissioners enacted by the 1991 General Assembly is the only lawful plan, and to extend the time for action on an act concerning the Sampson County Board of Commissioners. (Ch. 521)

H.B. 935, an act to delete the references to the Department of Public Education. (Ch. 522)

H.B. 1043 (Senate Committee Substitute), an act to clarify the law regarding the health care power of attorney. (Ch. 523)

H.B. 1053 (Senate Committee Substitute), an act to authorize the designation of scenic highways and byways and to limit the construction of outdoor advertising to promote the safety and recreational value of public travel, and to enhance natural beauty. (Ch. 524)

H.B. 1095, an act to prohibit insurers from requiring the use of specified repair companies for motor vehicle damage repairs. (Ch. 525)

H.B. 1131, an act to direct the Governor's Commission on Work Force Preparedness to study the need for grant funds for State literacy programs. (Ch. 526)

H.B. 1359 (Committee Substitute), an act to allow an income tax credit for expenditures to rehabilitate a certified historic structure. (Ch. 527)

H.B. 1492 (Committee Substitute No. 2), an act to require the Building Code Council to establish standards for temporary toilet facilities at construction sites to ensure sanitary conditions for construction workers. (Ch. 528)

S.J.R. 1017, a joint resolution expressing opposition to a federal requirement to withhold federal-aid highway funds unless certain statutes are enacted to suspend the drivers license of felony convictions of drug-related offenses. (Res. 30)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

H.B. 987, a bill to establish peer review for optometrists and to establish an optometrist privilege.

Referred to **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1158

House of Representatives
July 24, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has reconsidered the vote by which the House adopted the report of the Conferees on July 23, 1993 for Senate Amendment # 2 to **HB 1158**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ERECTION OF OUTDOOR ADVERTISING ON A PORTION OF U.S. HIGHWAY 52 AND NORTH CAROLINA HIGHWAY 752 IN SURRY COUNTY AND TO PROHIBIT THE ERECTION OF OUTDOOR ADVERTISING ON ANY INTERSTATE HIGHWAY IN BUNCOMBE COUNTY OUTSIDE THE LIMITS OF A MUNICIPALITY. The House adopted a new report submitted by the Conferees. When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 785 (House Committee Substitute), a bill to increase the membership of the North Carolina Sheriffs' Education and Training Standards Commission and to establish ten districts for the appointment of Commission members, for concurrence in the House Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration, upon concurrence.

The Senate fails to concur in the House Committee Substitute bill.

Senator Cooper offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Cooper (Chairman), Lee, and Perdue as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

INTRODUCTION OF RESOLUTION

Senator Basnight offers a motion that Rule 40 be suspended to allow the introduction of the following Senate simple resolution, which motion prevails by a two-thirds majority vote.

By Senator Basnight:

S.R. 1298, a Senate simple resolution honoring the life and memory of Thaddeus Armie Eure, former Secretary of State.

On motion of Senator Basnight, the Senate simple resolution is placed before the Senate for immediate consideration, upon its adoption.

On motion of Senator Basnight, the Senate simple resolution is adopted (the text of this resolution appears in the appendix).

QUORUM

The Chair places a call for the quorum at 3:19 A.M. and the following answer present: Senators Albertson, Allran, Ballance, Basnight, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Edwards, Harris, Hartsell, Hoyle, Jordan, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Plyler, Sherron, Speed, and Warren—26.

With unanimous consent, a leave of absence is granted to Senator Sands for the remainder of the session.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled at 4:21 A.M., and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 729 (Senate Committee Substitute), an act to provide for health care reform planning, small employer purchasing groups, reorganization of State health functions into a State Department of Health, the creation of community health districts, uniform health claim forms, hospital cooperation agreements, and health delivery improvements. (Ch. 529)

S.B. 575, an act to require the payment of outstanding fines as a condition of license renewal for domiciliary care facilities and nursing facilities and to make changes concerning the licensure of electrologists. (Ch. 530)

S.B. 600 (House Committee Substitute), an act to amend the Legislative Retirement System, the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, and the Consolidated Judicial Retirement System to comply with the Internal Revenue Code, and to permit certain rollovers among qualified plans. (Ch. 531)

S.B. 832 (House Committee Substitute), an act to provide a timetable within which the Department of Revenue and the Tax Review Board must hold administrative hearings and render decisions and to provide for State taxpayers' rights. (Ch. 532)

S.B. 1074 (House Committee Substitute), an act enabling North Carolina to join the Drivers License Compact, making technical and clarifying changes to the motor vehicle laws, and establishing new offenses concerning the wrongful issuance of a drivers license or a special identification card. (Ch. 533)

H.B. 281 (Committee Substitute No. 2), an act to create a State-County Criminal Justice Partnership in North Carolina. (Ch. 534)

H.B. 1035 (Committee Substitute No. 2), an act to authorize the Sentencing and Policy Advisory Commission to study restitution policy as a part of North Carolina's Criminal Justice System and to expand the Commission. (Ch. 535)

H.B. 1109 (Senate Committee Substitute), an act to authorize counties and cities to engage in additional local economic development activities. (Ch. 536)

H.B. 230 (Senate Committee Substitute), an act recommended by the Juvenile Law Study Commission to ensure the guardian ad litem's standing to represent the juvenile and to make other changes related to proceedings under the juvenile code involving guardians ad litem. (Ch. 537)

H.B. 277 (Senate Committee Substitute), an act to provide for structured sentencing in North Carolina consistent with the standard operating capacity of the Department of Correction and local confinement facilities and to redefine State and county responsibilities for the confinement of misdemeanants. (Ch. 538)

RECALL FROM COMMITTEE

S.B. 1072, a bill to allow State emergency management vehicles to be equipped with red lights and sirens, referred to the **Appropriations Committee** on July 22.

Senator Plyler offers a motion the bill be recalled from the **Appropriations Committee** and placed before the Senate for immediate consideration upon its passage, which motion prevails.

The Chair recalls the bill from the **Appropriations Committee** and orders the measure placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 539 House of Representatives
(Senate Committee Substitute) July 23, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to

HB 539, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA BUSINESS CORPORATION ACT AND TO AMEND G.S. 54-139 RELATING TO FOREIGN COOPERATIVE CORPORATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE OTHER AMENDMENTS TO THE BUSINESS CORPORATION ACT, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 690, a bill amending the Charter of Durham to authorize the making of emergency repairs in housing code cases, for concurrence in House Amendment No. 1.

On motion of Senator Basnight, the rules are suspended, without objection, and the bill is placed on the Calendar at the end of the regular order of business today for consideration.

The President relinquishes the gavel to Senator Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

APPOINTMENT TO COMMITTEE

The President *Pro Tempore* appoints Senator Ballance a Vice-Chairman of the Standing Committee of **Rules and Operation of the Senate.**

CONFERENCE REPORT

H.B. 1008 (Senate Committee Substitute No. 2)

Senator Cooper, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1008** (Committee Substitute), a bill to make it a Class I felony to possess or carry a firearm on school property or to aid a minor to possess or carry a weapon on school property, to require the reporting of weapons on school property, to require safe storage of firearms to protect minors, and to require a warning about safe storage upon sale or transfer of a firearm, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2, as amended, which proposed to change the title to read **H.B. 1008** (Senate Committee Substitute No. 2), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or to cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property, to make it a misdemeanor to fail to store firearms in a reasonable manner for the protection of minors and to fail to warn a person of this law upon the sale or transfer of a firearm and to provide that any juvenile bringing a gun or dangerous weapon to school shall be ineligible for a North Carolina drivers license until the juvenile is eighteen years of age, submits the following report, which proposes to change the title upon adoption to read **H.B. 1008** (Senate Committee Substitute No. 2), a bill to make it a Class I felony to possess or carry a firearm or explosive on educational property or to

cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property, to make it a misdemeanor to fail to store firearms in a reasonable manner for the protection of minors and to fail to warn a person of this law upon the sale or transfer of a firearm.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1008, AN ACT TO MAKE IT A CLASS I FELONY TO POSSESS OR CARRY A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY OR TO CAUSE, ENCOURAGE, OR AID A MINOR TO POSSESS OR CARRY A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY, TO MAKE IT A MISDEMEANOR TO CAUSE, ENCOURAGE, OR AID A MINOR TO TAKE OR POSSESS OTHER TYPES OF WEAPONS ON EDUCATIONAL PROPERTY, TO MAKE IT A MISDEMEANOR TO FAIL TO STORE FIREARMS IN A REASONABLE MANNER FOR THE PROTECTION OF MINORS AND TO FAIL TO WARN A PERSON OF THIS LAW UPON THE SALE OR TRANSFER OF A FIREARM AND TO PROVIDE THAT ANY JUVENILE BRINGING A GUN OR DANGEROUS WEAPON TO SCHOOL SHALL BE INELIGIBLE FOR A NORTH CAROLINA DRIVERS LICENSE UNTIL THE JUVENILE IS EIGHTEEN YEARS OF AGE, Sixth Edition Engrossed 7/16/93, wish to report as follows:

That the House concurs in the Sixth Edition Engrossed 7/16/93 of House Bill 1008, with the following amendments:

on page 1, lines 11 through 14, by rewriting the lines to read:
"SALE OR TRANSFER OF A FIREARM."; and

on page 4, line 28 through page 5, line 30, by deleting the lines, and by renumbering the remaining section accordingly.

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23rd day of July, 1993.

S/Roy A. Cooper III	S/Robert J. Hensley, Jr.
S/C. R. Edwards	S/Anne C. Barnes
S/Ollie Harris	S/Joanne W. Bowie
S/Elaine F. Marshall	S/Marie W. Colton
S/Beverly M. Perdue	S/Frances M. Cummings
Daniel R. Simpson	J. Shawn Lemmond
S/Leslie J. Winner	S/H.M. Michaux, Jr.
	S/Brad Miller
	S/Martin Nesbitt
	Gregory J. Thompson
Conferees for the Senate	*Conferees for the House of Representatives*

On motion of Senator Cooper, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting the following bills and resolution which are read the first time and disposed of, as follows:

H.B. 1319 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to direct various State agencies to study specified issues.

On motion of Senator Basnight, without objection, the Committee Substitute bill is placed on the Calendar today at the end of the regular order of business for consideration.

S.B. 558 (House Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the Senate President *Pro Tempore*, for concurrence in the House Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, without objection, and the House Committee Substitute bill is placed on the Calendar today at the end of the regular order of business for consideration, upon concurrence.

S.B. 690, a bill amending the Charter of Durham to authorize the making of emergency repairs in housing code cases, for concurrence in House Amendment No. 1.

On motion of Senator Basnight, the rules are suspended, without objection, and the bill is placed on the Calendar today at the end of the regular order of business for consideration, upon concurrence.

CALENDAR (Continued)

H.B. 1319 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to direct various State agencies to study specified issues, received from the House of Representatives earlier today and placed on the Calendar.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 558 (House Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the Senate President *Pro Tempore*, received from the House of Representatives earlier today and placed on the Calendar for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill and the measure is ordered enrolled.

S.B. 690, a bill amending the Charter of Durham to authorize the making of emergency repairs in housing code cases, received from the House of Representatives earlier today and placed on the Calendar for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 and the measure is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 785
(House Committee Substitute)

House of Representatives
July 24, 1993

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **SB 785**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION AND TO ESTABLISH TEN DISTRICTS FOR THE APPOINTMENT OF COMMISSION MEMBERS, the Speaker has appointed as conferees on the part of the House, Representative Michaux,

Representative McCrary, and Representative Miner, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1008
(Senate Committee Substitute)

House of Representatives
July 24, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute to **HB 1008**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS I FELONY TO POSSESS OR CARRY A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY OR TO CAUSE, ENCOURAGE, OR AID A MINOR TO POSSESS OR CARRY A FIREARM OR EXPLOSIVE ON EDUCATIONAL PROPERTY, TO MAKE IT A MISDEMEANOR TO CAUSE, ENCOURAGE, OR AID A MINOR TO TAKE OR POSSESS OTHER TYPES OF WEAPONS ON EDUCATIONAL PROPERTY, TO MAKE IT A MISDEMEANOR TO FAIL TO STORE FIREARMS IN A REASONABLE MANNER FOR THE PROTECTION OF MINORS AND TO FAIL TO WARN A PERSON OF THIS LAW UPON THE SALE OR TRANSFER OF A FIREARM, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

CONFERENCE REPORT

S.B. 785

Senator Cooper, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 785** (Committee Substitute), a bill to increase the membership of the North Carolina Sheriffs' Education and Training Standards Commission and to establish ten districts for the appointment of Commission members, received from the House of Representatives for concurrence in the House Committee Substitute bill, submits the following report, which proposes to change the title upon adoption to read **S.B. 785** (House Committee Substitute), a bill to extend the sunset for the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 785, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION AND

TO ESTABLISH TEN DISTRICTS FOR THE APPOINTMENT OF COMMISSION MEMBERS, House Committee Substitute Favorable 7/22/93, Fifth Edition, wish to report as follows:

The Senate concurs in the House Committee Substitute Favorable 7/22/93, Fifth Edition with the following amendment: delete the entire House Committee Substitute and substitute the attached proposed conference Committee Substitute S875-CSLH-1, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE METHOD OF SELECTING MEMBERS OF THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION APPOINTED BY THE NORTH CAROLINA SHERIFFS' ASSOCIATION.

And the House of Representatives agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 24th day of July, 1993.

S/Roy A. Cooper
Howard N. Lee
S/Beverly M. Perdue

Conferees for the Senate

S/H.M. Michaux
S/Paul R. McCrary
David Miner

Conferees for the House of Representatives

The text of the attached proposed Conference Committee Substitute bill, S785-CSLH-1, is as follows:

A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE METHOD OF SELECTING MEMBERS OF THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION APPOINTED BY THE NORTH CAROLINA SHERIFFS' ASSOCIATION.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 1005 of the 1991 Session Laws reads as rewritten:

"Sec. 3. This act is effective upon ratification and expires September 1, ~~1993.~~ 1994."

Sec. 2. This act is effective upon ratification.

On motion of Senator Cooper, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1222
(House Committee Substitute)

House of Representatives
July 23, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 1222**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DISABLED SPORTSMAN PROGRAM UNDER THE WILDLIFE RESOURCES COMMISSION, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Senate having adopted a like report earlier today, the Chair orders the House Committee Substitute bill enrolled.

INTRODUCTION OF JOINT RESOLUTION

Senator Daniel offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Conder:

S.J.R. 1299, a joint resolution setting the time for adjournment of the 1993 General Assembly to meet in 1994, limiting the subjects that may be considered in that Session, and providing for adjournment sine die of the General Assembly.

On motion of Senator Daniel, the joint resolution is placed before the Senate for immediate consideration.

The joint resolution, passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

CONFERENCE REPORT

S.B. 26 (House Committee Substitute)

Senator Daniel, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 26** (House Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, and for other purposes, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives upon Senate Bill 26, A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, House Committee Substitute Favorable and Engrossed 7/21/93

wish to report as follows:

The Senate concurs in the House Committee Substitute Favorable and Engrossed 7/21/93, with the following amendment: Delete the entire House Committee Substitute Favorable with Amendments 5/27/93, Fifth Edition, and substitute the attached Proposed Conference Committee Substitute PCCS 9753.

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 24 day of July, 1993.

S/George B. Daniel
S/Aaron W. Plyler
S/Ted Kaplan
S/Howard N. Lee
S/Beverly M. Perdue
David R. Parnell
Robert G. Shaw

S/Martin Nesbitt
S/David H. Diamont
S/Jim Black
S/Fred Bowman
S/C. Robert Brawley
N.J. Crawford
S/Dan DeVane

S/Ruth Easterling
S/Milton F. Fitch, Jr.
Herman C. Gist
S/Karen E. Gottovi
Robert Grady
George M. Holmes
S/Bertha M. Holt
S/Mary E. McAllister
S/John B. McLaughlin
S/H.M. Michaux, Jr.
S/Edd Nye
S/Gene Rogers
S/Ronnie N. Sutton
S/William Wainwright

Conferees for the Senate

Conferees for the House of Representatives

The text of the Proposed Conference Committee Substitute PCCS 9753 is as follows:

A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

PART 1. INTRODUCTION

Section 1. The appropriations made by the 1993 General Assembly for capital improvements are for constructing, repairing, or renovating State buildings, utilities, and other capital facilities, for acquiring sites for them where necessary, and for acquiring buildings and land for State government purposes.

PART 2. TITLE

Sec. 2. This act shall be known as "The Capital Improvements Appropriations Act of 1993".

PART 3. PROCEDURES FOR DISBURSEMENTS

Sec. 3. The appropriations made by the 1993 General Assembly for capital improvements shall be disbursed for the purposes provided by this act. Expenditure of funds shall not be made by any State department, institution, or agency, until an allotment has been approved by the Governor as Director of the Budget. The allotment shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes. Prior to the award of construction contracts for projects to be financed in whole or in part with self-liquidating appropriations, the Director of the Budget shall approve the elements of the method of financing of those projects including the source of funds, interest rate, and liquidation period. Provided, however, that if the Director of the Budget approves the method of financing a project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Where direct capital improvement appropriations include the purpose of furnishing fixed and movable equipment for any project, those funds for equipment shall not be subject to transfer into construction accounts except as authorized by the Director of the Budget. The expenditure of funds for fixed and movable equipment and furnishings shall be reviewed and approved by the Director of the Budget prior to commitment of funds.

Capital improvement projects authorized by the 1993 General Assembly shall be completed, including fixed and movable equipment and furnishings, within the limits of the amounts of the direct or self-liquidating appropriations provided, except as otherwise provided in this act.

PART 4. CAPITAL IMPROVEMENTS/GENERAL FUND

Sec. 4. Appropriations are made from the General Fund for the 1993-94 fiscal year for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

			1993-94
DEPARTMENT OF ADMINISTRATION			
1.	Reserve for Repairs/Renovations - Planning Reserve for Old Education Building and Old Revenue Building		$1,000,000
2.	State Veterans' Cemetery - Fort Bragg		
	Requirements	$1,219,500	
	Receipts - Federal	751,100	
	State Appropriation		468,400
3.	Reserve for Veterans' Home - State Share		3,000,000
4.	GPAC Prison Facility Consolidation - Planning and Design	2,000,000	
5.	Western Government Center - Planning		1,000,000
6.	Indian Cultural Center - Purchase of Land/ Redesign of Center for Site Specific		750,000
7.	Government Complex Mall - Supplement		150,000
8.	Public Telecommunications - Upgrade Satellite System		314,000
TOTAL - DEPARTMENT OF ADMINISTRATION			$8,682,400
DEPARTMENT OF AGRICULTURE			
1.	Medical Waste Incinerators - Animal Labs		$712,900
2.	Pesticide Storage Buildings - Research Stations and State Farms		399,200
3.	Shop and Equipment Storage Facility - Upper Mountain Research Station		
	Requirements	323,300	
	Timber Receipts	323,300	
	State Appropriation		0
4.	Dairy Milking Parlor - Umstead Research Station		
	Requirements	213,000	
	Timber Receipts	213,000	
	State Appropriation		0
5.	Shop/Storage - Horticultural Crops Research Station		
	Requirements	168,900	
	Timber Receipts	168,900	
	State Appropriation		0
6.	Western Agricultural Center - Covered Show Ring/ Parking Area/Construction of restrooms and showers and Development of N.C. Mountain Fair		2,580,000
7.	Tidewater Research Station - Greenhouse and Headhouse Construction		500,000
8.	Southeastern Farmers' Market and Agricultural Center Development		2,500,000
9.	Western Farmers Market - Truck Shed, Wholesale Buildings and WNCDA Office on State Property Site Development		697,415
10.	Triad Farmers' Market Development		4,400,000
11.	Eastern N.C. Agricultural Center Development		3,400,000

12. Livestock Facility - Planning Funds		50,000
TOTAL - DEPARTMENT OF AGRICULTURE		$15,239,515
DEPARTMENT OF CORRECTION		
1. Add Dayrooms - Odom Correctional Center		$381,500
2. Water/Wastewater Improvements - Statewide		1,000,000
TOTAL - DEPARTMENT OF CORRECTION		$1,381,500
DEPARTMENT OF COMMUNITY COLLEGES		
1. Regional Truck Driver Training Facility		$50,000
TOTAL - DEPARTMENT OF COMMUNITY COLLEGES		$50,000
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY		
1. National Guard Armory Replacement - Kinston		
Requirements	3,897,700	
Receipts - Federal	2,848,300	
Receipts - Local	524,700	
State Appropriation		524,700
2. National Guard - Aerial Reserve Equipment for Emergency Support Missions		275,000
3. National Guard - Underground Storage Tank		71,400
TOTAL - DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY		$871,100
DEPARTMENT OF CULTURAL RESOURCES		
1. Museum of History - Core Exhibition Design and Construction		$5,424,100
2. Somerset Place State Historic Site - Development - Washington County		300,000
3. Museum of the Albemarle - Complete Design		1,000,000
4. Elizabeth II State Historic Site - Master Plan Implementation - Design		250,000
TOTAL - DEPARTMENT OF CULTURAL RESOURCES		$6,974,100
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES		
1. State Parks - Reserve for Construction Projects for Health, Safety, Access Improvements, and Land Acquisition		$2,100,000
2. Small Watershed Grants and Solid Waste Grant		1,680,000
3. Forestry - District and County Headquarters Buildings/Equipment Sheds (Scotland, Henderson, Mitchell, Graham, Wayne, Davidson, and Fayetteville)		1,448,100
4. Water Resources (Civil Works) - Reserve for Planning, Construction Projects, Operations and Maintenance Projects, and Feasibility Studies		7,908,000
5. Geological Survey Repository - Core Sample Storage Addition		434,600
6. Partnership for the Sounds - Matching Funds		846,000
7. Expansion - Aquariums - Planning		250,000
TOTAL - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES		$14,666,700
DEPARTMENT OF HUMAN RESOURCES		
1. Reserve - Life Safety/Certification Improvements - Statewide		$1,000,000

2.	Dorothea Dix Hospital - Male Wing Completion	1,457,300
3.	John Umstead Hospital - Sewer Plant Upgrade - Design	250,000
4.	Eastern School for the Deaf - Student Activity/ Recreation complex - Design	250,000
TOTAL - DEPARTMENT OF HUMAN RESOURCES		$2,957,300
DEPARTMENT OF JUSTICE		
1.	Justice Academy - B-Dorm Repairs and Equipment	
	Requirements 321,800	
	Receipts 321,800	
	State Appropriation	0
2.	SBI Lab - New Construction	$18,600,000
TOTAL - DEPARTMENT OF JUSTICE		$18,600,000
NORTH CAROLINA PORTS RAILWAY COMMISSION		
1.	Planning Funds - Replacement of Morehead Trestle	250,000
TOTAL - NORTH CAROLINA PORTS RAILWAY COMMISSION		250,000
OFFICE OF STATE CONTROLLER		
1.	State Telecommunications System - Communications Network Development	$4,100,000
TOTAL - OFFICE OF STATE CONTROLLER		$4,100,000
UNIVERSITY - BOARD OF GOVERNORS		
1.	North Carolina State University	
	a. Centennial Center - State Match	$5,000,000
	b. Renovations and Equipment for Dearstyne Building and Ricks Hall to Effect the Transfer of Agricultural Education Program to College of Agriculture and Life Science	200,000
2.	Reserve for Advance Planning	3,250,000
3.	University of North Carolina - Chapel Hill - Terrell Building Additions/Renovations for N.C. High School Athletic Association	400,000
4.	North Carolina State University - Agricultural Program	
	a. Horticultural Crops Research Station at Fletcher - Improvements	258,000
5.	School of the Arts - Education Building for Film School	7,900,000
6.	U.N.C. - Asheville - Land Purchase	2,000,000
7.	North Carolina Arboretum Development	2,000,000
8.	North Carolina Central University - Biology and Biomedical Center	4,200,000
9.	University of North Carolina - Public Television - Tower Stokes County	1,006,175
10.	East Carolina University - State support for Renovation of Minges Coliseum	2,500,000
TOTAL - UNIVERSITY BOARD OF GOVERNORS		$28,714,175
TOTAL - CAPITAL IMPROVEMENTS - GENERAL FUND		$102,486,790

PART 5. CAPITAL IMPROVEMENTS/HIGHWAY FUND

Sec. 5. (a) There is appropriated from the Highway Fund for the 1993-94 fiscal year the listed funds for use of the Department of Transportation to provide for capital improvement projects according to the following schedule:

		1993-94
1. Upgrade facilities to meet the Americans With Disabilities Act Standards		$1,678,600
2. Replace the two elevators in the Highway Building in Raleigh		350,500
3. Acquire 20 acres of land in Garner for location of DOT warehouse		250,000
4. Renovate one floor of the Highway Building in Raleigh		400,000
TOTAL - DEPARTMENTWIDE		$2,679,100
DIVISION OF HIGHWAYS		
1. Replace roofs statewide		391,000
2. Construct traffic service facility - Town of Union (Hertford County)		818,000
3. Design a roadside environmental facility (office, warehouse, shed) in Sylva		31,000
4. Construct equipment shop in Sandy Ridge		717,000
5. Construct maintenance facility in Nashville		
Requirements	768,000	
Receipts	222,000	
State Appropriations		546,000
6. Construct equipment repair shop in Creswell		739,000
7. Construct equipment shop in Spindale		747,000
TOTAL - DIVISION OF HIGHWAYS		$3,989,000
DIVISION OF MOTOR VEHICLES		
1. Replace roofs statewide		76,100
2. Resurface six parking lots statewide		120,900
3. Renovate DMV Office Building in Durham		197,000
4. Renovate DMV Office Building in Salisbury		197,000
5. Renovate the Division of Motor Vehicles Building in Raleigh		1,677,000
TOTAL - DIVISION OF MOTOR VEHICLES		$2,268,000
HIGHWAY PATROL		
1. Replace underground storage tanks		$350,000
MAINTENANCE		
1. Increase Highway and Bridge Maintenance		$2,641,000
RESERVES		
1. Create a Reserve for Promotion and Development of International Air Service		$5,000,000
GRAND TOTAL HIGHWAY FUND		$16,927,100

(b) The Department of Transportation may begin the land purchase and design phases for a Division of Highways office complex in Winston-Salem. These phases shall be funded with any proceeds from the sale of land owned by the Department in Rowan County.

(c) The funds appropriated pursuant to the schedule in subsection (a) of this section for the Division of Highways for the construction of a maintenance facility in Nashville shall be supplemented by two hundred twenty-two thousand dollars ($222,000) received as proceeds from the sale of land owned by the Department of Transportation in Goldsboro, which sale proceeds shall be applied to the total project cost of seven hundred sixty-eight thousand dollars ($768,000).

PART 6. NONRECURRING APPROPRIATIONS/GENERAL FUND

Sec. 6. Appropriations are made from the General Fund for the 1993-94 fiscal year for use by the State departments, institutions, and agencies to provide for one-time expenditures according to the following schedule:

	1993-94
DEPARTMENT OF ADMINISTRATION	
1. Domestic Violence Program - To Fully Fund all 67 Programs	$95,433
2. Displaced Homemakers Job Training Pilot Project	375,000
3. Funds to Provide for a State Government Disparity Study	950,000
TOTAL - ADMINISTRATION	$1,420,433
DEPARTMENT OF AGRICULTURE	
1. Farm Loan Reserve Funds for Agricultural Finance Authority	$1,000,000
2. Carrboro Farmers' Market Grant	236,000
3. Funds to Provide Mycotoxin Research	160,000
TOTAL - AGRICULTURE	$1,396,000
DEPARTMENT OF COMMERCE	
1. Rural Tourism Development Grants	$200,000
2. Center for Community Self-Help	1,000,000
3. World Trade Center	100,000
4. Investment in Manufacturing Technology - Match Federal Funds	1,000,000
5. Reserve for Economic Development Initiatives - Columbus and Stanly Counties	1,275,000
6. Institute for Minority Economic Development	350,000
TOTAL - COMMERCE	$3,925,000
DEPARTMENT OF COMMERCE - RURAL ECONOMIC DEVELOPMENT CENTER	
1. Rural Economic Development Act Implementation	$2,825,000
2. Economic Development Programs	
a. Grants to Community Development Corporations That Have Not Received State Funds	100,000
b. N.C. Community Development Initiatives, Inc. - Support for Mature CDC's; Will Leverage Additional $4 Million Foundation Funds	2,000,000
c. Continue Support for Community Development Corporations Previously State Funded	1,300,000
d. Microenterprise Loan Program	650,000
e. Rural Economic Development Center Administrative Cost	50,000
f. Community Development Housing Counseling Demonstration Project	150,000
g. Minority Credit Union Support Center	300,000
h. N.C. Association of Community Development Corporations	200,000
TOTAL - RURAL ECONOMIC DEVELOPMENT CENTER	$7,575,000
DEPARTMENT OF COMMERCE - BIOTECHNOLOGY CENTER	
1. Fund Biotechnology Program for Public Historically Black Universities and Pembroke State University	$1,000,000

2. Supplement for Grant Programs - One-Time Grant	1,000,000
TOTAL - BIOTECHNOLOGY CENTER	$2,000,000
DEPARTMENT OF COMMERCE - MCNC	
1. MCNC Reserve for Capital Needs and Communications	
a. Conduct a Joint Telecommunications Research and Development Project with MCI Corporation	$2,000,000
b. Purchase and Installation of Upgraded Equipment for the MCNC Supercomputer, the Telecommunications Network, and the Microelectronics Program	2,500,000
c. Funds to Connect the 6 Remaining State-Owned Campuses to the MCNC CONCERT Telecommunications Network (Pembroke State, ECSU, WCU, FSU, NCCU, UNC-G)	2,118,000
TOTAL - MCNC	$6,618,000
CONTINGENCY FUND	
1. Support for Reimbursements to Local Boards of Elections for Expenses Incurred with Sale of Bond Elections	$1,000,000
TOTAL - CONTINGENCY FUND	$1,000,000
DEPARTMENT OF CULTURAL RESOURCES	
1. Reserve for Grants To Local Historical And Cultural Organizations	$2,000,000
2. Andrew Jackson Memorial - Grant	100,000
3. The Lost Colony - Matching Funds	500,000
TOTAL - DEPARTMENT OF CULTURAL RESOURCES	$2,600,000
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES	
1. Reserve for Falls Lake Watershed Study	$150,000
2. Wildlife Resources Commission - Extend Beaver Control Pilot Program for One Year	146,000
3. Western North Carolina Genetic Center - Start-up Costs	355,000
4. Technical Assistance Grants of $100,000 Each to Richmond, Chatham, and Wake Counties for Their Site Designation Review Committee	300,000
TOTAL - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES	$951,000
GENERAL ASSEMBLY	
1. LRC's ($200,000) Independent Studies ($300,000)	$500,000
2. Reserve Increase	2,000,000
3. Courts Commission - Support for Staff, Travel	54,438
4. Swine Study	15,000
5. Study on Economic Incentives to Lure Industry	100,000
6. Reserve for GPAC Recommendations	1,076,163
TOTAL - GENERAL ASSEMBLY	$3,745,601
OFFICE OF THE GOVERNOR	
1. Housing Trust Fund	$ 2,500,000
2. Industrial Recruitment - Restricted Reserve for Automobile Manufacturing Company Relocation	35,000,000
TOTAL - OFFICE OF THE GOVERNOR	$37,500,000

DEPARTMENT OF HUMAN RESOURCES		
1.	Medicaid Planning Funds - Funds to Support Planning and Design of the Eligibility Information System in the event of expanded coverage for the uninsured	$200,000
2.	Senior Citizens' Funds - Funds for Senior Citizen Centers' Maintenance, Renovation, and Upkeep. Funds shall be allocated based on need. No Center shall receive more than $10,000	300,000
3.	Headstart Funds - Funds for 5 additional Headstart Parent and Child Centers	1,100,000
4.	Sheltered Workshops Capital Funds - Funds for Capital Needs at Community-Based Facilities that Operate Vocational Rehabilitation Services or Adult Developmental Activity Programs (ADAP). $76.28 Per Slot for 6,554 Slots. Each Program Shall Submit a Budget for These Funds for Approval to the Department of Human Resources	500,000
5.	Governor Morehead School - Funds for Braille Textbooks and a Resource Center for Visually Impaired Children	300,000
6.	Deaf Funds - Funds to Meet Critical Educational and Support Services Needs of Deaf Children and Adults	800,000
7.	Child Care Resources - Funds to Develop Resources and Referral Service in Unserved and Underserved Counties and to Fund Existing Resources and Referral Services	500,000
8.	Children Grant Funds - Funds to Provide Grants to Programs Serving Children-at-Risk and Child Care Capital Needs	200,000
9.	TEACH Funds - Funds for the Teacher Education and Compensation Helps Early Childhood Project to Allow Child Day Care Teachers to Seek Continued Education	1,000,000
10.	Community Volunteer Program for Parent Involvement - Funds to Support the Development of the Volunteer Program for Parent Involvement	100,000
11.	Mental Health Facility Funds	2,000,000
TOTAL - DEPARTMENT OF HUMAN RESOURCES		$7,000,000
JUDICIAL DEPARTMENT		
1.	Alamance Dispute Settlement Center - Expand Mediation into Schools	$5,000
2.	Cumberland County Dispute Resolution Center - Pilot Project for Dispute Settlement for Students in Junior and Senior High Schools in Cumberland County	30,000
TOTAL - JUDICIAL DEPARTMENT		$35,000
DEPARTMENT OF JUSTICE		
1.	Reserve for Litigation Expenses Related to Redistricting	$500,000
2.	Grant Funds for the North Carolina Law Enforcement Officers' Hall of Honor	45,000
TOTAL - DEPARTMENT OF JUSTICE		$545,000

DEPARTMENT OF LABOR	
1. Reserve for Computerized Network	$750,000
TOTAL - DEPARTMENT OF LABOR	$750,000
PUBLIC EDUCATION	
1. Department of Public Instruction	
a. Advanced Placement - Pilot Program to Match Costs of Taking Advanced Placement Exams	$550,000
b. Cued Speech Center of Wake County for Transition Services	95,000
2. Aid to Local School Administrative Units	
a. Funds to Hold Ashe and Jackson County Schools Harmless in the Small School Formula	600,565
b. Education Technology Equipment for Libraries	5,000,000
TOTAL - PUBLIC EDUCATION	$6,245,565
DEPARTMENT OF SECRETARY OF STATE	
1. Business License Office - Computer System Development and Equipment	$350,000
TOTAL - SECRETARY OF STATE	$350,000
OFFICE OF STATE BUDGET AND MANAGEMENT	
1. Science and Math Alliance - Development	$800,000
2. Children's Home Society of N.C., Inc. - Grant to Establish an Adoption Resource Center	500,000
3. N. C. Future Farmers of America, Inc., - Matching Grant	300,000
4. Piedmont Triad Regional Water Authority Grant	500,000
5. Child Protective Services - Grant for Equipment	60,000
TOTAL - OFFICE OF STATE BUDGET AND MANAGEMENT	$2,160,000
OFFICE OF STATE CONTROLLER	
1. Reserve to Continue the Implementation of the State Accounting System	$4,200,000
TOTAL OFFICE OF STATE CONTROLLER	$4,200,000
DEPARTMENT OF TRANSPORTATION	
1. North Carolina Global TransPark Development Zone - Development of Infrastructure	$7,500,000
TOTAL - DEPARTMENT OF TRANSPORTATION	$7,500,000
UNIVERSITY - BOARD OF GOVERNORS	
1. North Carolina State University - To Study the Abatement of Odors from Swine Farms and the Impact of Swine Farms on Ground and Surface Water Supplies	$85,000
2. North Carolina A&T - One-Time Funds for Agricultural Research and Extension Development, Including Matching Funds for Federal Grants	500,000
3. University of North Carolina at Chapel Hill - Funds to Support the Bicentennial Observance	250,000
4. UNC-Chapel Hill - One-Time Funds for Work of Educational Consortium	150,000
5. UNC-Chapel Hill - One-Time Funds to Infectious Disease Control Program in School of Medicine to Assist Health Facilities with Training of Disease Control Coordinators	75,000

6.	North Carolina State University- One-Time Funds for Expansion of Turfgrass Research	250,000
7.	Fayetteville State University - One-Time Funds for Process Leadership Training Program	50,000
8.	Teacher Training Task Force	10,000
9.	Freshmen Scholars Program at Five Campuses	1,000,000
10.	Board of Governors - Planning Grant for Reopening of Chinqua-Penn Plantation	75,000
11.	North Carolina A & T - State Support for the Applied Manufacturing and Education Center	3,500,000
12.	North Carolina State University - To Study Alternative Disposal Systems for Residential Sewage in Those Parts of the State Where Soil Absorption Qualities Are Poor	50,000
13.	Winston-Salem State University - State Support for the Cooperative Effort of North Carolina A & T, UNC-Greensboro, North Carolina State University in the Establishment of Research Parks in the Winston-Salem Area	3,026,000
TOTAL - UNIVERSITY - BOARD OF GOVERNORS		$9,021,000
TOTAL NONRECURRING - GENERAL FUND		$106,537,599

PART 7. GENERAL PROVISIONS

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

HIGHWAY FUND AVAILABILITY INCREASE

Sec. 7. Section 18 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 18. The Highway Fund appropriations availability used in developing the 1993-95 Highway Fund budget is shown below:

	($Million) 1993-94	($Million) 1994-95
Beginning Credit Balance	$ ~~9.03~~ 21.03	-
Estimated Revenues:	944.6	$ 961.3
Transfer from Equipment Fund	10.0	-
Transfer to Highway Trust Fund	-	(9.6)
Total Highway Fund Availability	~~$963.63~~ 975.63	$951.7."

Requested by: Representatives Nesbitt and Diamont

BUDGET REFORM STATEMENTS

Sec. 8. (a) Section 17 of Chapter 321 of the 1993 Session Laws is repealed.

(b) The General Fund and availability used in developing the 1993-95 budget is as shown below:

(1)	Composition of the 1993-94 beginning availability:	
a.	Revenues collection in 1992-93 in excess of authorized estimates	$201,740,000
b.	Unexpended appropriations during 1992-93 (reversions)	171,190,000
c.	Disproportionate share payments received in 1992-93	158,680,000
	Subtotal	$531,610,000
d.	Transfer to Savings Reserve	132,902,500
e.	Transfer to Reserve for Repair and Renovations	57,000,000
	Ending Fund Balance	$341,707,500

	1993-94	1994-95
(2) Beginning Unrestricted Fund Balance	$ 341,707,500	-
Revenues Existing Tax Structure	$8,649,700,000	$9,212,100,000
Changes:		
1. Accelerated Growth with Implementation of GPAC recommendation	5,400,000	5,400,000
2. Retain in General Fund interest previously paid to Highway Trust Fund (G.S. 105-187.9(b))	7,000,000	7,000,000
3. Increase Court Fees		5,900,000
5,900,000		
5. Transfer from Department of Insurance Fund	(474,580)	(1,132,000)
6. Treasurer's Banking Fees/ Local Government Operation	634,300	1,106,000
7. Disproportionate Share Receipts	93,200,000	-
8. Highway Fund Transfer Reduction Related to Sales Tax Exemption	(200,000)	(200,000)
9. Transfer from Savings Reserve	121,000,000	-
10. Transfer from DHR Private Hospital Donation Fund	10,000,000	-
11. Cotton Promotion Transfer	600,000	-
Total Changes	243,059,720	18,074,000
Revised Revenues	8,892,759,720	9,230,174,000
Total Availability	9,234,464,220	9,230,174,000
Revenue Growth Rates:		
Economic Basis	6.2%	6.5%
Less Impact of Special Factors	.9%	-2.6%
Actual Basis	7.1%	3.9%

(3) Estimate of Disproportionate Share Receipts to be deposited as a nontax revenue and reserved by the State Controller:
1993-94 $114,200,000.

Requested by: Representatives Diamont, Nesbitt, Senators Daniel, Plyler, Kaplan

CASWELL COUNTY COMMUNICATIONS TOWER FUNDS SHALL BE USED FOR AN EMERGENCY MANAGEMENT BUILDING

Sec. 9. The following funds, which were appropriated in prior fiscal years, shall be used by Caswell County to house 911 communications equipment:

(1) The sum of ten thousand dollars ($10,000), which was appropriated to Caswell County in Paragraph S1435 of Section 6 of Chapter 830 of the 1987 Session Laws to purchase an emergency services communications tower;

(2) The sum of two thousand dollars ($2,000), which was appropriated to Caswell County in Paragraph H2600 of Section 1 of Chapter 1085 of the 1987 Session Laws for a central communications tower;

(3) The sum of eight thousand dollars ($8,000), which was appropriated to Caswell County in Paragraph H2642 of Section 1 of Chapter 1085 of the 1987 Session Laws to purchase a central communications tower;

(4) The sum of seventeen thousand dollars ($17,000), which was appropriated to Caswell County in Paragraph S1770 of Section 1 of Chapter 1094 of the 1987 Session Laws for the purchase and construction of a communications tower and system for use in law enforcement, fire protection, and emergency services.

The 911 communications equipment may be used to construct a facility that is used for other purposes so long as these funds are used only for that portion of the facility that houses the 911 communications equipment.

PART 8. TECHNICAL CORRECTIONS

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

TECHNICAL CORRECTIONS/CHAPTER 321-CURRENT OPERATIONS APPROPRIATIONS ACT OF 1993, AND OTHER ACTS.

Sec. 10. **MEDICAL SCHOOL ASSISTANCE FUNDING**

Section 78(b) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(b) The Board of Governors of The University of North Carolina shall set goals for the Schools of Medicine at the University of North Carolina at Chapel Hill and the School of Medicine at East Carolina University for increasing the percentage of graduates who enter residencies and careers in primary care. A minimum goal should be at least fifty percent (50%) of graduates entering primary care disciplines. Each school shall submit a plan with strategies to reach these goals of increasing the number of graduates entering primary care disciplines to the Board by April 15, 1994. The Board of Governors shall report to the Joint Legislative Education Oversight Committee by May 15, 1994, on the status of these efforts to strengthen primary health care in North Carolina.

Primary care shall include the disciplines of ~~family,~~ family medicine, general pediatric medicine, general internal medicine, internal medicine/pediatrics, and obstetrics/gynecology."

Sec. 11. **UNC LIBRARIES FUNDING**

Section 91 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 91. Of the funds appropriated in this act to the Board of Governors of The University of North Carolina for Institutional Programs, the Board of Governors shall allocate at least eleven million eighty-four thousand dollars ($11,084,000) for the 1993-94 fiscal year and at least two million six hundred five thousand six hundred seventy-seven dollars ($2,605,677) for the 1994-95 fiscal year for Lines 2 and 4 of the Schedule of Priorities, to enhance library networks and library operations."

Sec. 12. **ECONOMIC DEVELOPMENT BOARD**

G.S. 143B-434(b) as rewritten by Section 313(a) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(b) Membership. — The Economic Development Board shall consist of 36 members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. Four members of the House of Representatives appointed by the ~~General Assembly upon the recommendation of the~~ Speaker of the House of Representatives, four members of the Senate appointed by the ~~General Assembly upon the recommendation of the~~ President *Pro Tempore* of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the Lieutenant Governor, shall serve as members of the Board. The Governor shall appoint the remaining 23 members of the Board, provided that effective with the terms beginning July 1, 1997, one of those appointees shall be a representative of a nonprofit organization involved in economic development and two of those appointees shall be county economic development representatives. The Governor shall designate a chair and a vice-chair from among the members of the Board. Appointments to the Board made by the Governor for terms beginning July 1, 1997, and appointments to the Board made by the ~~General Assembly~~ Speaker of the House of Representatives and the President *Pro Tempore* of the Senate for terms beginning July ~~1,~~ 9, 1993, should reflect the ethnic and gender diversity of the State as nearly as practical.

The initial appointments to the Board shall be for terms beginning on ~~the date of ratification of the Current Operations Appropriations Act of 1993.~~ July 9, 1993. Of the initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial appointments made by the ~~General Assembly, two terms made upon the~~

~~recommendation of the~~ Speaker of the House of Representatives and ~~two terms made upon the recommendation of~~ by the President *Pro Tempore* of the Senate two appointments of each shall be designated to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term of four years.

The ~~Governor~~ appointing officer shall make a replacement appointment to serve for the unexpired term in the case of a vacancy, provided that a ~~vacancy in a term appointed by the General Assembly shall be filled in accordance with G.S. 120-122.~~ vacancy.

The members of the Economic Development Board shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and agencies generally pursuant to G.S. 138-5 and 138-6, as the case may be. The members of the Economic Development Board who are members of the General Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1."

Sec. 13. **EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES**

Section 254(b) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(b) Of the funds appropriated to the Department of Human Resources, the sum of twenty million dollars ($20,000,000) for the 1993-94 fiscal year and the sum of ~~twenty-eight million four hundred forty thousand dollars ($28,440,000)~~ twenty-seven million six hundred forty thousand dollars ($27,640,000) for the 1994-95 fiscal year to implement subsection (a) of this section. From the funds appropriated by this subsection, the Department shall provide funds for services prescribed in subsection (a) of this section, for necessary State, regional, and local administration of this Part, and for the activities of the North Carolina Partnership for Children, Inc., consistent with the provisions of subsection (a) of this section."

Sec. 14. **CHILD PROTECTIVE SERVICES**

Section 234(a) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(a) Funds appropriated to the Division of Social Services, Department of Human Resources, in this act for Child Protective Services shall be allocated for the 1993-94 fiscal year and for the 1994-95 fiscal year as follows:

(1) Each county department of social services shall receive an amount based on a formula that takes into consideration the number of Child Protective Services cases in that county and the number of Child Protective Services workers required to meet a ratio of no more than 20 active cases per one Child Protective Services worker. The allocation of these funds to each county shall not be less than that county's allocation in the 1992-93 fiscal year unless the General Assembly appropriates less funds for the 1993-94 fiscal year and the 1994-95 fiscal year for Child Protective Services than it appropriated in the 1992-93 fiscal year; and

(2) Each county department of social services shall receive a portion of the remainder of these funds, if any, on a proportional basis determined by the amount of funds necessary in that county to enable that county to achieve the caseload prescribed in subdivision (1) of this subsection. Counties that have achieved the caseload ratios prescribed by subdivision (1) of this section ~~pursuant to funds allocated in that subdivision~~ in either the 1993-94 fiscal year or the 1994-95 fiscal year shall not receive any funds pursuant to this subdivision in that fiscal year."

Sec. 15. **JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES**

G.S. 120-70.91, as enacted by Section 259 of Chapter 321 of the 1993 Session Laws, reads as rewritten:

"§ 120-70.91. Purpose and powers of Committee.

(a) The Committee shall examine, on a continuing basis, the Early Childhood Education and Development Initiatives established by Section 254 of ~~this act,~~ Chapter 321 of

the 1993 Session Laws, in order to make ongoing recommendations to the General Assembly on ways to improve the provision of these programs and services. In this examination, the Committee shall study the budgets, programs, and policies of the 12 local projects, their development and implementation by the North Carolina Partnership for Children, Inc., and their oversight by the Department of Human Resources, to determine whether to recommend that the General Assembly should continue the Initiatives, expand them, or make them statewide and, if the Initiatives are continued, expanded, or made statewide, continue to study the budgets, programs, and policies of the Initiatives, their continued development and their oversight, to determine how to enable the Initiatives to provide the best, most cost-effective, and most equitable early childhood education and development services within the scope of the Initiatives' services and programs.

(b) At the same times and intervals the Department reports to the General Assembly pursuant to Section 257 of ~~this act,~~ Chapter 321 of the 1993 Session Laws, the Department shall report to the Committee on the implementation of the Initiatives. After the final report presented pursuant to Section 257, the Department shall continue to report to the Committee every three months. If the Initiatives are discontinued, the Committee terminates.

(c) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee."

Sec. 16. **REPAIRS AND RENOVATIONS RESERVE ACCOUNT**

G.S. 143-15.3A(b), as enacted by Section 17.1(b) of Chapter 321 of the 1993 Session Laws, reads as rewritten:

"(b) The funds in the Repairs and Renovations Reserve Account shall be used only for the repair and renovation of State ~~buildings~~ facilities and related infrastructure that are supported from the General Fund. The Director of the Budget shall not use funds in the Repairs and Renovations Reserve Account unless the use has been approved by an act of the General Assembly."

Sec. 17. **INITIAL MEETINGS OF REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS**

(a) G.S. 158-8.1, as added by Section 309 of Chapter 321 of the 1993 Session Laws, is amended by adding a new subsection to read:

"(c1) The initial meeting shall be called by the Secretary of the Department of Commerce."

(b) G.S. 158-8.2, as added by Section 309.1 of Chapter 321 of the 1993 Session Laws, is amended by adding a new subsection to read:

"(d1) The initial meeting shall be called by the Secretary of the Department of Commerce."

(c) G.S. 158-8.3, as added by Section 309.2 of Chapter 321 of the 1993 Session Laws, is amended by adding a new subsection to read:

"(c1) The initial meeting shall be called by the Secretary of the Department of Commerce."

Sec. 18. **SICK LEAVE CONVERSION TECHNICAL CORRECTION**

(a) G.S. 126-8, as rewritten by Section 73(f) of Chapter 321 of the 1993 Session Laws, reads as rewritten:

"§ 126-8. Minimum leave granted State employees.

The amount of vacation leave granted to each full-time State employee subject to the provisions of this Chapter shall be determined in accordance with a graduated scale established by the State Personnel Commission which shall allow the equivalent rate of not less than two weeks' vacation per calendar year, prorated monthly, cumulative to at least 30 days. ~~Any~~ On December 31 of each year, any State employee who has vacation leave in excess of the allowed accumulation shall have that leave converted to sick leave. Sick leave allowed as needed to such State employees shall be at a rate not less than 10 days for each calendar year, cumulative from year to year. Notwithstanding any other

provisions of this section, no full-time State employee subject to the provisions of Chapter 126, as the same appears in the Cumulative Supplement to Volume 3B of the General Statutes, on May 23, 1973, shall be allowed less than the equivalent of three weeks' vacation per calendar year, cumulative to at least 30 days."

(b) This section becomes effective June 30, 1993.

Sec. 19. **SCHOOL-BASED ADMINISTRATOR SALARIES**

Section 132(e) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"(e) Notwithstanding any other provision of this section, the certified base salary of a principal or assistant principal shall not increase less than one percent (1%) or more than three percent (3%) as a result of placement on the salary schedule in accordance with this section. If placement on a grade and step of the salary schedule in accordance with this section would result in a principal or assistant principal receiving a salary increase of from one percent (1%) to three percent (3%), the principal or assistant principal shall be placed on a grade and step of the salary schedule in accordance with this section. If placement on a grade and step of the salary schedule in accordance with this section would result in a principal or assistant principal receiving a salary increase of less than one percent (1%), the principal or assistant principal shall be placed on the lowest grade and step with a salary that is at least a one percent (1%) salary increase for the principal or assistant principal. If placement on a grade and step of the salary schedule in accordance with this section would result in a principal or assistant principal receiving a salary increase of more than three percent (3%), the principal or assistant principal shall be placed on the ~~lowest~~ highest grade and step with a salary that is ~~at least~~ not more than a three percent (3%) salary increase for the principal or assistant principal."

PART 9. GENERAL ASSEMBLY

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

GPAC RECOMMENDATIONS

Sec. 20. In applying G.S. 143-16.3, bills implementing recommendations of the Government Performance Audit Committee shall not be considered.

Requested by: Representatives Wainwright, Crawford, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

FISCAL NOTE REQUIREMENT AMENDED

Sec. 21. G.S. 120-36.7(c) reads as rewritten:

"(c) Proposed New Programs. — Upon the request of a member of the General Assembly, the Fiscal Research Division shall prepare a fiscal analysis of proposed legislation to create a new State program. The analysis shall identify and estimate all personnel costs of the proposed new program for the first five fiscal years it will operate. The analysis shall also include a five-year estimate of space requirements, an indication of whether those requirements can be satisfied using existing State-owned facilities, and estimated costs of occupying leased space where State-owned space is not available."

PART 10. OFFICE OF STATE BUDGET AND MANAGEMENT

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

EXPENDITURE OF FUNDS FROM RESERVE FOR REPAIRS AND RENOVATIONS

Sec. 22. Of the funds in the Reserve for Repairs and Renovations for the 1993-94 fiscal year, fifty-five percent (55%) shall be allocated to the Board of Governors of The University of North Carolina for repairs and renovations to General Fund supported facilities and related infrastructure in The University of North Carolina, including the North Carolina School of Science and Math, and forty-five percent (45%) shall be allocated to the Office of State Budget and Management for necessary repairs and renovations to all other General Fund supported facilities and related infrastructure.

From this Reserve the Board of Governors may expend thirty-one million three hundred fifty thousand dollars ($31,350,000), and the Office of State Budget and Management may expend twenty-five million six hundred fifty thousand dollars ($25,650,000) for repairs and renovation, improvements to roads and walks, architectural barrier removal, and North Carolina Occupational Safety and Health Act projects.

Notwithstanding G.S. 143-15.3A, the Board of Governors may allocate funds for the repair and renovation of facilities not supported from the General Fund if the Board determines that sufficient funds are not available from other sources and that conditions warrant General Fund assistance. Any such finding shall be included in the Board's submission to the Joint Legislative Commission on Governmental Operations on the proposed allocation of funds.

The Board of Governors and the Office of State Budget and Management shall submit to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office, for their review, the proposed allocation of these funds. Subsequent changes in the proposed allocations shall be reported prior to expenditure to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

RENOVATION OF BUTLER HALL AT ELIZABETH CITY STATE UNIVERSITY

Sec. 22.1. Of the funds in the Reserve for Repairs and Renovations for the 1993-94 fiscal year that are allocated to the Board of Governors of The University of North Carolina, the Board of Governors shall allocate at least two million six thousand one hundred seventy-five dollars ($2,006,175) for the renovation of Butler Hall at Elizabeth City State University.

Requested by: Representatives Gottovi, DeVane, Bowman,
Senators Daniel, Plyler, Kaplan

LOCAL WATER/SEWER FUNDS

Sec. 23. (a) Notwithstanding the provisions of Section 3 of Chapter 321 of the 1993 Session Laws, the Office of State Budget and Management shall transfer from the funds appropriated to the Reserve for Local Government Shared Tax Revenue for the 1993-94 fiscal year, to the Clean Water Revolving Loan and Grant Fund created in G.S. 159G-5, the amount necessary to match for the 1993-94 fiscal year the federal wastewater or water supply assistance funds deposited in the Clean Water Pollution Control Revolving Fund or another fund. The amount transferred pursuant to this subsection shall not, however, exceed the sum of six million eight hundred thousand dollars ($6,800,000).

(b) Notwithstanding the provisions of G.S. 105-116, the Secretary of Revenue shall reduce the amount to be transferred to municipalities on or before December 15, 1993, pursuant to G.S. 105-116(d), by an amount equal to sixty-five percent (65%) of the amount to be transferred pursuant to subsection (a) of this section. The Secretary of Revenue shall allocate this reduction on a pro rata basis among the municipalities entitled to receive a quarterly installment pursuant to G.S. 105-116(d) on or before December 15, 1993.

(c) Notwithstanding the provisions of G.S. 105-113.82, the Secretary of Revenue shall reduce the amount to be distributed to counties and cities for the 1993-94 fiscal year pursuant to G.S. 105-113.82 by an amount equal to thirty-five percent (35%) of the amount to be transferred pursuant to subsection (a) of this section. The Secretary of Revenue shall allocate this reduction on a pro rata basis among the counties and cities entitled to receive a distribution pursuant to G.S. 105-113.82 for the 1993-94 fiscal year.

(d) The General Assembly finds that the purpose of the allocation provided in this section is to meet the funding needs of local governments for water supply and wastewater treatment facilities, as requested by local governmental units.

(e) This section becomes effective only if:

(1) Senate Bill 14, which provides in part that a portion of the water and sewer bond proceeds may be used to make the match provided for in this section is not ratified in the 1993 Regular Session; or

(2) Senate Bill 14 is ratified in the 1993 Regular Session but, after the election to be held in November 1993, the State Board of Elections certifies that a majority of those voting on the question of the issuance of water and sewer bonds in the election did not vote in favor of the issuance of the bonds.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

RESERVE FOR GPAC RECOMMENDATIONS

Sec. 24. Funds appropriated in this act to the Reserve for GPAC Recommendations shall be used to implement GPAC recommendations related to the following:

(1) Program budget and evaluation;

(2) Personnel classification and compensation;

(3) Personnel policy; and

(4) Legislative peer review, classification, and compensation.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

CONTINGENCY FUND FOR BOND ELECTION EXPENSES ONLY

Sec. 25. The funds appropriated to the Contingency and Emergency Fund by this act shall be used only to reimburse the counties for the necessary expenses of conducting the election called by Senate Bill 14 of the 1993 Session, as provided by that bill.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

UNOBLIGATED BALANCE OF CERTAIN FUNDS TRANSFERRED

Sec. 26. (a) The unobligated balance of funds received pursuant to G.S. 143-23.2, prescribing transfers to the Department of Human Resources, on hand as of the end of the 1992-93 fiscal year shall be transferred to the State Treasurer to be deposited as a nontax revenue.

(b) This section becomes effective June 30, 1993.

PART 10.1. OFFICE OF THE GOVERNOR

Requested by: Representatives Nesbitt, Diamont, Bowman, DeVane, Senators Daniel, Plyler, Kaplan

AUTOMOBILE MANUFACTURING FACILITY FUNDS

Sec. 27. (a) The thirty-five million dollars ($35,000,000) in nonrecurring State funds appropriated in this act from the General Fund to the Office of the Governor for the 1993-94 fiscal year shall be placed in a Restricted Reserve for Automobile Manufacturing Company Relocation. Funds from the restricted reserve shall be expended only for purposes directly related to the recruitment, relocation, and retention in North Carolina of a facility for the manufacture and assembly of automobiles by a major automobile manufacturing company. Funds from the restricted reserve shall not be expended until the following conditions have been fully satisfied:

(1) The Governor has prepared and submitted to the Joint Legislative Commission on Governmental Operations, for its review, an implementation plan detailing the major activities and costs involved in recruiting, relocating, and retaining a major facility for the manufacture and assembly of automobiles in North Carolina. These activities may include plans for providing advanced skills training in automobile manufacturing technology to North Carolina's work force. The implementation plan shall also indicate the status of relocation efforts and level of commitment by a major automobile manufacturing company to construct a new automobile manufacturing facility in North Carolina, and shall provide the information required under subsection (b) of this section; and

(2) The Governor has received a written, legally binding commitment from a major automobile manufacturing company that the company will construct and operate a major facility for the manufacture and assembly of automobiles in North Carolina.

(b) In addition to the information required under subsection (a)(1) of this section, the Governor's implementation plan shall include the following:

(1) Anticipated number and type of jobs to be created in North Carolina, including number of jobs created for residents of North Carolina, by operation of the automobile manufacturing and assembly facility;

(2) Information on proposed advanced skills training that will be available to North Carolina workers, including proposed curriculum and costs and benefits of advanced skills training;

(3) The long-range recurring and nonrecurring costs to the State associated with the operation of the automobile manufacturing facility and with advanced skills training over a five-year period beginning in 1994-95; and

(4) Information on the involvement of the community college system in providing advanced skills training and skilled workers for the automobile manufacturing facility.

(c) The Office of the Governor shall provide quarterly reports beginning with the first quarter subsequent to submission of the Governor's implementation plan required under this section, on the status and activities associated with the recruitment, relocation, and retention of the automobile manufacturing facility. These quarterly reports shall be provided to the Joint Legislative Commission on Governmental Operations and to the Joint Legislative Education Oversight Committee, and shall include all of the information required under subsections (a) and (b) of this section as well as the amount of funds expended from the restricted reserve and the purposes for which the funds have been expended.

(d) No commitment shall be made which obligates the State to appropriate funds for recurring expenditures related to the recruitment, relocation, and retention of the automobile manufacturing facility and related training and recruitment activities.

(e) If all of the conditions specified under subsection (a) of this section have not been fully satisfied by June 30, 1994, then funds in the restricted reserve shall revert to the General Fund on that date.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

GOVERNOR'S OFFICE ECONOMIC INITIATIVES

Sec. 28. For the 1993-94 fiscal year only, the provisions of G.S. 143-16.3 do not apply to the following programs in the Office of the Governor:

(1) The Total Quality Management Program,

(2) The Governor's Executive Institute, and

(3) The Economic Development Institute.

PART 11. DEPARTMENT OF ADMINISTRATION

Requested by: Representatives Black, Rogers, Daniel, Plyler, Kaplan

EVALUATION OF DESIGN AND CONTRACT WORK FOR COMMUNITY COLLEGE BUILDINGS

Sec. 29. G.S. 143-135.26(4) reads as rewritten:

"(4) To develop procedures for evaluating the work performed by designers and contractors on State capital improvement projects and those community college buildings, as defined in G.S. 143-336, requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129, and for use of the evaluations as a factor affecting designer selections and determining qualification of contractors to bid on State capital improvement ~~projects.~~ projects and community college buildings."

Requested by: Representatives Nesbitt, Diamont, Wainwright, Crawford, Easterling, Holt, Senators Plexico, Daniel, Plyler, Kaplan

DOMESTIC VIOLENCE CENTER FUNDS

Sec. 30. Section 31 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 31. The funds appropriated ~~in this act~~ to the Department of Administration, the North Carolina Council for Women, for the 1993-94 fiscal year and for the 1994-95 fiscal year for domestic violence centers shall be allocated equally among domestic violence centers in operation on July 1, ~~1990,~~ 1993, that offer services including a hotline, transportation services, community education programs, daytime services, and call forwarding during the night and that fulfill other criteria established by the Department of Administration. Grants shall be awarded based on criteria established by the Department of Administration and disbursed on a quarterly basis. The North Carolina Coalition against Domestic Violence, Incorporated, is eligible for a grant of ten thousand dollars ($10,000) under this section."

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont, Wainwright, Crawford,

STATE VETERANS HOME

Sec. 31. (a) It is the intent of the General Assembly that no State funds shall be appropriated in future years to support operational costs of the State Veterans Home in Fayetteville.

(b) Funds appropriated in this act for the State Veterans Home in Fayetteville shall be used to construct at least 150 beds at the facility. It is the intent of the General Assembly that this appropriation be the complete appropriation for this facility and that no additional State capital funds be appropriated.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

LEGISLATIVE REVIEW REQUIRED FOR CERTAIN CONVEYANCES OF STATE LAND

Sec. 32. (a) G.S. 146-27 reads as rewritten:

"**§ 146-27. The role of the Department of Administration in sales, leases, and rentals.**

Every sale, lease, ~~or rental~~ rental, or gift of land owned by the State or by any State agency shall be made by the Department of Administration and approved by the Governor and Council of State; provided that if the proposed disposition is a sale or gift of land with an appraised value of at least twenty-five thousand dollars ($25,000), the sale or gift ~~may only be~~ shall not be made until after consultation with the Joint Legislative Commission on Governmental Operations. The Department of Administration may initiate proceedings for sales, leases, ~~and rentals~~ rentals, and gifts of land owned by the State or by any State agency."

(b) G.S. 146-74 reads as rewritten:

"**§ 146-74. Approval of conveyances.**

Every proposed conveyance in ~~fee~~ fee, including conveyances by gift, of State lands shall be submitted to the Governor and Council of State for their approval. If the proposed conveyance is of State lands with an appraised value of at least twenty-five thousand dollars ($25,000), and it is for other than a transportation purpose, the Council of State shall consult with the Joint Legislative Commission on Governmental Operations before making a final decision on the proposed conveyance. Upon approval of the proposed conveyance in fee by the Governor and Council of State, a deed for the land being conveyed shall be executed in the manner prescribed in this Article."

(c) G.S. 146-29.1 reads as rewritten:

"**§ 146-29.1. Lease or sale of real property for less than fair** market value.

(a) Real property owned by the State or any State agency may not be sold, leased, or rented at less than fair market value to any private entity that operates, or is established to operate for profit.

(b) Real property owned by the State or by any State agency may be sold, leased, or rented at less than fair market value to a public entity. 'Public entity' means a county,

municipal corporation, local board of education, community college, special district or other political subdivision of the State and the United States or any of its agencies. Any such sale, lease, or rental shall be reported at least 30 days prior to the sale, lease, or rental to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the Legislative Services Office, with the details of such transaction.

(c) Real property owned by the State or by any State agency may be sold, leased, or rented at less than market value to a private, nonprofit corporation, association, organization or society upon a determination by the Department of Administration that such transaction is in consideration of public service rendered or to be rendered. The transaction shall be reported in detail at least 30 days prior to the sale, lease, or rental to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the Legislative Services Office. In the case of a private, nonprofit corporation, association, organization, or society that engages in some for-profit activities, the amount of the sale, lease, or rent shall be not less than the fair market value of the property times the percentage of the total activities of the corporation, association, organization, or society that are for profit.

(d) Any sale, lease, or rental of real property made in conformity with the provisions of this section is not a violation of G.S. 66-58(a).

(e) All sales, leases, or rentals, prior to July 15, 1986, of real property owned by the State or any State agency are not invalid because of a conflict with G.S. 66-58(a) or with a prior version of this section, but any renewal of any such lease or rental agreement on or after July 15, 1986, shall conform to the requirements of this section."

Requested by: Representatives Sutton, Bowman, DeVane, Wainwright, Crawford, Senators Daniel, Plyler, Kaplan

INDIAN CULTURAL CENTER FUNDS

Sec. 33. (a) Of the funds appropriated from the General Fund to the Department of Administration, the sum of seven hundred fifty thousand dollars ($750,000) for the 1993-94 fiscal year shall be used for the purchase of land as necessary, an environmental study, and design as necessary, of the North Carolina Indian Cultural Center in Robeson County. Up to fifty thousand dollars ($50,000) of these funds may be used by the North Carolina Indian Cultural Center, Inc., for administrative and operating expenses.

(b) Subsection (a) of Section 22 of Chapter 900 of the 1991 Session Laws reads as rewritten:

"(a) Of the funds appropriated to the Department of Administration in Section 3 of Chapter 689 of the 1991 Session Laws, the sum of one thousand five hundred dollars ($1,500) shall be expended for maintenance of the following State lands located in Robeson County:

(1) 386.69 acres contained in the deed dated April 14, 1983, and recorded in Deed Book 533, page 164, Robeson County Registry;
(2) 386.69 acres contained in the deed dated August 24, 1984, and recorded in Deed Book 563, page 254, Robeson County Registry;
(3) 99.62 acres contained in the deed dated March 20, 1985, and recorded in Deed Book 575, page 523, Robeson County Registry; and
(4) 10.00 acres contained in the deed dated September 11, 1985, and recorded in Deed Book 586, page 142, Robeson County Registry.

The public golf course known as the Riverside Golf Course, and any Indian Cultural Center developed or constructed on the above referenced lands shall be included in lands for which funds may be expended for maintenance under this section. No Indian Cultural Center developed or constructed on any of the above referenced lands shall be built ~~on a public golf course,~~ in a manner that will materially affect the operation of the Riverside Golf Course, including the clubhouse, parking areas, and access to the course, unless prior approval is granted by the General Assembly. ~~No lease on the public golf course known as the Riverside Golf Course shall be entered into by the Department of~~

~~Administration for a lease term in excess of 12 months unless prior approval is granted by the General Assembly.~~

Nothing in this provision shall be construed as being inconsistent with the provisions of Section 18 of Chapter 1074 of the 1989 Session Laws.

Any lease of the lands and buildings comprising the public golf course known as the Riverside Golf Course entered into by the State of North Carolina and any entity other than the North Carolina Indian Cultural Center, Inc., shall by its terms continue the use of the lands and buildings as a public golf course."

(c) Subsection (a) of Section 18 of Chapter 1074 of the 1989 Session Laws, as amended by subsection (e) of Section 22 of Chapter 900 of the 1991 Session Laws, as amended by Section 1 of Chapter 88 of the 1993 Session Laws, reads as rewritten:

"(a) The State of North Carolina shall lease out to the North Carolina Indian Cultural Center, Inc., for a period of 99 years at a monetary consideration of $1.00 per year all the real property it acquired for the Indian Cultural Center, except that portion containing the Riverside Golf Course, but no part of Phase I of the project may be constructed either by the State or for the lessee until an environmental impact assessment is completed on Phase I of the property, and if required pursuant to Article 1 of Chapter 113A of the General Statutes, an environmental impact statement is prepared. The State shall enter into a lease agreement in accordance with this section not later than December 31, 1993. If the State and the North Carolina Indian Cultural Center, Inc., do not enter into a lease agreement by December 31, 1993, then the property may be used for any public purpose.

Any lease agreement entered into by the State with the North Carolina Indian Cultural Center, Inc., shall include but not be limited to the following terms:

(1) An environmental impact assessment pursuant to Article 1 of Chapter 113A of the General Statutes is completed on Phase I of the property.

(2) The lease shall include a reversionary clause stipulating that the North Carolina Indian Cultural Center, Inc., must raise funds or receive pledges totalling the $4,160,000 necessary to complete Phase I of this project within three years from the date of execution of the lease agreement.

(3) If the funds or pledges are not obtained within three years from the date of execution, then this lease agreement will automatically terminate.

(4) The North Carolina Indian Cultural Center, Inc., as lessee, may conduct no construction of Phase I on the premises until it has fulfilled the terms of the lease agreement.

~~(5) The North Carolina Indian Cultural Center, Inc., as lessee, shall enter into a sublease agreement with the operator of the land and buildings known as the Riverside Golf Course to continue the operation and maintenance of the Riverside Golf Course under the same terms as the lease agreement between the State and the operator of the Riverside Golf Course. The sublease agreement shall be renewable annually until such time as the terms of the lease agreement as required under subdivisions (1) through (4) of this subsection have been fulfilled.~~"

(d) The second line of Section 1 of Chapter 88 of the 1993 Session Laws is amended by inserting the phrase "of Section 22" between "Subsection (e)" and "of Chapter 900".

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

OLD EDUCATION BUILDING AND OLD REVENUE BUILDING RENOVATION REPORT

Sec. 34. The Office of State Construction of the Department of Administration shall, prior to the expenditure of funds, report to the Joint Legislative Commission on Governmental Operations by October 1, 1993, the extent to which renovations are necessary for occupancy of the old Education Building and the old Revenue Building and how that Office proposes to spend the one million dollars ($1,000,000) appropriated in this act for the planning of the renovation of these buildings.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

MUSEUM OF THE ALBEMARLE

Sec. 35. Funds appropriated from the General Fund to the Department of Cultural Resources for the Museum of the Albemarle in this act shall be used for design and construction of new facilities for the Museum of the Albemarle. The facility shall be sited in downtown Elizabeth City and funds appropriated in this act for this project may be used for the purchase of land if necessary.

PART 12. DEPARTMENT OF CULTURAL RESOURCES

Requested by: Representatives Nesbitt, Diamont, Crawford, Wainwright, Senators Daniel, Plyler, Kaplan

LOCAL HISTORICAL ORGANIZATIONS GRANTS

Sec. 36. Funds appropriated in this act for the 1993-94 fiscal year to the Department of Cultural Resources for Local Historical Organizations shall be distributed as grants-in-aid to nonprofit historical organizations or local governmental entities on a competitive basis in accordance with administrative guidelines issued by the Secretary of the Department of Cultural Resources. The purpose of the grants shall be to encourage, through the use of grants-in-aid, the protection, preservation, and interpretation of historic assets with local or regional significance. Priority consideration shall be given to the local historical organization's educational objectives. Grants shall be limited to amounts of fifty thousand dollars ($50,000) or less.

Requested by: Representatives Nesbitt, Diamont, Crawford, Wainwright, Senators Daniel, Plyler, Kaplan

LOCAL CULTURAL ORGANIZATIONS

Sec. 37. Of the funds appropriated in this act to the Department of Cultural Resources, the sum of one million dollars ($1,000,000) shall be allocated to local cultural organizations under the General Support Program of the North Carolina Arts Council. Priority consideration shall be given to the local cultural organization's educational objectives.

Requested by: Representatives Diamont, Nesbitt, Wainwright, Crawford, Culpepper, James, Blue, Fitch, Black, Gray, Ellis, Senators Daniel, Plyler, Kaplan

SOMERSET PLACE FUNDS/MEMORIAL

Sec. 38. Notwithstanding G.S. 100-8, of the funds appropriated in this act to the Department of Cultural Resources for Somerset Place for the 1993-94 fiscal year, the sum of two thousand dollars ($2,000) shall be allocated to provide an appropriate memorial at Somerset Place.

PART 13. DEPARTMENT OF INSURANCE

Requested by: Representatives McAllister, Wainwright, Crawford, Senators Daniel, Plyler, Kaplan

MINORITY BOND STUDY

Sec. 39. (a) The Department of Insurance shall study the need to develop a program to provide surety bonds to minority contractors. The Department of Insurance shall consider the following issues in its study and any other relevant issues:

(1) The specific criteria for a minority bonding program.
(2) Staff resources within State government that are available to provide prescreening of applications for bonding applicants.
(3) How to better provide opportunities for small and disadvantaged minority contractors to secure bonding assistance.
(4) Monitoring procedures for projects and financial plan development in program criteria.

(5) Procedures to develop and promote joint ventures and partnerships where appropriate to facilitate bondability.

(b) The Department shall seek the views and opinions of the public and private sectors with regard to the development of a surety bond program for minority businesses. The Department of Insurance shall report its findings and recommendations to the 1993 General Assembly, 1994 Regular Session.

Requested by: Representatives Nesbitt, Wainwright, Crawford, Senators Daniel, Plyler, Kaplan

SAFETY GRANTS COORDINATOR

Sec. 40. The Commissioner of Insurance shall establish the position of Safety Grants Coordinator, together with one supporting clerical position, within Fund Code 1110, Department of Insurance. The State Treasurer shall transfer one hundred twenty-five thousand dollars ($125,000) for the 1993-94 fiscal year and one hundred twenty-five thousand dollars ($125,000) for the 1994-95 fiscal year from the Department of Insurance Fund to the Department of Insurance to support these positions. The transfers shall be accounted as departmental receipts and shall be budgeted for expenditures in addition to amounts approved for the Department of Insurance under Chapter 321 of the 1993 Session Laws.

PART 13.1. SECRETARY OF STATE

Requested by: Representatives Redwine, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

BUSINESS LICENSE OFFICE/MASTER APPLICATION SYSTEM

Sec. 41. (a) G.S. 147-54.16 reads as rewritten:

"**§ 147-54.16. Master application system.**

~~The Office shall develop an operating plan for an automated master application system, shall determine the software and hardware needs of the system, and shall determine the staffing levels and space required for the system. The plan shall be developed with the assistance of the departments that issue business licenses and with due regard to privacy statutes. In making the determinations and developing an operating plan for an automated master application system, the Office shall identify the business licenses appropriate for inclusion in a master application system and shall develop a master application form that consolidates the information needed for the various State agencies to issue the licenses. Environmental licenses may not be included in a master application form.~~

The Office shall implement and administer an automated master application system. The Office shall determine the licenses appropriate for inclusion in the master application system. The Office may not include environmental licenses in the master application system.

The appropriate agency shall continue to determine whether a requested license shall be issued and to issue the license if the application is approved by the agency. An applicant who receives written notification by the Office that a license requested through the Office is being issued by the appropriate agency may proceed with the licensed business activity without having physical possession of the issued license.

The Office shall collect from each applicant the total amount of the fees for the licenses applied for through the Office. The Office is the repository for an original signed application form submitted through the Office for a license that is included in the master application system. If, based on the information supplied by the applicant to the Office, the Office fails to make application for a required license, and the applicant did not know such a license was required, the applicant shall not be liable for any civil or criminal penalties or disciplinary action for failure to have the license. If the failure to obtain the license is reported to the applicant by either the Office or the agency issuing the license, the applicant must make application within 30 days or be subject to the penalties or disciplinary action.'

(b) The Business License Information Office shall implement a master application system as described in Article 4B of Chapter 147 of the General Statutes. The master application system shall be implemented in two phases as described below over a period of two years. The first phase of the process to implement the master application system shall be completed by July 1, 1994. The Department of the Secretary of State shall evaluate the first phase of the implementation of the master application system and shall report to the Joint Legislative Commission on Governmental Operations by October 1, 1995, regarding the evaluation. The second phase of the process to implement the master application system shall be completed by January 1, 1996.

(1) Phase I. Applicant Tracking Module.
This phase shall consist of the following automated functions: recording and tracking of inquiries regarding business licenses, identification of required licenses, and monitoring of the status of the resulting applications. The original signed license applications received by the Office during this phase shall be forwarded by the Office to the appropriate licensing agency.

(2) Phase II. Application Generation Module.
During this phase the Office shall implement the centralized application process so that a master application may be generated for those licenses deemed appropriate by the Office for inclusion in the master application system. The Office shall retain the original signed license applications for licenses requested through the Office that are included in the master application system.

(c) Of the funds appropriated in this act from the General Fund to the Department of the Secretary of State the sum of three hundred fifty thousand dollars ($350,000) for the 1993-94 fiscal year shall be used to implement the master application system as provided in G.S. 147-54.16.

(d) This section becomes effective September 1, 1993.

PART 14. SALARIES AND BENEFITS

Requested by: Representative Diamont, Nesbitt, Senators Daniel, Plyler, Kaplan

STATE FICA SAVINGS USE EXTENSION

Sec. 42. Section 14(i) of Chapter 1044 of the 1991 Session Laws reads as rewritten:

"(i) Subsections (a) through (d) of this section are effective January 1, 1990. Subsections (e) through (h) of this section are effective January 1, 1991. Subsections (a) through (h) of this section shall expire December 31, ~~1993.~~ 1994."

PART 15. COLLEGES AND UNIVERSITIES

Requested by: Senators Lee, Daniel, Plyler, Kaplan,
Representatives Barnes, Nesbitt, Diamont

UNC-CH EDUCATIONAL CONSORTIUM

Sec. 43. Of the funds appropriated in this act to The Board of Governors of The University of North Carolina, the sum of one hundred fifty thousand dollars ($150,000) shall be allocated by the Board for a new cooperative educational consortium at the University of North Carolina at Chapel Hill. This consortium shall comply with the requirements of Section 101.2 of Chapter 321 of the 1993 Session Laws.

Requested by: Representatives Rogers, Black, Jeffus, Senators Daniel, Plyler, Kaplan

UNC EDUCATIONAL CONSORTIA

Sec. 44. The Board of Governors of The University of North Carolina shall require each constituent institution that has received an allocation of State funds under Section 206.3 of Chapter 689, 1991 Session Laws, Section 101.2, Chapter 321, 1993 Session Laws, or in this act for educational consortia and the purposes stated in these sections to provide a report to the Joint Legislative Education Oversight Committee on the allocation and use of these funds, the amount and sources of non-State funds

contributed to these efforts, activities supported by these funds, and an assessment of the educational value added by these efforts. The reports shall be submitted by May 15, 1994, with copies to the Fiscal Research Division of the Legislative Services Office.

Requested by: Representative H. Hunter, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

SWINE FARM ODOR ABATEMENT STUDY

Sec. 45. (a) Of the funds appropriated in this act to the Board of Governors of The University of North Carolina for Agricultural Programs, the sum of eighty-five thousand dollars ($85,000) for the 1993-94 fiscal year shall be used to perform a technical study on the cause, extent, and abatement of odors from swine farms and to compile information on the impact of swine farms on ground and surface water supplies. The study shall be conducted by the North Carolina Agricultural Research Service (NCARS) of the College of Agriculture and Life Sciences at North Carolina State University. Reports on the progress of the study shall be presented to the Chair of the House Agriculture Committee, and the Chair of the Senate Committee on Agriculture, Marine Resources, and Wildlife, and they shall report to their respective committees biannually. The study shall ascertain:

(1) The causes of odors from swine farms;
(2) Methods and technology to control, abate, and reduce the odors from swine farms in a manner that is economically feasible; and
(3) North Carolina's, other states', and other countries' efforts and research being conducted to reduce odors on swine farms.

(b) NCARS shall also:

(1) Compile information regarding methods and technology available which address the impact of swine farms on ground and surface water supplies; and
(2) Compile information from North Carolina, other states, and other countries on efforts and research being conducted on ground and surface water impacts of swine farms.

(c) The focus of the above research shall be:

(1) To offer economically feasible solutions to existing operations for reduction of odor;
(2) To offer economically feasible solutions that may be incorporated into new swine operations for reduction of odor;
(3) To review the information available on the impact of swine farms on ground and surface water supplies and propose economically feasible solutions; and
(4) To identify those areas needing further research to ensure the availability of economically feasible solutions for odor reduction and wastewater supplies created by swine farms.

NCARS shall file its final report and recommendations on or before the convening of the 1995 General Assembly. The report shall be filed with the Offices of the Speaker of the House of Representatives, the President *Pro Tempore* of the Senate, the Chair of the House Agriculture Committee, the Chair of the Senate Committee on Agriculture, Marine Resources, and Wildlife, the Offices of the Principal Clerks of the Senate and the House of Representatives, and the Legislative Librarian.

(d) Of the funds appropriated in this act, the sum of fifteen thousand dollars ($15,000) for the 1993-94 fiscal year shall be used for the House Agriculture Committee and the Senate Committee on Agriculture, Marine Resources, and Wildlife to hold meetings and tour swine farms in the State for evaluating information on the issues of odors and wastewater supplies from swine farms. The Chairs of both Committees shall call the meetings and tours as they consider necessary.

Requested by: Representatives Nesbitt, Diamont, Fitch,
Senators Daniel, Plyler, Kaplan

FRESHMEN SCHOLARS PROGRAM

Sec. 46. Of the funds appropriated to the Board of Governors of The University of North Carolina in this act, one million dollars ($1,000,000) shall be allocated in the 1993-94 fiscal year equally among five constituent institutions for a pilot Freshmen Scholars Program. The five constituent institutions to receive funds are Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, Pembroke State University, and Winston-Salem State University.

These funds shall not revert and are to be used by the campuses in recruiting new students to enroll in the future who might not be able to attend college without this incentive. The funds shall be placed in trust funds accounts, with the investment earnings to be used for this program as well.

The funds shall be used to guarantee high school students tuition, fees, and books for their freshman year of college. Students shall be eligible if they meet the standards established by each campus; the standards shall include minimum grade point average, minimum admission standards, additional coursework required by the campus, and behavioral guidelines.

The institutions receiving these funds shall establish standards for eligibility by September 30, 1993, and shall recruit students in regional high schools. The scholarship guarantees are for one year only, and may be combined with other financial aid when the students enroll in college.

The five campuses receiving these grants shall report to the General Assembly by February 1, 1995, on their guidelines for receiving these scholarship funds and the progress of students in this pilot program. The success of these pilot efforts in attracting students who otherwise might not have enrolled at each campus or in any higher education institution shall be evaluated by the Board of Governors of The University of North Carolina, with a report to the Joint Legislative Education Oversight Committee by May 15, 1996.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

ENGINEERING GRADUATE RESEARCH CENTER FUNDS

Sec. 47. Of the funds appropriated in Chapter 1044 of the 1991 Session Laws, Regular Session 1992, from the General Fund to the Board of Governors of The University of North Carolina for the Engineering Graduate Research Center (EGRC) at North Carolina State University, up to one million five hundred thousand dollars ($1,500,000) may be released and expended for equipment that will be located in the EGRC upon its completion.

Requested by: Senators Winner of Buncombe, Daniel, Plyler, Kaplan,
Representatives Nesbitt, Diamont

UNC ASHEVILLE LAND FUNDS

Sec. 48. Of the funds appropriated in this act from the General Fund to the Board of Governors of The University of North Carolina, the sum of two million dollars ($2,000,000) for the 1993-94 fiscal year shall be used for the purchase of additional property for the University of North Carolina at Asheville to allow for future campus growth.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY APPLIED MANUFACTURING CENTER

Sec. 49. Funds appropriated in this act to the Board of Governors of The University of North Carolina for an Applied Manufacturing Education Center for North Carolina Agricultural and Technical State University may be expended only on a facility that is owned and controlled by North Carolina Agricultural and Technical State University. Prior to the expenditure of these funds, the Board of Governors shall present a plan for the use of these funds to the Joint Legislative Commission on Governmental

Operations. This plan shall include all financial, organizational, and legal arrangements pertaining to the use of these funds and the proposed facility, and shall include projections and plans for the operation of the facility, including operating costs.

PART 16. DEPARTMENT OF COMMUNITY COLLEGES

Requested by: Representative Easterling, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

CERTAIN REFUGEES STATE RESIDENTS FOR COMMUNITY COLLEGE TUITION PURPOSES, CONTINUED

Sec. 50. (a) Subsection (d) of Section 25 of Chapter 1044 of the 1991 Session Laws is repealed.

(b) This section becomes effective June 30, 1993.

Requested by: Representatives Black, Rogers, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

BOOKS AND EQUIPMENT APPROPRIATIONS/CHANGES IN SPECIFICATIONS REGARDING REVERTING

Sec. 51. Section 113 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 113. Appropriations to the Department of Community Colleges for equipment and library books are made for each year of the fiscal biennium. All unencumbered appropriations for library books shall revert to the General Fund 12 months after the close of each fiscal year for which they were appropriated. All equipment funds shall revert to the General Fund 48 months after the close of each fiscal year for which they were appropriated. Equipment funds shall not be spent for any other purpose. Encumbered balances outstanding at the end of each period shall be handled in accordance with existing State budget policies. The Department shall be able to identify to the Office of State Budget and Management which appropriations will revert at the end of the 12 months after the close of each fiscal year."

PART 17. PUBLIC SCHOOLS

Requested by: Representatives Diamont, Nesbitt, Senators Daniel, Plyler, Kaplan

SMALL SCHOOL FORMULA/HOLD HARMLESS PROVISION

Sec. 52. (a) The General Assembly finds that the data to enable the Department of Public Instruction to determine eligibility for small school system supplemental funding for the 1993-94 fiscal year was not available from the Department of Revenue until July 8, 1993; therefore, this determination was made well after the boards of county commissioners had acted on the boards of education budgets for the 1993-94 fiscal year. While considering the budgets for the Ashe and Jackson County School Administrative Units, the boards of county commissioners of those counties assumed that small school system supplemental funding would be available for the 1993-94 fiscal year. Therefore, for the 1993-94 fiscal year only, notwithstanding the provisions of Section 138.1 of Chapter 321 of the 1993 Session Laws, the State Board of Education shall allocate funds appropriated for small school system supplemental funding in this act to the Ashe and Jackson County School Administrative Units. Each of these county school administrative units shall receive for the 1993-94 fiscal year the same amount it received for the 1992-93 fiscal year.

(b) Section 138(j) of Chapter 321 of the 1993 Session Laws requires the Department of Revenue to provide to the Department of Public Instruction a final report prior to May 1 of each year of all data necessary to determine eligibility for small school system supplemental funding; therefore, (i) all boards of county commissioners will have this information when they consider the budgets for their county school administrative units, and (ii) the General Assembly does not intend to hold counties harmless in future fiscal years.

Requested by: Representatives Gottovi, Redwine, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

NEW HANOVER COUNTY SCHOOLS PAY DATES CHANGED

Sec. 53. Notwithstanding the provisions of G.S. 115C-302(a), G.S. 115C-316(a), or any other provision of law, all 10-month contract teachers and all 10-month contract teacher assistants of the New Hanover County Schools shall be paid on the fifteenth day of each month. Nothing in this section shall have the effect of changing the rate of pay for any employee of New Hanover County Schools.

This section shall not be construed to authorize prepayment of any employees by the New Hanover County Board of Education.

Requested by: Representatives Black, Rogers, Barnes, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

PAYMENT OF CAREER DEVELOPMENT BONUSES

Sec. 54. G.S. 115C-238.4(e) reads as rewritten:

"(e) Any additional compensation received by an employee as a result of the unit's participation in the Program shall be paid as a bonus or supplement to the employee's regular salary. If an employee in a participating unit does not receive additional compensation, such failure to receive additional compensation shall not be construed as a demotion, as that term is used in G.S. 115C-325.

Payments of bonuses or supplements shall be made no more frequently than once every calendar quarter: Provided, however, ~~prior to the 1994-95 school year,~~ payments in the career development pilot units may be made on a monthly basis."

Requested by: Representatives Green, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

CPR INSTRUCTION STUDY

Sec. 55. The State Board of Education shall study the issue of whether local boards of education are providing for the efficient teaching at appropriate grade levels of cardio-pulmonary resuscitation (CPR) and the Heimlich maneuver, as required by G.S. 115C-81(c). The State Board shall report the results of its study to the Joint Legislative Education Oversight Committee prior to May 1, 1994.

Requested by: Representatives Black, Rogers, Barnes, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

DIFFERENTIATED PAY FUNDS/REVERSION

Sec. 56. (a) G.S. 115C-238.4 is amended by adding a new subsection to read:

"(a1) All State-differentiated pay funds shall become available for expenditure July 1 of each fiscal year. These funds shall remain available for expenditure for:

(1) Bonuses and supplements to implement local differentiated pay plans until November 30 of the subsequent fiscal year; and

(2) Staff development to implement local differentiated pay plans until August 31 of the subsequent fiscal year: Provided, however, if funds allocated for bonuses and supplements under a local differentiated pay plan are not spent for that purpose because of a failure to meet local goals, these funds shall remain available until November 30 of the subsequent fiscal year to provide for staff development in accordance with that local plan."

(b) This section applies to all fiscal years beginning with the 1992-93 fiscal year.

Requested by: Representatives Colton, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

NONCERTIFIED SCHOOL EMPLOYEE STUDY

Sec. 57. The Joint Legislative Education Oversight Committee may study the methods by which local boards of education employ, train, evaluate, and dismiss noncertified employees, including, but not limited to, the issues of recruitments, standards, salary, job protection, and due process, and may report its findings and recommendations to the 1994 Session of the General Assembly.

Requested by: Representatives Barnes, Black, Rogers, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

TEACHER TRAINING TASK FORCE

Sec. 58. (a) Section 2 of Chapter 971 of the 1991 Session Laws reads as rewritten:

"Sec. 2. Membership. The Task Force shall consist of ~~20~~ 23 members as follows:

(a) The President *Pro Tempore* of the Senate and the Speaker of the House of Representatives shall each appoint one member of the Joint Legislative Education Oversight Committee to serve on the Task Force.

(b) The Superintendent of Public Instruction, or a designee.

(c) The nine members of the Joint Committee on Teacher Education of the Board of Governors of The University of North Carolina and the State Board of Education. In the event that a State Board or Board of Governors member's term expires, and that person serves as a Joint Committee member to the Task Force, the appointing board may elect to reappoint the expired member to continue to serve on the Task Force.

(c1) Four teachers currently employed in the North Carolina public schools, appointed by the cochairs of the Task Force in accordance with this subsection. One teacher shall be chosen from each of the following types of school systems: small, urban, rural, and low-wealth. At least one of the four teachers shall have graduated from a North Carolina teacher training program since 1989. Insofar as possible, teacher members shall represent gender, ethnic, and racial diversity. New teacher members shall be chosen by the cochairs from a list compiled by the State Superintendent of several suggested candidates in each category. If a teacher member was previously appointed under subsection (d) of this section, that person may continue to serve, and may become the representative of one of the types of school systems listed in this subsection. Task Force members appointed by the cochairs to serve on an ad hoc basis prior to the effective date of this legislation shall, with the approval of the cochairs, be entitled to per diem, subsistence, and travel allowances retroactively and in accordance with G.S. 138-5, 138-6, or 120-3.1.

(d) The Board of Governors of The University of North Carolina and the State Board of Education shall jointly appoint ~~eight~~ seven members from a list of recommended members to be suggested by the Joint Committee on Teacher Education of the Board of Governors of The University of North Carolina and the State Board of Education. Members may be recommended from among representatives of practicing public school teachers and personnel; public school administrators; the deans of schools of education; the chancellors of the constituent institutions of The University of North Carolina and the chief officers of private institutions of higher education. Other qualified persons may be recommended by the Joint Committee and approved by the Boards. Task Force members shall receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5, 138-6, or 120-3.1, as appropriate. Appointments to the Task Force shall be made no later than September 1, 1992. If a vacancy occurs in the membership, the appointing authority shall appoint another person to serve for the balance of the unexpired term."

(b) Sec. 3.1 of Chapter 971 of the 1991 Session Laws reads as rewritten:

"Sec. 3.1. Cochairs. The State Board of Education and the Board of Governors of The University of North Carolina shall each appoint a cochair from the nine members of the Joint Committee on Teacher Education of the Board of Governors of The University of North Carolina and the State Board of Education. The Task Force shall meet upon the call of the cochairs. In the event that a State Board or Board of Governors member's term expires, and that person serves as a cochair of the Task Force, the appointing board may reappoint the expired member to continue to serve as cochair of the Task Force."

(c) Of the funds appropriated in this act to the Board of Governors of The University of North Carolina, the sum of ten thousand dollars ($10,000) for the 1993-94 fiscal year shall be used to complete the activities of the Teacher Training Task Force,

reconvened pursuant to Chapter 971 of the 1991 Session Laws, Regular Session 1992, as recommended by the Teacher Training Task Force and the Joint Legislative Education Oversight Committee.

Requested by: Representatives Nesbitt, Diamont, Black, Rogers, Senators Daniel, Plyler, Kaplan

PUBLIC SCHOOL LIBRARY TECHNOLOGY FUNDS

Sec. 59. The funds appropriated to Aid to Local School Administrative Units for public school library technology shall be allocated to local school administrative units by the State Board of Education on the basis of average daily membership and shall be used only to enhance the availability of technology in public school libraries.

Requested by: Representatives Black, Rogers, Nye, James, Wilkins, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

NORTH CAROLINA FUTURE FARMERS OF AMERICA CENTER FUNDS

Sec. 60. Of the funds appropriated in this act to the Office of State Budget and Management, three hundred thousand dollars ($300,000) for the 1993-94 fiscal year shall be allocated to the North Carolina Future Farmers of America Foundation, Incorporated, for the North Carolina Future Farmers of America Center, for development, repairs, and renovations. These funds shall be matched by local funds on a dollar-for-dollar basis.

Requested by: Representatives Black, Rogers, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

FLEXIBILITY IN REORGANIZING DEPARTMENT OF PUBLIC INSTRUCTION POSITIONS

Sec. 61. The Superintendent of Public Instruction, with the approval of the State Board of Education, may request that the Director of the Budget (i) transfer federal funds from the Department of Public Instruction to Aid to Local School Administrative Units and (ii) offset that transfer by transferring a like amount of General Fund appropriations from Aid to Local School Administrative Units to the Department of Public Instruction. The Director of the Budget may authorize these transfers to the extent not prohibited by federal law or the conditions of federal grants.

Requested by: Representatives Black, Rogers, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

ADVANCED PLACEMENT PILOT PROGRAM/MATCHING REQUIREMENT

Sec. 62. Funds appropriated in this act to the Department of Public Instruction for the advanced placement pilot program shall be allocated by the Superintendent of Public Instruction. These funds shall be matched on the basis of one non-state dollar for every State dollar.

Requested by: Representatives Black, Rogers, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

PAYROLL DEDUCTION CLARIFICATION CONTINUED

Sec. 63. (a) G.S. 143-3.3(g) reads as rewritten:

"(g) Payroll Deduction for Payments to Certain Employees' Associations Allowed. — An employee of the State or any of its institutions, departments, bureaus, agencies or commissions, or any of its local boards of education or community colleges, who is a member of a domiciled employees' association that has at least 2,000 members, the majority of whom are employees of the State or public school employees, may authorize, in writing, the periodic deduction <u>each payroll period</u> from the employee's salary or wages a designated lump sum to be paid to the employees' association. <u>The authorization shall remain in effect until revoked by the employee.</u> A plan of payroll deductions pursuant to this subsection for employees of the State and other association members

shall become void if the employees' association engages in collective bargaining with the State, any political subdivision of the State, or any local school administrative unit. This subsection does not apply to county or municipal governments or any local governmental unit, except for local boards of education."

(b) An authorization made under Section 80 of Chapter 900 of the 1991 Session Laws is considered to have been made under G.S. 143-3.3(g), as amended by subsection (a) of this section.

PART 18. DEPARTMENT OF TRANSPORTATION

Requested by: Representatives Nye, McAllister, McLaughlin, Nesbitt, Diamont, Senators Lee, Daniel, Plyler, Kaplan

DOT TO DEVELOP CRITERIA FOR NONBETTERMENT CONTRIBUTIONS

Sec. 64. The Department of Transportation shall study and implement a program for the payment of nonbetterment costs for the relocation of water and sewer lines within existing State highway rights-of-way required by G.S. 136-27.1 and shall develop criteria for State participation in the relocation of water and sewer lines owned by units of local government, special districts, and municipal corporations based on:

(1) Their ability to pay;
(2) The per capita income of the populations served; and
(3) The supporting tax base.

The Department of Transportation shall report on the criteria developed to the Joint Legislative Highway Oversight Committee and the Fiscal Research Division of the Legislative Services Office by October 1, 1993.

Requested by: Representatives McAllister, McLaughlin, Nesbitt, Diamont, Senators Lee, Daniel, Plyler, Kaplan

HIGHWAY FUND AND HIGHWAY TRUST FUND SMALL PROJECT BIDDING

Sec. 65. (a) Notwithstanding the provisions of G.S. 136-28.4(b), for Highway Fund or Highway Trust Fund projects of three hundred thousand dollars ($300,000) or less, the Board of Transportation may, after soliciting at least three informal bids in writing from Small Business Enterprises, award contracts to the lowest responsible bidder. The Department of Transportation may identify projects likely to attract increased participation by Small Business Enterprises, and restrict the solicitation and award to those bidders. The Board of Transportation may delegate full authority to award contracts, adopt necessary rules, and administer the provisions of this section to the Secretary of Transportation.

(b) The letting of contracts under this section is not subject to any of the provisions of G.S. 136-28.1 relating to the letting of contracts. The Department may waive the bonding requirements of Chapter 44A of the General Statutes and the licensing requirements of Chapter 87 for contracts awarded under this section.

(c) The Secretary of Transportation shall report quarterly to the Joint Legislative Transportation Oversight Committee on the implementation of this section.

Requested by: Representatives McAllister, McLaughlin, Nesbitt, Diamont, Senators Lee, Daniel, Plyler, Kaplan

MANAGEMENT ASSESSMENT AND COMPLIANCE POSITIONS RECREATED

Sec. 66. From funds available to the Department of Transportation from funding codes 84210, 84220, and 84260, the Department of Transportation may recreate three positions in Management Assessment and Compliance that were eliminated in the Current Operations Appropriations Act of 1993, Chapter 321 of the 1993 Session Laws.

Requested by: Representatives McAllister, McLaughlin, Nesbitt, Diamont, Senators Lee, Daniel, Plyler, Kaplan

RESERVE FOR PROMOTION AND DEVELOPMENT OF INTERNATIONAL AIR SERVICE

Sec. 67. Of the funds appropriated in this act to the Reserve for Promotion and Development of International Air Service, the sum of five million dollars ($5,000,000) shall be used to acquire, promote, and develop international air routes and service.

Requested by: Senators Daniel, Plyler, Kaplan, Perdue, Representatives Nesbitt, Diamont

PLANNING FUNDS FOR REPLACEMENT TRESTLE

Sec. 68. Of the funds appropriated in this act from the General Fund to the North Carolina Ports Railway Commission, the sum of two hundred fifty thousand dollars ($250,000) for the 1993-94 fiscal year shall be used to plan for the replacement of the wooden trestle over the Newport River on the Beaufort and Morehead Railroad with a modern concrete trestle.

The Attorney General and the Department of Transportation shall identify legal issues related to the design, construction, and operation of the new trestle and shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office not later than March 1, 1994, on options available to resolve those issues.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

HIGHWAY 264 REST AREA

Sec. 69. Funds appropriated in Chapter 900, Section 106, 1991 Session Laws, Regular Session 1992, for the construction of a rest area at U.S. Highway 264 in Beaufort County may also be used for the purchase of land to be used as a site for that rest area after reporting to and review by the Joint Legislative Commission on Governmental Operations.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

DOT VEHICLES EXEMPTION

Sec. 70. (a) All State-owned passenger motor vehicles which are permanently assigned to the Department of Transportation or its individual employees are exempt from the minimum mileage requirements of G.S. 143-341(8)i.7a. The Department shall report on the utilization of these vehicles to the Joint Legislative Commission on Governmental Operations and to the Joint Legislative Highway Oversight Committee on a quarterly basis beginning October 1, 1993.

(b) This section expires June 30, 1994.

Requested by: Senators Lee, Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

TRANSPORTATION OVERSIGHT STUDY DIESEL FUEL CONSUMPTION

Sec. 71. (a) The Joint Legislative Transportation Oversight Committee created in G.S. 120-70.50 shall study the issue of the level of consumption of diesel fuel in this State as compared to surrounding states. This study shall include all of the following:

(1) Investigation of the extent to which the 1989 diesel fuel tax increase to a rate above that in other South Atlantic states may have resulted in a shift of truck fueling to other states, noncompliance with the tax law by interstate truckers, or both.

(2) Analysis of the impact of the diesel fuel tax rate upon the level of consumption of liquid diesel fuel in this State and, as a result, upon Highway Fund revenues and North Carolina Highway Trust Fund revenues and upon the truckstop business in North Carolina.

(3) Comparison of other states that have raised in-state fuel consumption by placing part of the fuel tax at the pump and collecting the remainder by reporting or otherwise.

(4) Evaluation of the diesel fuel tax proposal outlined in Senate Bill 1088, Second Edition, 1993 Session, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TAX ON DIESEL FUEL SHALL BE PAID PARTLY AT THE PUMP AND PARTLY BY EITHER REPORTING OR ANNUAL REGISTRATION TAX.

(5) Study of how these and other compliance measures can be used to enhance consumption of diesel fuel in this State.

(6) Consideration of any other issues the Committee considers relevant.

(b) The Department of Transportation and the Department of Revenue shall provide the Committee any information it requires to conduct this study. The Committee may make an interim report to the 1994 Session of the 1993 General Assembly and shall make a final report of the results of its study and any recommendations to the 1995 Session of the 1995 General Assembly on this study.

Requested by: Representatives Fitch, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

GLOBAL TRANSPARK ZONE INFRASTRUCTURE FUNDS

Sec. 72. The funds appropriated in this act from the General Fund to the Global TransPark Development Zone created pursuant to Article 4 of Chapter 158 of the General Statutes, as enacted by Senate Bill 853, 1993 General Assembly, shall be used for economic development projects and infrastructure construction projects as provided in Article 4 of Chapter 158 of the General Statutes. These funds shall be available to the Global TransPark Development Zone only after the effective date of a tax levied by the Zone pursuant to G.S. 158-42, as enacted by Senate Bill 853, 1993 General Assembly. In addition, these funds shall be available to the Global TransPark Development Zone only on a dollar-for-dollar match with non-State funds contributed on or after July 1, 1993, to the Global TransPark Foundation, Inc. Notwithstanding G.S. 143-31.4, the match can be in-kind.

These funds shall be credited quarterly, as the State Budget Officer receives certification of the receipt of the match, to the interest-bearing trust account created pursuant to G.S. 158-42, as enacted by Senate Bill 853, 1993 General Assembly, and shall be subject to the restrictions on funds in that account provided in G.S. 158-42. Upon credit to the trust account, the funds become an asset of the Zone subject to all provisions of Article 4 of Chapter 158 governing Zone assets. These funds shall not revert to the General Fund but shall remain available until used for the purposes authorized in this section. If the Zone terminates, the funds may revert as provided in G.S. 158-41.

PART 19. DEPARTMENT OF CORRECTION

Requested by: Representatives Holt, Gist, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

RENOVATION OF POLK YOUTH INSTITUTION

Sec. 73. When the replacement facility for Polk Youth Institution has been completed and the inmates have been relocated, the existing Polk Youth Institution shall be renovated for use as a minimum custody facility.

Requested by: Representatives Michaux, Holt, Gist, Senators Daniel, Plyler, Kaplan

CREDIT FOR SAFEKEEPER MEDICAL EXPENSE PAYMENTS

Sec. 74. Section 2 of Chapter 983 of the 1991 Session Laws reads as rewritten:

"Sec. 2. Notwithstanding any other provision of law, counties shall not be liable for extraordinary medical expenses of safekeepers incurred prior to the effective date of this act; however, counties that reimbursed the Department of Correction for extraordinary medical expenses of safekeepers prior to the effective date of this act shall be given credit for that payment. The Department of Correction shall implement the credit by applying it against extraordinary medical expenses of safekeepers incurred on and after July 1, 1993. ~~no county that has reimbursed the Department of Correction for extraordinary medical expenses of safekeepers prior to the effective date of this act has the right to a refund or credit for such payment.~~"

Requested by: Representatives Holt, Gist, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

REPAIR AND RENOVATION FUNDS

Sec. 75. (a) Section 170 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 170. ~~From the funds appropriated to the Department of Correction in the certified budget for the 1993-94 fiscal year, the Department may transfer within its budget~~ The Department of Correction may use up to five million dollars ($5,000,000) from the Repair and Renovation Reserve in the Office of State Budget and Management for repair and renovation of its facilities. The use of these funds shall be subject to the prior approval of the Office of State Budget and Management. The Department of Correction shall have a verifiable ten percent (10%) goal for participation by minority and women contractors in these projects. If necessary, the Department may transfer within its budget up to six hundred fifty thousand dollars ($650,000) in each fiscal year to match federal grant funds received by the Department.

The Department of Correction shall submit a schedule of repairs and renovations funded pursuant to this section and shall provide information on the use of minority and women contractors for those projects in a quarterly report to the Joint Legislative Commission on Governmental Operations and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety."

(b) Of the funds appropriated in this act to the Office of State Budget and Management, Reserve for Repairs and Renovation, for the 1993-94 fiscal year, the sum of four hundred twelve thousand dollars ($412,000) shall be transferred to the Department of Correction for repairs and renovations to the Black Mountain Women's Correctional Center.

Requested by: Representatives Holt, Gist, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

CLARIFY POLICY CONCERNING CORRECTION ENTERPRISES

Sec. 76. The Department of Administration, Purchase and Contracts Division, in consultation with the Department of Correction, the North Carolina Citizens for Business and Industry, the North Carolina Association of County Commissioners, the North Carolina School Boards Association, and the North Carolina League of Municipalities, shall develop policy concerning the manufacture of goods and the provision of services by Correction Enterprises. The policy shall be for distribution to all State agencies and departments and shall:

(1) Address the appropriate levels of production and services by Correction Enterprises;
(2) Provide guidelines for purchase by State agencies from Correction Enterprises whenever Correction Enterprises offers lower prices for quality products than other potential vendors; and
(3) Identify the potential benefits to prisoner rehabilitation as a result of the Correction Enterprises program.

The Department of Administration shall submit the policy for approval by the General Assembly by March 15, 1994.

PART 19.1. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senators Daniel, Plyler, Kaplan,
Representatives Holt, Gist, Nesbitt, Diamont

ALCOHOL LAW ENFORCEMENT OFFICER ACCESS TO PUBLIC INFORMATION NETWORK

Sec. 77. The Department of Crime Control and Public Safety may use up to forty-six thousand eight hundred dollars ($46,800) from forfeiture funds available in the 1993-94 fiscal year to provide access to the public information network by alcohol law enforcement officers.

PART 20. JUDICIAL DEPARTMENT

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

COMMUNITY PENALTIES PROGRAMS

Sec. 78. Section 189 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 189. (a) Of the funds appropriated from the General Fund to the Judicial Department for the 1993-95 biennium to conduct the community penalties programs, the sum of one million nine hundred eighteen thousand nine hundred twelve dollars ($1,918,912) for the 1993-94 fiscal year and the sum of one million nine hundred eighteen thousand nine hundred twelve dollars ($1,918,912) for the 1994-95 fiscal year may be allocated by the Judicial Department in any amount among existing community penalties ~~programs~~ programs, including State-operated programs, or may be used to establish new community penalties programs.

(b) The Judicial Department shall report annually to the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division on the administrative expenditures of the community penalties programs."

Requested by: Representatives R. Hunter, Holt, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

INDIGENT ATTORNEY CONTRACTS

Sec. 79. (a) G.S. 7A-344, as rewritten by Section 192 of Chapter 321 of the 1993 Session Laws, reads as rewritten:

"§ 7A-344. Special duties of Director concerning representation of indigent persons.

In addition to the duties prescribed in G.S. 7A-343, the Director shall also:

(1) Supervise and coordinate the operation of the laws and regulations concerning the assignment of legal counsel for indigent persons under Subchapter IX of this Chapter to the end that all indigent persons are adequately represented;

(2) Advise and cooperate with the offices of the public defenders as needed to achieve maximum effectiveness in the discharge of the defender's responsibilities;

(3) Collect data on the operation of the assigned counsel and the public defender systems, and make such recommendations to the General Assembly for improvement in the operation of these systems as appear to him to be appropriate; and

(4) Accept and utilize federal or private funds, as available, to improve defense services for the indigent, including indigent juveniles alleged to be delinquent or undisciplined. To facilitate processing of juvenile ~~and other indigent cases,~~ cases and civil cases in which a party is entitled to counsel, the administrative officer is further authorized, in any district or set of districts as defined in 7A-41.1(a), with the approval of the chief district court judge for cases in the district court division and the approval of the senior resident superior court judge for cases in the superior court division, to engage the services of a particular attorney or attorneys to provide specialized representation on a full-time or part-time basis."

(b) The Director of the Administrative Office of the Courts may conduct a pilot program in up to six judicial districts selected by the Director with the approval of the senior resident superior court judge and the chief district court judge of each district. To facilitate the processing of all cases, the Director shall, in each pilot area, engage the services of a particular attorney or attorneys to provide specialized representation to indigent persons on a full-time or part-time basis. The pilot program shall terminate on June 30, 1994, and the Administrative Office of the Courts shall provide a written evaluation of the pilot program to the North Carolina Courts Commission on or before October 1, 1994.

Requested by: Representatives Richardson, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

JUVENILE JUSTICE PILOT PROGRAM

Sec. 80. (a) Of the funds appropriated to the Judicial Department in this act, the sum of thirty thousand dollars ($30,000) for the 1993-94 fiscal year shall be used by the Cumberland County Dispute Resolution Center for the development and implementation of the programs described in subsection (c) of this section. These funds shall be matched by non-State funds on a dollar-for-dollar basis.

(b) The Administrative Office of the Courts shall distribute the funds in quarterly payments beginning July 1993, and ending April 1994. The Cumberland County Dispute Resolution Center shall provide the Administrative Office of the Courts with quarterly reports as to the expenditure of funds and relevant statistical data.

(c) The Cumberland County Dispute Resolution Center shall develop and implement the following programs to meet the objectives of this section:

(1) Development and implementation of a "Teen Court" Program as a community resource for the 12th Judicial District of North Carolina. Cases in which a juvenile has allegedly committed an offense in the 12th Judicial District that does not involve violence or personal injury, and that would constitute an infraction or misdemeanor if committed by an adult, may be diverted by Intake Services to "Teen Court" to be "sentenced" by a jury of the juvenile's peers. "Sentences" shall include extensive amounts of counseling and community service;

(2) "Teen Court" model programs made available to all junior and senior high schools in the 12th Judicial District to handle problems that develop at school but that have not been turned over to the juvenile authorities;

(3) Alternative sentencing programs implemented and made available to the juvenile court judges, including house arrest, monitored telephone curfew, Victim-Offender Reconciliation Programs (VORP), and mediation referrals;

(4) School-based mediation programs made available to schools within the 12th Judicial District, with students being trained as peer mediators and with teachers and administrators being trained in conflict resolution and mediation; and

(5) Curriculum supplements to the standard course of study made available to educators to teach conflict resolution and related topics to all students.

(d) The Cumberland County Dispute Resolution Center shall report at least annually to the Administrative Office of the Courts and to officials of the 12th Judicial District. The Administrative Office of the Courts shall evaluate the effectiveness of the programs and report its findings and any recommendations by March 15, 1995, to the Joint Legislative Commission on Governmental Operations and to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

PART 21. DEPARTMENT OF JUSTICE

Requested by: Representatives Holt, Gist, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

CENTRALIZED UTILIZATION OF LEGAL PUBLICATIONS

Sec. 81. The Attorney General and the Director of the Budget shall conduct a review of the proliferation of legal publications used by State agencies, departments, and institutions to determine:

(1) The most efficient utilization of legal publications; and
(2) The feasibility of providing centralized access to legal publications, including the fiscal impact of providing for the centralized use and availability of legal publications.

The Attorney General and the Director of the Budget shall report their findings and recommendations to the General Assembly by March 31, 1994, by submitting a copy of the report to the Speaker of the House of Representatives, the President *Pro Tempore* of the Senate, and the Fiscal Research Division.

Requested by: Representatives Diamont, Nesbitt, Warner,
Senators Daniel, Plyler, Kaplan

LAW ENFORCEMENT HALL OF HONOR FUNDS

Sec. 82. Of the funds appropriated in this act to the North Carolina Law Enforcement Hall of Honor Foundation, the sum of forty-five thousand dollars ($45,000) shall be used for the 1993-94 fiscal year for the support of activities relative to the promotion, planning, construction, administration, and maintenance of the Hall of Honor.

Requested by: Representatives Holt, Gist, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

BANKING COMMISSION LEGAL COUNSEL TECHNICAL CORRECTION

Sec. 83. G.S. 53-96 as rewritten by Section 206(b) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"§ 53-96. Salary of Commissioner; legal assistance.

The salary of the Commissioner of Banks shall be fixed by the General Assembly in the Current Operations Appropriations Act. The Attorney General shall assign an attorney on his staff to work full time with the Banking Commission. The attorney shall be subject to all provisions of Chapter 126 of the General Statutes relating to the State Personnel System. The Commission shall fully reimburse the Department of Justice for the compensation, secretarial support, equipment, supplies, records, and other property to support this attorney."

PART 22. DEPARTMENT OF HUMAN RESOURCES

Requested by: Representatives Nye, Easterling, Diamont, Nesbitt,
Senators Daniel, Plyler, Kaplan

HEAD START CAPITAL FUNDS/1993-94

Sec. 83.1. Of the funds appropriated in this act to the Department of Human Resources for the 1993-94 fiscal year, the sum of one million one hundred thousand dollars ($1,100,000) is allocated to the Division of Child Development to provide grants to local private nonprofit agencies administering Head Start programs. These funds shall be used by the Head Start agencies for the payment of the cost of acquiring, constructing, reconstructing, renovating, equipping, and improving classroom facilities for the existing Head Start programs. The Department of Human Resources shall develop a formula for the distribution of State supplemental Head Start funds to those counties with the greatest relative burden of low-income children who qualify for Head Start, which formula shall include consideration of the percentage of North Carolina's unserved eligible Head Start children in each county and any other statistical indicator that is in keeping with the legislative intent.

Each Head Start program that is allocated State supplemental Head Start funds pursuant to this section shall submit a budget for review by the State. The budget shall itemize the program's expenditure of State funds. The expenditure needs shall fall under the allowable expenditure categories identified above.

Requested by: Representatives Easterling, Nye, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

MEDICAID PLANNING FUNDS

Sec. 84. Of the funds appropriated in this act from the General Fund to the Department of Human Resources for the 1993-94 fiscal year, the sum of two hundred thousand dollars ($200,000) may be used to plan and design an eligibility system to provide Medicaid coverage to all Supplemental Security Income recipients, elderly, and disabled persons with incomes below seventy-five percent (75%) of the federal poverty guidelines, and additional children. Nothing in this section shall be construed to obligate the State to provide Medicaid coverage to these individuals without further State appropriations for that purpose.

Requested by: Representatives Easterling, Nye, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

CHILDREN'S GRANTS FUNDS

Sec. 85. Of the funds appropriated in this act to the Department of Human Resources, the sum of two hundred thousand dollars ($200,000) for the 1993-94 fiscal year shall be allocated to counties for county programs that specifically provide services to children at risk and for capital needs relating to child day care services. Programs receiving funds pursuant to this section shall serve disadvantaged children and their families. These programs shall include juvenile delinquency prevention programs and services designed to prevent youth suicide. The Department shall develop requests for proposals for these grants and shall provide technical assistance to county programs needing assistance in making requests for these grants. Grants to individual county programs shall not exceed fifty thousand dollars ($50,000) but the grants shall not be limited only to those existing county programs funded by State, federal, or local sources.

Requested by: Representatives Easterling, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

COMMITMENT OF FOREIGN NATIONAL/CONSULAR NOTICE

Sec. 86. (a) G.S. 122C-344 reads as rewritten:

"**§ 122C-344. Citizens of other countries.**

In addition to the provisions of G.S. 122C-341 through G.S. 122C-343, if a 24-hour facility determines that a client is not a citizen of the United States, the facility shall notify the Governor of this State of the name of the client, the country and place of his residence in the country and other facts in the case as can be obtained, together with a copy of pertinent medical records. The Governor shall send the information to the ~~Secretary of State at Washington D.C.,~~ nearest consular office of the committed foreign national, with the request that ~~he~~ the consular office tell the minister resident or plenipotentiary of the country of which the client is alleged to be a citizen."

(b) This section is effective upon ratification and applies to commitments made on or after that date.

Requested by: Representatives Easterling, Nye, Nesbitt, Diamont,
Senators Daniel, Plyler, Kaplan

JUVENILE SECURE CUSTODY STUDY

Sec. 87. The Department of Human Resources and the Administrative Office of the Courts shall study the issue of secure custody facilities to determine how best to ensure that only those juveniles that meet the criteria set forth in G.S. 7A-574(b) and (c) are placed in secure custody and that the secure custody facilities available are not overcrowded and are as safe as possible for all the juveniles in secure custody. This study shall include:

(1) An analysis of all 1993 secure custody orders, to permit an evaluation of the criteria used, and the appropriateness of the criteria, for each order;

(2) A determination of the number of these orders made for juveniles to be adjudicated for offenses that would be crimes against the person or against

property, if committed by an adult, for violation of probation, and for running away; and

(3) An evaluation of all secure custody facilities used in 1993, including the total length of custody for each juvenile, to determine the number of juveniles in the facilities on a regular basis, and to determine the number of juveniles each facility can safely contain on a regular basis. This determination shall include an analysis of the relationship of the number of juveniles that may be safely contained at any one time in any one facility to the offenses for which these juveniles are being adjudicated.

The Department of Human Resources and the Administrative Office of the Courts shall report the results of this study to the 1993 General Assembly by May 1, 1994, together with any proposals that would be of benefit in ensuring the best and safest use of secure custody.

Requested by: Representatives Nye, Easterling, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

CERTAIN ICF/MR FACILITIES' CERTIFICATE OF NEED BED LIMITATION EXEMPTION EXTENDED

Sec. 88. Those existing facilities that were granted a Certificate of Need to develop no more than 30 beds and that have applied for a Certificate of Need to expand to 32 beds prior to July 1, 1993, are exempt from the 30-bed limitation and may be issued a Certificate of Need for no more than 32 beds each. These additional beds for those facilities shall not be taken into account in deciding Certificate of Need allocations to other applicants in the same service area during the 1993 calendar year.

Requested by: Representatives Colton, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

COMMISSION FOR BLIND CHANGES

Sec. 89. (a) G.S. 143B-157 reads as rewritten:

"**§ 143B-157. Commission for the Blind — creation, powers and duties.**

There is ~~hereby~~ recreated the Commission for the Blind of the Department of Human Resources with the power and duty to adopt rules ~~and regulations to be followed in~~ governing the conduct of the State's rehabilitative programs for the blind ~~with the power and duty to adopt, amend and rescind rules and regulations under and not inconsistent with the laws of the State~~ that are necessary to carry out the provisions and purposes of this Article.

(1) The Commission ~~for the Blind is authorized and empowered to adopt such rules and regulations that may be~~ shall adopt rules that are necessary and desirable for the programs administered by the Department of Human Resources as provided in Chapter 111 of the General Statutes of North Carolina.

~~(2) The Commission for the Blind shall have the power and duty to establish standards and adopt rules and regulations for aid to the needy blind as contained in Chapter 111 of the General Statutes of North Carolina.~~

(3) The Commission ~~is authorized and empowered to adopt such rules and regulations,~~ shall adopt rules, not inconsistent with the laws of this State, ~~as may be~~ that are required by the federal government for grants-in-aid for rehabilitative purposes for the blind ~~which~~ that may be made available ~~for~~ to the State ~~by~~ from the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

(3a) The Commission shall review, analyze, and advise the Department regarding the performance of its responsibilities under the federal rehabilitation program in which the State participates, as it relates to the provision of services to the blind, particularly its responsibilities relating to the following:

a. Eligibility for the program;
b. The extent, scope, and effectiveness of the services provided; and
c. The functions performed by the Department that affect, or that have the potential to affect, the ability of individuals who are blind or visually impaired to achieve rehabilitative goals and objectives under the federal rehabilitation program;

(3b) The Commission shall advise the Department regarding preparation of applications, the State Plan, the strategic plan, amendments to these plans, the State needs assessments, and the evaluations required by the federal rehabilitation program;

(3c) The Commission shall, to the extent feasible, conduct a review and analysis (i) of the effectiveness of, and consumer satisfaction with, the functions performed by the Department and other public and private entities responsible for performing functions for individuals who are blind or visually impaired, and (ii) of vocational rehabilitation services provided or paid for from funds made available through other public or private sources and provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals who are blind or visually impaired;

(3d) The Commission shall prepare and submit an annual report to the Governor, the Secretary, and the federal rehabilitation program, and make the report available to the public;

(3e) The Commission shall coordinate with other councils within the State, including the statewide Independent Living Council established under section 705 of the federal Rehabilitation Act, 294 U.S.C. §§ 720, et seq., the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. § 1413(A)(12), the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 6024, and the State Mental Health Planning Council established pursuant to section 1916(e) of the Public Health Service Act, 42, U.S.C. § 300x-4(e);

(3f) The Commission shall advise the Department and provide for coordination with, and establishment of working relationships between, the Department and the Independent Living Council;

(3g) The Commission shall prepare, in conjunction with the Department, a plan for the provision of those resources, including staff and other personnel, that are necessary to carry out the Commission's function under this Part. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan. The agreed-upon resources shall be provided pursuant to G.S. 143B-14. To the extent that there is a disagreement between the Commission and the Department with regard to the resources necessary to carry out the functions of the Commission required by this Part, the Governor shall resolve the disagreement. The Department or other State agency shall not assign any other duties to the staff and other personnel who are assisting the Commission in carrying out its duties that would create a conflict of interest;

(4) The Commission ~~for the Blind shall adopt rules and regulations~~ shall adopt rules consistent with the provisions of this Chapter. All rules ~~and regulations~~ not inconsistent with the provisions of this Chapter heretofore adopted by the North Carolina State Commission for the Blind shall remain in full force and effect unless and until repealed or superseded by action of the recreated Commission for the Blind. All rules ~~and regulations~~ adopted by the Commission shall be enforced by the Department of Human Resources."

(b) G.S. 143B-158 reads as rewritten:

"**§ 143B-158. Commission for the Blind — members; selection; quorum; compensation.**

The Commission for the Blind of the Department of Human Resources shall consist of 11 members appointed by the Governor. ~~The initial members of the Commission shall include the members of the existing Commission for the Blind who shall serve for a period equal to the remainder of their current terms on the existing Commission for the Blind, three of whose appointments expire July 2, 1974, three of whose appointments expire July 2, 1975, and three of whose appointments expire July 2, 1977.~~ No physician, no optometrist, no optician, no oculist, nor any other person who receives services or funds regulated by the Commission shall be qualified to serve on the Commission for the Blind. Any person who is presently a member of the Commission and is disqualified by reason of the preceding sentence shall be deemed to have resigned his position on the Commission. The Governor shall appoint a successor for the balance of the unexpired term. At all times at least ~~two~~ six members of the Commission shall be persons who are visually handicapped to the minimum extent of being legally blind. ~~At the end of the respective terms of office of the initial members of the Commission, their successors~~ The members of the Commission shall be appointed for terms of six years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Human Resources."

(c) This section becomes effective August 1, 1993.

Requested by: Representatives Nye, Easterling, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

AREA AUTHORITY PLAN

Sec. 90. To the maximum extent possible, Area Mental Health Authorities are encouraged to develop service implementation plans in accordance with the long-range plans of the Mental Health Study Commission and with the involvement of local affected organizations. These plans may be used as the basis for future budget requests submitted by the Division.

The plans shall be ready for review by the Department and the Mental Health Study Commission by November 1, 1993, February 1, 1994, and May 1, 1994.

Requested by: Representatives Nye, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

CONSENT JUDGEMENT/FOCUS CLASS AGREEMENT/THOMAS S.

Sec. 91. (a) Notwithstanding G.S. 114-2.1, the State may enter into the Focus Class/Evaluation Alternative Test Agreement in the case of Thomas S. et al. v. Britt, formerly Thomas S. et al. v. Flaherty, 699 F. Supp. 1178 (W.D.N.C. 1988).

(b) The consent judgment authorized under subsection (a) of this section is subject to G.S. 114-2.2.

Requested by: Representatives Nye, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

CAROLINA ACCESS CHANGE REPEALED

Sec. 92. Section 238 of Chapter 321 of the 1993 Session Laws is repealed.

Requested by: Senators Richardson, Daniel, Plyler, Kaplan,
Representatives Nesbitt, Diamont

DISTRIBUTION SPECIFICATIONS FOR AREA MENTAL HEALTH PROGRAM CAPITAL FUNDS

Sec. 93. (a) No area program shall receive more than ten percent (10%) of the total funds appropriated in the 1993-94 fiscal year by the General Assembly for area program capital needs.

(b) Capital funds awarded by the Department of Human Resources to area programs for projects in counties that fall within the last quartile of either per capita income, according to the North Carolina Data System 1990 Ranking, or of property valuation, according to the North Carolina Data System Ranking of 1990, shall not require a local match. The Department shall require a dollar-for-dollar local match for capital funds awarded for projects in all other counties.

(c) All area program capital grants are subject to the Department of Human Resources' approval of the grant application.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

GOVERNOR MOREHEAD SCHOOL FUNDS

Sec. 93.1. Of the funds appropriated in this act to the Office of State Budget and Management, Reserve for Repairs and Renovations, for the 1993-94 fiscal year, the sum of two million seven hundred thousand dollars ($2,700,000) shall be transferred to the Department of Human Resources for repairs and renovations at the Governor Morehead School.

PART 23. DEPARTMENT OF AGRICULTURE

Requested by: Representatives Nesbitt, Fitch, Bowman, DeVane, Diamont,
Senators Daniel, Plyler, Kaplan

REALLOCATION OF 1988 FUNDS FOR ROCKY MOUNT'S FARMER'S MARKET FOR ROCKY MOUNT BUSINESS DEVELOPMENT

Sec. 94. (a) The seven hundred thousand dollars ($700,000) appropriated to the Rocky Mount Business Development Authority for the agricultural complex located at Fountain Park in Section 137(a) of Chapter 738 of the 1987 Session Laws, as amended by Section 154 of Chapter 1086 of the 1987 Session Laws and Section 34 of Chapter 1100 of the 1987 Session Laws, the sum of seven hundred thousand dollars ($700,000) may be loaned to a city which is located in two counties so as to allow that city to establish a Farmer's Market in the vicinity of the old Fenner's Warehouse No. 1 on the North Church Street corridor.

(b) This no-interest loan shall be repaid by the city to the Rocky Mount Business Development Authority (RMBDA) over the next seven years at the rate of one hundred thousand dollars ($100,000) per year or at a rate necessary to support the cash flow requirement for planning and constructing a processing facility at Fountain Park.

(c) The Rocky Mount Business Development Authority (RMBDA) shall provide a grant of all interest accrued to date, less expenses, on the seven hundred thousand dollar ($700,000) appropriation to the Rocky Mount/Edgecombe Community Development Corporation (RMECDC) for the South Washington Street Revitalization Project.

(d) The City of Rocky Mount shall organize the Rocky Mount Business Development Authority (RMBDA) such that the Authority assists in planning and construction of a vegetable and fruit processing facility in Fountain Park before January 1, 2001. This processing facility shall have the capability to, at least: cool, wash, wax, grade, sort, package, and store for transit the commercial produce of local farm families. The facility shall provide facilities for unloading harvested farm fruits and vegetables, loading surface transport with packaged fruits and vegetables, and supporting brokerage operations. RMBDA may use the funds repaid to it under subsection (b) of this section for the purposes of this subsection.

Requested by: Representatives Bowman, DeVane, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

WAREHOUSE ACT FUNDS

Sec. 95. (a) G.S. 106-435 reads as rewritten:

"**§ 106-435. Fund for support of system; collection and investment.**

In order to provide a sufficient indemnifying or guarantee fund to cover any loss not covered by the bonds hereinbefore mentioned, in order to provide the financial backing which is essential to make the warehouse receipt universally acceptable as collateral, and in order to provide that a State warehouse system intended to benefit all cotton growers in North Carolina shall be supported by the class it is designed to benefit, it is hereby declared: that on each bale of cotton ginned in North Carolina during the period from the ratification of this bill until June 30, 1922, twenty-five cents (25 2") shall be collected through the ginner of the bale and paid into the State treasury, to be held there as a special guarantee or indemnifying fund to safeguard the State warehouse system against any loss not otherwise covered. The State Tax Commission shall provide and enforce the machinery for the collection of this tax, which shall be held in the State treasury to the credit of the State warehouse system. Not less than ten per centum (10%) of the entire amount collected from the per bale tax shall be invested in United States government or farm loan bonds or North Carolina bonds, and the remainder may be invested in amply secured first mortgage notes or bonds to aid and encourage the establishment of warehouses operating under this system, and to aid and encourage the establishment of farm markets designed to serve the marketing, packaging, and grading needs for the sale and distribution of unprocessed farm commodities when adequate markets are not otherwise provided. Such investments shall be made by the Board of Agriculture, with the approval of the Governor and Attorney General: Provided, such first mortgages shall be for not more than one-half the actual value of the warehouse property covered by such mortgages, and run not more than 10 years: Provided further, that the interest received from all investments shall be available for appropriation for capital projects and nonrecurring expenditures as provided in the bill making the appropriation, and for the administrative expense of carrying into effect the provisions of this law, including the employment of such persons and such means as the State Board of Agriculture in its discretion may deem necessary: Provided further, that the guarantee fund, raised under the provisions of sections 4907 to 4925 of the Consolidated Statutes of 1919, shall become to all intents and purposes a part of guarantee fund to be raised under this law and subject to all the provisions hereof."

(b) Of the funds available in accumulated interest from the North Carolina Warehouse Act Fund, the sum of six hundred thousand dollars ($600,000) shall be deposited into the General Fund as nontax revenues for the 1993-94 fiscal year to be used to support expenditures for capital projects or nonrecurring expenditures as provided in this act.

(c) There is appropriated from the North Carolina Warehouse Act Fund to the Department of Agriculture for fiscal year 1993-94 the sum of four hundred thousand dollars ($400,000) in accumulated interest, for non-recurring cotton promotion projects and activities in fiscal year 1993-94.

Requested by: Representatives Bowen, DeVane, Bowman, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

REALLOCATE FUNDS APPROPRIATED FOR AGRICULTURAL FACILITIES

Sec. 96. Of the funds appropriated to the Department of Agriculture in Section 4 of Chapter 1044 of the 1991 Session Laws for the Southeastern Farmers' Market - Shipping Point Facility, the sum of ninety thousand dollars ($90,000) shall be used as a grant-in-aid to the Town of Roseboro for water and sewer services and the sum of nine hundred ten thousand dollars ($910,000) shall be used as a grant-in-aid to Sampson County to be used for construction of a livestock sale facility.

Requested by: Representatives Redwine, DeVane, Bowman, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

AUTHORIZE THE AGRICULTURAL FINANCE AUTHORITY TO USE THE INTEREST FROM THE RESERVE FOR FARM LOANS FOR ADMINISTRATIVE EXPENSES

Sec. 97. Section 3 of Chapter 1011 of the 1985 Session Laws reads as rewritten:

"Sec. 3. Funds appropriated ~~in Section 2 of House Bill 2055 of the 1985 Session Laws~~ to the Department of Agriculture, Reserve for Farm Loans shall be used for the purposes set out in this act, other than the administration of Chapter 122D of the General Statutes. Interest on these funds and interest received from loans of these funds may be used for any of the purposes set out in this act, including the administration of Chapter 122D of the General Statutes."

PART 24. DEPARTMENT OF COMMERCE

Requested by: Representatives Bowman, DeVane, Jenkins, Dockham, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

RURAL TOURISM DEVELOPMENT FUNDS

Sec. 98. Of the funds appropriated in this act from the General Fund to the Department of Commerce for the 1993-94 fiscal year, the sum of two hundred thousand dollars ($200,000) shall be used for the Rural Tourism Development Grant Program. The Department shall establish and implement this Program to provide grants to local governments and nonprofit organizations to encourage the development of new tourism projects and activities in rural areas of the State. Grant funds shall not be allocated for projects or activities eligible to receive funds from the Department's Tourism Promotion Grant Program. The Secretary shall establish guidelines for eligibility to receive grants under the Rural Tourism Development Grant Program. No recipient or new tourism project shall receive a total of more than fifty thousand dollars ($50,000) of these grant funds for the 1993-94 fiscal year.

Requested by: Representatives H. Hunter, Bowman, DeVane, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

BIOTECHNOLOGY FUNDS FOR MINORITY UNIVERSITIES

Sec. 99. Of the funds appropriated in this act from the General Fund to the North Carolina Biotechnology Center for the 1993-94 fiscal year, the sum of one million dollars ($1,000,000) shall be used to develop a special biotechnology program initiative for North Carolina's Public Historically Black Universities and Pembroke State University. This program initiative is a means to get more funds to these institutions of higher education in the short run to help them develop their biotechnology programs and a means to develop a mechanism to improve these institutions' capacity over the long term. The Center's special initiative shall, at a minimum, provide for:

(1) A range of program activities, including grants, designed to enhance the existing strengths and capabilities of Pembroke University, and the public Historically Black Universities;

(2) A Facilities and Infrastructure Review Committee to advise the Center on major program elements and priority projects that would be most helpful to these institutions; and

(3) A Program Advisory Panel with representation from these institutions to advise and make recommendations to the Center's President and Board of Directors on funding proposals under this initiative.

The Center shall report to the General Assembly by March 15, 1994, on the development and implementation of this special initiative.

In awarding grant funds pursuant to this section, the Center shall ensure that the grant funds are distributed equally among the eligible universities.

Requested by: Representatives Wainwright, Bowman, DeVane, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

PROMOTE TOURISM THROUGHOUT THE STATE

Sec. 100. Section 307 of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 307. The Department of Commerce shall review its tourism advertising program and shall ensure that the program addresses the promotion of tourism in ~~rural~~ all areas of the ~~State.~~ State and particularly the State's minority communities. In expending funds appropriated for tourism advertising promotion, the Department shall ensure that minority-owned businesses are given appropriate consideration. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

Requested by: Representatives H. Hunter, Bowman, DeVane, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

MCNC CAPITAL EQUIPMENT

Sec. 101. (a) Of the funds appropriated in this act from the General Fund to MCNC, the sum of four million five hundred thousand dollars ($4,500,000) for the 1993-94 fiscal year shall be allocated as follows:

(1) $900,000 for the Telecommunications Program for video and data network equipment.

(2) $1,000,000 for the Microelectronics Program for design and test equipment and for computer chip fabrication and packaging equipment.

(3) $600,000 for the Supercomputer Program for additional computer work stations and peripheral equipment.

(4) $2,000,000 to conduct joint research and development projects on networking technology with the MCI Communications Corporation and with N.C. State University and Duke University. Of this amount, $1,000,000 shall be held in a reserve in the Office of State Budget and Management. Release of the funds in this reserve shall be contingent upon the location of MCI Communications Corporation's Billing Center in North Carolina by June 30, 1994. If the condition for the release of funds from the reserve is not met, those funds shall revert to the General Fund.

(b) MCNC shall provide the Joint Legislative Commission on Governmental Operations with quarterly reports on the following:

(1) Use and benefits of the funds appropriated under this section, and

(2) Status of the relocation activity of the MCI Communications Corporation's Billing Center.

The reports required under this subsection shall be included in the MCNC quarterly reports to the Joint Legislative Commission on Governmental Operations required under Section 295 of Chapter 321 of the 1993 Session Laws.

Requested by: Representatives Nesbitt, DeVane, Bowman, Diamont, Senators Daniel, Plyler, Kaplan

STUDY EXPANSION OF ECONOMIC DEVELOPMENT COMMISSIONS

Sec. 102. (a) The General Assembly makes the following findings:

(1) The economic development of the State as a whole will be enhanced if all counties participate in economic development efforts conducted on a regional basis, and if the unique economic needs of the State's minority communities are identified and addressed;

(2) Regional economic development commissions have been established to assess the economic needs unique to the regions of the State they serve and to determine the economic development efforts appropriate to meet those needs;

(3) The General Assembly has funded and intends to continue support for economic development in the eastern region of the State through the Global TransPark;

(4) State funding for regional economic development commissions should be distributed in such a way as to ensure equity in economic growth potential among all regions and minority communities of the State. To that end, a funding formula should be developed based in part on distress factors established under G.S. 143B-437A(b).

(b) In view of the findings stated in subsection (a) of this section, the Department of Commerce shall do the following:

(1) Survey existing regional economic development commissions and determine the need for additional regional commissions to ensure that all areas of the State are appropriately served;

(2) Develop a plan to:

a. Create additional regional economic development commissions necessary to serve the State;

b. Establish a statewide economic development commission to identify and address the economic needs of minority communities of the State; and

c. Establish linkages between the statewide minority economic development commission and the regional commissions, and among the regional commissions.

(3) Establish a formula for funding regional economic development commissions based in part on the distress factors established under G.S. 143B-437A(b).

The Secretary shall submit the plan required by this section to the General Assembly not later than March 1, 1994, by providing a copy to the Speaker of the House of Representatives and to the President *Pro Tempore* of the Senate.

Requested by: Representatives Nesbitt, Diamont, Bowman, DeVane, Senators Daniel, Plyler, Kaplan

STUDY ON ECONOMIC INCENTIVES TO LURE INDUSTRY

Sec. 103. (a) There is created the Legislative Study Commission on Economic Incentives to Lure Industry. The Commission shall consist of 10 members: five Representatives appointed by the Speaker of the House of Representatives and five Senators appointed by the President *Pro Tempore* of the Senate.

(b) The Speaker of the House of Representatives shall designate one Representative as cochair and the President *Pro Tempore* of the Senate shall designate one Senator as cochair.

(c) The Commission shall study the use of economic incentives to lure industry to the State. In the course of its study, the Commission shall consider:

(1) The experience of this State and other states in using economic incentives to lure industry;

(2) The long- and short-term impacts of using economic incentives to lure industry;

(3) The costs and benefits of using economic incentives to lure industry;

(4) Whether some industries may be moving from state to state solely to receive the economic incentives;

(5) What rules would be appropriate to provide adequate State control over a program for using economic incentives to lure industry;

(6) Complications inherent in a program that requires that public business be carried on in private negotiations;

(7) The amount of State resources that should be dedicated to these programs;

(8) The impact that erosion of the tax base from tax incentives will have on the State's fiscal condition and taxing structure;

(9) Ways to ensure that economic incentives to lure industry are used to attract industry equitably throughout the State;

(10) Ways to ensure that economic incentives to lure industry are used to attract industries that pay high wages; and

(11) The extent to which incentives may require future recurring or operating budget appropriations by the State.

(d) The Commission shall submit a final report of its findings and recommendations to the General Assembly on or before April 15, 1994, by filing the report with the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate. Upon filing its final report, the Commission shall terminate.

(e) The Commission, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairmen. The Commission may meet in the Legislative Building or the Legislative Office Building.

(f) Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

(g) The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist in the work of the Commission. The House of Representatives and the Senate supervisors of clerks shall assign clerical staff to the commission or committee, upon the direction of the Legislative Services Commission. The expenses relating to clerical employees shall be borne by the Commission established by this section.

(h) When a vacancy occurs in the membership of the Commission, the vacancy shall be filled by the same appointing officer who made the initial appointment.

(i) All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

(j) The Legislative Services Commission may use one hundred thousand dollars ($100,000) of the funds appropriated to the General Assembly for the 1993-94 fiscal year for the expenses of the Commission.

Requested by: Representatives Bowman, DeVane, H. Hunter, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

ECONOMIC DEVELOPMENT FUNDS

Sec. 104. (a) Definition. — For purposes of this section, the term "community development corporation" means a nonprofit corporation:

(1) Chartered pursuant to Chapter 55A of the General Statutes;

(2) Tax-exempt pursuant to section 501(c)(3) of the Internal Revenue Code of 1986;

(3) Whose primary mission is to develop and improve low-income communities and neighborhoods through economic and related development;

(4) Whose activities and decisions are initiated, managed, and controlled by the constituents of those local communities; and

(5) Whose primary function is to act as deal-maker and packager of projects and activities that will increase their constituencies' opportunities to become owners, managers, and producers of small businesses, affordable housing, and jobs designed to produce positive cash flow and curb blight in the target community.

(b) Community Development Grants. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of one million five hundred fifty thousand dollars ($1,550,000) for the 1993-94 fiscal year shall be used to support community development projects and activities within the State's minority community. Any community development corporation as defined in this section is eligible to apply for funds under this section. The Rural Economic Development Center, Inc. shall establish and implement performance-based criteria for determining which community development corporations will receive a grant and the grant amounts.

The Rural Economic Development Center, Inc. shall allocate these funds as follows:

(1) $1,300,000 for direct grants to the local community development corporations that have previously received State funds for this purpose to support operations and project activities;

(2) $100,000 for direct grants to local community development corporations that have not previously received State funds for this purpose to support operations and project activities; and

(3) $150,000 for the Community Development Housing Counseling Demonstration Project.

The North Carolina Rural Economic Development Center, Inc., shall establish and implement performance-based criteria for determining which community development corporations will receive a grant and the grant amounts. The North Carolina Rural Economic Development Center, Inc. shall report quarterly on the use of these funds.

(c) North Carolina Community Development Initiative, Inc. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc. for the 1993-94 fiscal year, the sum of two million dollars ($2,000,000) shall be allocated to the North Carolina Community Development Initiative, Inc. The Initiative shall provide operating and project activity grants to mature community development corporations that have demonstrated project and organizational capacity.

The North Carolina Community Development Initiative, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(d) North Carolina Association of Community Development Corporations. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc. the sum of two hundred thousand dollars ($200,000) for the 1993-94 fiscal year shall be allocated to the North Carolina Association of Community Development Corporations to provide training, technical assistance, resource development, project assistance, and support for local community development corporations statewide. The North Carolina Association of Community Development Corporations shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(e) North Carolina Minority Credit Union Support Center, Inc. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of three hundred thousand dollars ($300,000) for the 1993-94 fiscal year shall be allocated to the North Carolina Minority Credit Union Support Center, Inc., to provide technical assistance to community-based credit unions. The Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(f) Microenterprise Loan Program. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of six hundred fifty thousand dollars ($650,000) for the 1993-94 fiscal year shall be used to support the loan fund and operations of the Microenterprise Loan Program. The Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(g) Administrative costs. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of fifty thousand dollars ($50,000) for the 1993-94 fiscal year shall be used to cover expenses in administering this act.

(h) Center for Community Self-Help. — Of the funds appropriated in this act from the General Fund to the Department of Commerce for the 1993-94 fiscal year, the sum of one million dollars ($1,000,000) shall be allocated to the Center for Community Self-Help for the same purposes and with the same restrictions and requirements, except

for the requirement to match funds dollar-for-dollar, as provided in Section 308 of Chapter 321 of the 1993 Session Laws. Funds allocated pursuant to this section shall be in addition to those allocated under Section 308 of Chapter 321 of the 1993 Session Laws. The Department of Commerce shall disburse this appropriation within 15 working days of the receipt of a request for the funds from the Center for Community Self-Help.

(i) Of the funds appropriated in this act from the General Fund to the Department of Commerce, the sum of three hundred fifty thousand dollars ($350,000) for the 1993-94 fiscal year shall be allocated to the North Carolina Institute of Minority Economic Development to foster minority economic development within the State through policy analysis, information and technical assistance, and resource expansion. The North Carolina Institute of Minority Economic Development shall:

(1) Update, maintain, and disseminate the annual survey and directory of minority-owned businesses;
(2) Update, maintain, and disseminate the minority profile of the State;
(3) Support a model minority business technical assistance program in conjunction with the Fuqua School of Business at Duke University;
(4) Support a specialized and targeted training program on the unique needs and requirements of minority-owned businesses; and
(5) Increase the number of Institute-sponsored interns.

The North Carolina Institute of Minority Economic Development shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(j) The Office of State Budget and Management, the Department of Commerce, and the Rural Economic Development Center, Inc., shall ensure that funds allocated under this section to the following organizations are disbursed within 15 working days of the receipt of a request for the funds from the organization:

(1) North Carolina Community Development Initiative, Inc.,
(2) North Carolina Association of Community Development Corporations,
(3) The Center for Community Self-Help,
(4) Community Development Housing Counseling Demonstration Project,
(5) North Carolina Minority Credit Union Support Center, Inc.,
(6) The Microenterprise Loan Program, and
(7) The North Carolina Institute of Minority Economic Development.

Requested by: Representatives Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

RURAL ECONOMIC DEVELOPMENT PILOT PROGRAM IMPLEMENTATION

Sec. 104.1. (a) Supplemental Funding Pilot Project. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of one million six hundred fifty thousand dollars ($1,650,000) for the 1993-94 fiscal year shall be used for a pilot program to provide supplemental funding for matching requirements for economic development in economically depressed areas. The Center shall use the funds to make grants to local governments and nonprofit corporations to provide funds necessary to match federal grants or other grants for necessary economic development projects and activities in economically depressed areas. The grant recipients shall be selected on the basis of need.

(a1) Definitions. — The following definitions apply in this subsection:

(1) Economically depressed area. — Any of the following:
   a. A county that the Secretary of Commerce has designated one of the most economically depressed counties in the State pursuant to G.S. 143B-437A.
   b. That part of a rural county whose poverty rate is at least one hundred fifty percent (150%) of the State poverty rate. For the purpose of this subsection, the poverty rate is the percentage of the population with

income below the latest annual federal poverty guidelines issued by the United States Department of Health and Human Services.

c. That part of a rural county whose rate of unemployment is at least double the State rate of unemployment.

d. That part of a rural county that experiences an actual or imminent loss of jobs in a number that is equal to or exceeds five percent (5%) of the total number of jobs in the part.

(2) Rural county. — A county that the United States Office of Management and Budget has not designated as a metropolitan county.

(a2) Reports. — The Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations and the Department of Commerce on the use of the funds allocated in this subsection and on the outcomes achieved by the pilot program.

(b) Appropriations. — Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., the sum of six hundred thousand dollars ($600,000) for the 1993-94 fiscal year shall be used for a pilot program to provide grants to depressed counties and municipalities to enable them to acquire short-term capacity for immediate needs for economic development planning and writing federal grant applications. The Center shall establish standards for determining each local government's needs and shall make grants on the basis of need. The Center shall report to the Joint Select Fiscal Trends and Reform Commission on or before October 1, 1993, on the standards it has established for determining need. The Center shall report quarterly to the Joint Legislative Commission on Governmental Operations and the Department of Commerce on the use of the funds allocated in this subsection and on the outcomes achieved by the pilot program.

(c) Child Day Care Loan Guarantee Act of 1993. — There is established the Child Day Care Loan Guarantee Act of 1993. The purpose of this act is to encourage lenders to make loans available to child day care providers for the purpose of financing the development and expansion of child day care centers and homes in low-income, distressed counties of the State and to increase the quality and availability of child day care and employment opportunities in these areas.

(c1) Definitions. — The following definitions apply in this act:

(1) Center. — North Carolina Rural Economic Development Center, Inc.

(2) Child day care provider. — A person providing or planning to provide child day care, as defined in G.S. 110-86.

(3) Community Development Corporation. — An organization that:

a. Is a neighborhood-based nonprofit corporation;

b. Is controlled by area residents;

c. Directs community development initiatives in economically distressed areas; and

d. Is characterized by comprehensive community programs designed to enhance the overall quality of life through the elimination of blight and the economic empowerment of area residents.

(4) Department. — The Department of Commerce.

(5) Distressed counties. — Severely distressed counties of the State as designated by the Secretary of Commerce under G.S. 105-130.40(c) or G.S. 105-151.17(c), or both.

(6) Fund. — The Child Day Care Loan Guarantee Fund.

(c2) Child Day Care Loan Guarantee Fund. — The Center shall establish the Child Day Care Loan Guarantee Fund, which shall be used to guarantee loans made by lenders to qualifying child day care providers to finance the development or expansion of child day care centers or homes in distressed counties. Interest and other investment income shall accrue to the Fund.

Notwithstanding any law to the contrary, the principal and any income to the Fund may be used to make loan guarantees under this act or pay the Center's cost of administering this act in accordance with Section 9 of this act.

(c3) Center's responsibilities. — The Center shall:

(1) Administer the Fund established in Section 4 of this act.

(2) Develop and manage a loan approval process in accordance with policies established by the Center.

(3) Make its best effort to ensure that providers of small business technical assistance in North Carolina, including, but not limited to, the Small Business and Technology Development Centers, the Small Business Centers of the Department of Community Colleges, and Community Development Corporations, provide fair and equitable business counseling to applicants for loan guarantees under this act.

(4) Monitor projects to ensure compliance with applicable State and federal laws, rules, and relevant court decisions.

(5) Develop procedures for managing defaults and for enforcing the obligations of borrowers to repay loans.

(6) Actively seek additional non-State funds to leverage the State dollars appropriated to the Fund on the basis of three non-State dollars to every State dollar.

(7) Report quarterly to the Joint Legislative Commission on Governmental Operations on the implementation of this act, the results and operation of the program, efforts to secure matching funds, and the use of appropriations for this program.

(c4) Loan guarantee standards. —

(1) In making loan guarantees under this act, the Center shall give priority to child day care providers that serve or intend to serve distressed counties that demonstrate the greatest need for child day care services. It shall also give priority to the geographic distribution of loan guarantees.

(2) Loans that are eligible for guarantees under this act may be made for only the following reasons:

a. The construction, purchase, lease, or improvement of buildings or other facilities.

b. The purchase or improvement of land.

c. The purchase or lease of equipment, including vehicles.

d. Start-up and expansion costs.

e. Initial operating expenses.

(3) Loan guarantees under this act are subject to the following restrictions:

a. The Center shall not grant a loan guarantee greater than seventy-five thousand dollars ($75,000).

b. The Center shall not guarantee more than eighty percent (80%) of a loan.

c. The Center shall not issue an aggregate amount of loan guarantees that exceeds five times the amount deposited in the Fund.

(4) The Center shall use the following criteria in its determination of whether to grant a loan guarantee to a child day care provider who has a history of operating or owning a child day care center, child day care home, or both:

a. Quality of programming and staff.

b. Ratio of children to staff.

c. Quality of facilities.

d. Degree of coordination with Head Start or other programs.

e. Quality of administrative and financial management.

f. History of compliance with child day care licensing or registration requirements.

g. Ability to repay.

(5) An applicant for a guarantee under this act shall supply the Center with the following:

a. A detailed description of the project.

b. A disclosure of additional funds, if any, that are available to the applicant.

c. Information that relates to the inability of the applicant to obtain adequate financing on reasonable terms through normal lending channels, such as a letter from a lender certifying that it would not grant credit without the loan guarantee.

d. Credit references, if available, for the applicant.

e. A five-year projected budget.

f. A comprehensive business plan that includes the applicant's plans in the areas of:

i. Debt reduction;

ii. Marketing;

iii. Staff training;

iv. Facility improvement; and

v. Program improvement.

g. Other information that the Center requests.

(c5) Defaults. — Upon default by a borrower, the lender, consistent with its current collections policies, shall exercise reasonable diligence in its collection efforts before the Fund is liable for the default.

(c6) Conflict of interest. — Any employee, officer, or Board member of the Center who is employed by, holds any paid official relation to, or has any financial interest in any child day care enterprise for which the Center is considering the granting of, or already has granted, a guarantee under this act shall disclose the relationship and shall not vote or otherwise participate in any decision to grant the guarantee or otherwise affect that enterprise.

(c7) Appropriations. — Of the funds appropriated in this act to the Rural Economic Development Center, Inc., from the General Fund the sum of five hundred thousand dollars ($500,000) for the 1993-94 fiscal year shall be used to implement this subsection.

(d) Of the funds appropriated in this act from the General Fund to the Rural Economic Development Center, Inc., for the 1993-94 fiscal year, the sum of seventy-five thousand dollars ($75,000) shall be used for on-going job training programs and shall be allocated as follows:

(1) Twenty-five thousand dollars ($25,000) to the Opportunities Industrialization Center of Wilson, Inc.;

(2) Twenty-five thousand dollars ($25,000) to the Opportunities Industrialization Center, Inc., in Rocky Mount;

(3) Twenty-five thousand dollars ($25,000) to the Pitt-Greenville Opportunities Industrialization Center, Inc.

The Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of funds allocated in this subsection.

PART 25. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Requested by: Representatives Gottovi, Bowman, DeVane, Nye, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

AGRICULTURE COST SHARE PROGRAM FUNDS

Sec. 105. Of the funds appropriated to the Department of Environment, Health,

and Natural Resources, Division of Soil and Water Conservation, for the Agriculture Cost Share Program for Nonpoint Source Pollution Control for the 1993-94 fiscal year, the sum of forty thousand dollars ($40,000) shall be used to install best management practices to protect water quality, including tide gates, water control structures, and waste management measures in rural environs, in the subbasin of the Cape Fear River and Atlantic drainage east of Cypress Creek and north of Walden Creek, under the Rural Clean Water Demonstration Program and in accordance with the match and program requirements specified in G.S. 143-215.74(b)(6).

Requested by: Representatives Hackney, Barnes, DeVane, Bowman, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

TECHNICAL ASSISTANCE GRANTS

Sec. 106. Notwithstanding the limitations of G.S. 104G-19(d), funds appropriated in this act to the Department of Environment, Health, and Natural Resources may be used to provide technical assistance grants in the amount of one hundred thousand dollars ($100,000) each to Richmond, Chatham, and Wake Counties for their site designation review committee.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Gottovi, DeVane, Bowman, Nesbitt, Diamont

WATER RESOURCES DEVELOPMENT PROJECTS FUNDS

Sec. 107. (a) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1993-94 fiscal year the sum of seven million nine hundred eight thousand dollars ($7,908,000) shall be used for water resources development projects, and the sum of one million one hundred eighty thousand dollars ($1,180,000) shall be used for small watershed projects. The Department shall allocate funds for the following projects whose estimated costs are as indicated:

(1)	Wilmington Harbor Deepening Study	$ 612,000
(2)	Morehead City Harbor Deepening	3,825,000
(3)	Jordan Lake Water Supply Repayment	130,000
(4)	Wilmington Harbor Ocean Bar Deepening	1,016,000
(5)	Aquatic Plant Control	150,000
(6)	Wrightsville Beach Renourishment	400,000
(7)	Wanchese Channel Maintenance	280,000
(8)	State-Local Projects	300,000
(9)	North Channel Maintenance Dredging	523,000
(10)	Hamlet City Lake	377,000
(11)	Cape Fear Above Wilmington Channel Maintenance	100,000
(12)	Wilmington Harbor 25-feet Project	125,000
(13)	Dare County Beaches	70,000
(14)	Limestone Creek (Duplin County)	180,000
(15)	Deep Creek (Yadkin County)	250,000
(16)	Town Fork (Stokes County)	400,000
(17)	Meadow Branch (Robeson County)	350,000.

(b) Where the actual costs are different from the estimated costs under subsection (a) of this section, the Department may adjust the allocations among projects as needed. If any projects listed in subsection (a) of this section are delayed and the budgeted State funds cannot be used during the 1993-94 fiscal year, or if the projects listed in subsection (a) of this section are accomplished at a lower cost, the Department may use the resulting fund availability to fund:

(1) Corps of Engineers project feasibility studies, or
(2) Corps of Engineers projects whose schedules have advanced and require State matching funds in fiscal year 1993-94, or
(3) State-local Water Resources Development Projects.

Funds not expended or encumbered for these purposes shall revert to the General Fund at the end of the 1994-95 fiscal year.

(c) Beginning October 1, 1993, the Department shall make quarterly reports on the use of these funds to the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division, and the Office of State Budget and Management. Each report shall include:

(1) All projects listed in this section;
(2) The estimated cost of each project;
(3) The date that work on each project began or is expected to begin;
(4) The date that work on each project was completed or is expected to be completed; and
(5) The actual cost of each project.

The quarterly reports shall also show those projects advanced in schedule, those projects delayed in schedule, and an estimate of the amount of funds expected to revert to the General Fund.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

FALLS LAKE WATERSHED STUDY

Sec. 107.1. The scope and parameters of the Falls Lake Watershed Study for which funds have been appropriated in this act in a reserve in the Department of Environment, Health, and Natural Resources for the 1993-94 fiscal year, may be established by agreement among the governing boards of Wake and Durham Counties and the Cities of Durham and Raleigh. If these governing boards are unable to agree upon the scope and parameters of the study by October 1, 1993, then the Secretary of Environment, Health, and Natural Resources shall establish them.

Requested by: Representatives Bowman, DeVane, J. Preston, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

BOARDS OF HEALTH FUNDS

Sec. 108. The Department of Environment, Health, and Natural Resources may, for the 1993-94 fiscal year, use up to one hundred thousand dollars ($100,000) for a grant-in-aid to the Association of North Carolina Boards of Health for continuing board of health orientation, leadership, and educational development programs. The allocation authorized under this section shall be made from funds appropriated to the Department in Section 3 of Chapter 900 of the 1991 Session Laws for the purposes specified in Section 168(e) of that Chapter.

Requested by: Representatives Bowman, DeVane, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

IMMUNIZATION PROGRAM FUNDING

Sec. 109. (a) Of the funds appropriated in Chapter 321 of the 1993 Session Laws from the General Fund to the Department of Environment, Health, and Natural Resources for the 1993-94 fiscal year for childhood immunization programs for positions, operating support, equipment, and pharmaceuticals, the sum of up to one million dollars ($1,000,000) may be used for projects and activities that are also designed to increase childhood immunization rates in North Carolina. These projects and activities shall include the following:

(1) Outreach efforts at the State and local levels to improve service delivery of vaccines. Outreach efforts may include educational seminars, media advertising, support services to parents to enable children to be transported to clinics, longer operating hours for clinics, and mobile vaccine units; and
(2) Continued development of an automated immunization registry.

(b) Funds authorized to be used for immunization efforts under subsection (a) of this section shall not be used to fund additional State positions in the Department of Environment, Health, and Natural Resources.

(c) The Department of Environment, Health, and Natural Resources shall not obligate or expend funds authorized for the purposes stated in subsection (a) of this

section until the Department has prepared and submitted for review to the Joint Legislative Commission on Governmental Operations the eight-year plan for implementation of the statewide immunization program required under Section 287 of Chapter 321 of the 1993 Session Laws. In addition to the requirements of Section 287 of Chapter 321 of the 1993 Session Laws, the eight-year plan shall address planned expenditures and immunization projects and activities identified under subsection (a) of this section.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

PARTNERSHIP FOR THE SOUNDS

Sec. 110. The funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1993-94 fiscal year for the Partnership for the Sounds shall be used to provide architectural, engineering, and development services for the design and construction of the Estuarine Educational Center in Beaufort County, the Lake Mattamuskeet Lodge in Hyde County, and the Walter B. Jones Center for the Sounds in Tyrrell County. Up to sixty thousand dollars ($60,000) of these funds may be used for contracted personal services.

Requested by: Representatives Redwine, Bowman, DeVane, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

EXPAND/EXTEND BEAVER CONTROL PROGRAM

Sec. 111. (a) Subsection (b) of Section 69 of Chapter 1044 of the 1991 Session Laws reads as rewritten:

"(b) The Beaver Damage Control Advisory Board shall develop a pilot program to control beaver damage on private and public lands. Bladen, Brunswick, Columbus, Pender, Robeson, and Sampson Counties shall participate in the pilot program. The Beaver Damage Control Advisory Board shall act in an advisory capacity to the Wildlife Resources Commission in the implementation of the program. In developing the program, the Board shall:

(1) Orient the program primarily toward public health and safety and toward landowner assistance, providing some relief to landowners through beaver control and management rather than eradication;

(2) Develop a priority system for responding to complaints about beaver damage;

(3) Develop a system for documenting all activities associated with beaver damage control, so as to facilitate evaluation of the program;

(4) Provide educational activities as a part of the program, such as printed materials, on-site instructions, and local workshops;

(5) Provide for the hiring of personnel necessary to implement beaver damage control activities, administer the pilot program, and set salaries of personnel;

(6) Evaluate the costs and benefits of the program that might be applicable elsewhere in North Carolina.

Upon the conclusion of the pilot program on December 1, ~~1993,~~ 1994, the Board shall issue a report to the Wildlife Resources Commission on the results of the program, including recommendations on the feasibility of continuing the program in participating counties and the desirability of expanding the program into other counties."

(b) Subsection (h) of Section 69 of Chapter 1044 of the 1991 Session Laws reads as rewritten:

"(h) Subsections (a) through (d) of this section expire December 1, ~~1993.~~ 1994."

(c) Of the funds appropriated to the Wildlife Resources Commission in this act for the 1993-94 fiscal year, the sum of one hundred forty-six thousand dollars ($146,000) shall be used to provide the State share necessary to continue the beaver damage control pilot program established by Section 69 of Chapter 1044 of the 1991 Session Laws in Bladen, Brunswick, Columbus, Pender, Robeson, and Sampson Counties, provided the sum of twenty-five thousand dollars ($25,000) in federal funds is available to provide the federal share. These funds shall be matched by four thousand dollars ($4,000) of local funds from each of the six participating counties.

Requested by: Representatives DeVane, Bowman, R. Hunter, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

PARKS CAPITAL IMPROVEMENTS

Sec. 112. Of the funds appropriated to the Department of Environment, Health, and Natural Resources in this act for the 1993-94 fiscal year, the sum of two million one hundred thousand dollars ($2,100,000) shall be used for land acquisition, maintenance, repairs, renovation, improvements related to health, safety, and access, and construction at the State parks and recreation areas. Land acquisition funded under this section shall be limited to the purchase of inholdings, corridor linkages, and critical areas within the existing park boundaries or buffer areas. Prior to expending or obligating any of the funds allocated by this section, the Department shall report to the Joint Legislative Commission on Governmental Operations and to the Office of State Budget and Management on the proposed use of the funds.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

STATE PARKS

Sec. 113. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for land purchase in the State Parks System, the sum of up to fifty thousand dollars ($50,000) may be spent by the Division of Parks and Recreation for operating expenses associated with the acquisition of land.

Requested by: Senators Cochrane, Smith, Tally, Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

FORESTRY HEADQUARTERS

Sec. 114. Of the funds appropriated in this act from the General Fund to the Department of Environment, Health, and Natural Resources, the sum of one million four hundred forty-eight thousand one hundred dollars ($1,448,100) for the 1993-94 fiscal year shall be used to replace District 6 Headquarters in Fayetteville and for county headquarters in Davidson, Graham, Henderson, Mitchell, Scotland, and Wayne counties. Funds remaining after these expenditures shall be used for needed repair or replacement of county headquarters in other counties. The Department may use force account construction for the Graham County project.

Requested by: Representatives DeVane, Bowman, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

FIRE TOWER TRANSFER

Sec. 115. Notwithstanding the provisions of G.S. 146-74, the Division of Forest Resources, Department of Environment, Health, and Natural Resources, shall transfer in fee simple by gift the East Robeson Fire Tower and the approximately .91827 acres of land on which the tower is located approximately eight miles east of Lumberton on Highway 41 in East Howellsville Township, Robeson County, this being the property described in the deed dated March 7, 1935, and recorded in Deed Book 8-N, page 219, Robeson County Registry to the East Howellsville Volunteer Fire Department, Inc. The transfer under this section shall be evidenced by a deed executed in accordance with G.S. 146-75 and registered in accordance with G.S. 146-77.

Requested by: Representatives Colton, DeVane, Bowman, Nesbitt, Diamont, Senators Daniel, Plyler, Kaplan

TRANSFER MUSEUM OF NATURAL SCIENCES

Sec. 116. (a) The statutory authority, powers, duties, and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of (i) the North Carolina State Museum of Natural Sciences, and of (ii) the Advisory Commission established in Article 40 of Chapter 143 of the General Statutes for the North Carolina State Museum of Natural Sciences, are transferred from the Department of Agriculture to the Department of Environment, Health, and Natural Resources. This transfer has all of the elements of a Type I transfer as defined by G.S. 143A-6.

(b) Article 40 of Chapter 143 of the General Statutes, G.S. 143-370 through G.S. 143-373, is recodified as Part 29 of Article 7 of Chapter 143B of the General Statutes, G.S. 143B-344.18 through G.S. 143B-344.21.

(c) G.S. 143A-66 is repealed.

(d) G.S. 106-22(15) is repealed.

(e) G.S. 143B-279.2, as amended by Chapter 321 of the 1993 Session Laws, reads as rewritten:

"§ 143B-279.2. Department of Environment, Health, and Natural Resources — duties.

It shall be the duty of the Department:

(1) To provide for the protection of the environment;

(1a) To administer the State Outer Continental Shelf (OCS) Task Force and coordinate State participation activities in the federal outer continental shelf resource recovery programs as provided under the OCS Lands Act Amendments of 1978 (43 USC §§ 1801 et seq.) and the OCS Lands Act Amendments of 1986 (43 USC §§ 1331 et seq.).

(2) To provide for the protection and enhancement of the public health; and

(2a) To provide and keep a museum or collection of the natural history of the State and to maintain the North Carolina Biological Survey; and

(3) To provide for the management of the State's natural resources."

(f) Part 29 of Article 7 of Chapter 143B of the General Statutes, as recodified in Section 2 of this act, reads as rewritten:

"Part 29. Advisory Commission for ~~State Museum of Natural History~~ North Carolina State Museum of Natural Sciences.

"§ 143B-344.18. Commission created; membership.

There is ~~hereby~~ created an Advisory Commission for the ~~Museum of Natural History~~ North Carolina State Museum of Natural Sciences which shall determine its own organization. It shall consist of at least nine members, which shall include the Director of the ~~Museum of Natural History,~~ North Carolina State Museum of Natural Sciences, the Commissioner of Agriculture, the State Geologist and Secretary of Environment, Health, and Natural Resources, the Director of the Institute of Fisheries Research of the University of North Carolina, the Director of the Wildlife Resources Commission, the Superintendent of Public Instruction, or qualified representative of any or all of the above-named members, and at least three persons representing the East, the Piedmont, ~~[and]~~ and the Western areas of the State. Members appointed by the Governor shall serve for terms of two years with the first appointments to be made effective September 1, 1961. Any member may be removed by the Governor for cause.

"§ 143B-344.19. Duties of Commission; meetings, formulation of policies and recommendations to Governor and General Assembly.

It shall be the duty of the Advisory Commission for the ~~Museum of Natural History~~ North Carolina State Museum of Natural Sciences to meet at least twice each year, to formulate policies for the advancement of the ~~said~~ Museum, to make recommendations to the Governor and to the General Assembly concerning the Museum, and to assist in promoting and developing wider and more effective use of the ~~Museum of Natural History~~ North Carolina State Museum of Natural Sciences as an educational, scientific and historical exhibit.

"§ 143B-344.20. No compensation of members; reimbursement for expenses.

Members of the Advisory Commission shall serve without compensation and shall be reimbursed for actual expenses incurred while in attendance at meetings of the Commission at the same rate as that established for reimbursement of State employees. Payment for such reimbursement for actual expense shall be made from the Contingency and Emergency Fund.

"§ 143B-344.21. Reports to General Assembly.

The Commission shall prepare and submit to the ~~1963~~ 1995 General Assembly, and to each succeeding General Assembly, a report outlining the needs of the ~~State Museum of Natural History,~~ North Carolina State Museum of Natural Sciences and their recommendation for improvement of the effectiveness of the ~~said State Museum of Natural History~~ North Carolina State Museum of Natural Sciences for the purpose hereinabove set forth."

(g) G.S. 14-419 reads as rewritten:

"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.

In any case in which any law-enforcement officer or animal control officer has reasonable grounds to believe that any of the provisions of this Article have been or are about to be violated, it shall be the duty of such officer and he is hereby authorized, empowered, and directed to immediately investigate such violation or impending violation and to forthwith seize the reptile or reptiles involved, and all such officers are hereby authorized and directed to deliver such reptiles to the ~~Museum of Natural History~~ North Carolina State Museum of Natural Sciences or to its designated representative for examination and test for the purpose of ascertaining whether said reptiles contain venom and are poisonous. If the ~~Museum of Natural History~~ North Carolina State Museum of Natural Sciences or its designated representative finds that said reptiles are dangerously poisonous, the ~~Museum of Natural History~~ North Carolina State Museum of Natural Sciences or its designated representative shall be empowered to dispose of said reptiles in a manner consistent with the safety of the public; but if ~~said~~ the Museum or its designated representative find that the reptiles are not dangerously poisonous, and are not and cannot be harmful to human life, safety, health or welfare, then it shall be the duty of such officers to return the said reptiles to the person from whom they were seized within five days."

(h) G.S. 14-420 reads as rewritten:

"§ 14-420. Arrest of persons violating provisions of Article.

If the examination and tests made by the ~~Museum of Natural History~~ North Carolina State Museum of Natural Sciences or its designated representative as provided herein show that such reptiles are dangerously poisonous, it shall be the duty of the officers making the seizure, in addition to destroying such reptiles, also to arrest all persons violating any of the provisions of this Article."

(i) G.S. 106-202.17(b) reads as rewritten:

"(b) The Scientific Committee shall consist of the Directors of The University of North Carolina at Chapel Hill Herbarium, the North Carolina State University Herbarium, the North Carolina Botanical Garden of The University of North Carolina at Chapel Hill, the ~~North Carolina Museum of Natural History~~ North Carolina State Museum of Natural Sciences and the North Carolina Natural Heritage Program of the Department of Environment, Health, and Natural Resources or their designees, a representative of the North Carolina Association of Nurserymen, Inc., appointed by the Commissioner, and a representative of the Garden Club of North Carolina, Incorporated, the North Carolina Chapter of the Nature Conservancy or the North Carolina Wild Flower Preservation Society, Inc., appointed by the Commissioner. Members shall serve for three-year terms and may succeed themselves."

(j) G.S. 147-50 reads as rewritten:

"§ 147-50. Publications of State officials and department heads furnished to certain institutions, agencies, etc.

Every State official and every head of a State department, institution or agency issuing any printed report, bulletin, map, or other publication shall, on request, furnish copies of such reports, bulletins, maps or other publications to the following institutions in the number set out below:

University of North Carolina at Chapel Hill	25 copies;
University of North Carolina at Charlotte	2 copies;
University of North Carolina at Greensboro	2 copies;

North Carolina State University at Raleigh	2 copies;
East Carolina University at Greenville	2 copies;
Duke University	25 copies;
Wake Forest College	2 copies;
Davidson College	2 copies;
North Carolina Supreme Court Library	2 copies;
North Carolina Central University	5 copies;
Western Carolina University	2 copies;
Appalachian State University	2 copies;
University of North Carolina at Wilmington	2 copies;
North Carolina Agricultural and Technical State University	2 copies;
Legislative Library	2 copies;

and to governmental officials, agencies and departments and to other educational institutions, in the discretion of the issuing official and subject to the supply available, such number as may be requested: Provided that five sets of all such reports, bulletins and publications heretofore issued, insofar as the same are available and without necessitating reprinting, shall be furnished to the North Carolina Central University. The provisions in this section shall not be interpreted to include any of the appellate division reports or advance sheets distributed by the Administrative Office of the Courts. Except for reports, bulletins, and other publications issued for free distribution, this section shall not apply to the ~~Museum of Natural History.~~ North Carolina State Museum of Natural Sciences."

(k) This section becomes effective August 1, 1993.

PART 26. MISCELLANEOUS PROVISIONS

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

RESERVE FOR ADVANCE PLANNING

Sec. 117. The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on how it intends to spend funds from the Reserve for Advance Planning at least 45 days before it spends the funds.

The Office of State Budget and Management shall also report the results of any project on which it uses funds from the Reserve for Advance Planning to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND

Sec. 118. When each capital improvement project appropriated by the 1993 General Assembly, other than those projects under the Board of Governors of The University of North Carolina, is placed under construction contract, direct appropriations shall be encumbered to include all costs for construction, design, investigation, administration, movable equipment, and a reasonable contingency. Unencumbered direct appropriations remaining in the project budget shall be placed in a project reserve fund credited to the Office of State Budget and Management. Funds in the project reserve may be used for emergency repair and renovation projects at State facilities with the approval of the Director of the Budget. The project reserve fund may be used, at the discretion of the Director of the Budget, to allow for award of contracts where bids exceed appropriated funds, if those projects supplemented were designed within the scope intended by the applicable appropriation or any authorized change in it, and if, in the opinion of the Director of the Budget, all means to award contracts within the appropriation were reasonably attempted. At the discretion of the Director of the Budget, any balances in the project reserve fund shall revert to the original source.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont
PROJECT COST INCREASE

Sec. 119. Upon the request of the administration of a State department or institution, the Director of the Budget may, when in the Director's opinion it is in the best interest of the State to do so, increase the cost of a capital improvement project. Provided, however, that if the Director of the Budget increases the cost of a project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting. The increase may be funded from gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or direct capital improvement appropriations to that department or institution.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont
NEW PROJECT AUTHORIZATION

Sec. 120. Upon the request of the administration of any State department or institution, the Governor may authorize the construction of a capital improvement project not specifically authorized by the General Assembly if such project is to be funded by gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-liquidating indebtedness. Provided, however, that if the Director of the Budget authorizes the construction of such a capital improvement project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont
ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS

Sec. 121. Funds which become available by gifts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal or private grants, receipts becoming a part of special funds by act of the General Assembly or any other funds available to a State department or institution may be utilized for advance planning through the working drawing phase of capital improvement projects, upon approval of the Director of the Budget. The Director of the Budget may make allocations from the Advance Planning Fund for advance planning through the working drawing phase of capital improvement projects, except that this revolving fund may not be utilized by the Board of Governors of The University of North Carolina or the State Board of Community Colleges.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont
APPROPRIATIONS LIMITS/REVERSION OR LAPSE

Sec. 122. Except as permitted in previous sections of this act, the appropriations for capital improvements made by the 1993 General Assembly may be expended only for specific projects set out by the 1993 General Assembly and for no other purpose. Construction of all capital improvement projects enumerated by the 1993 General Assembly shall be commenced, or self-liquidating indebtedness with respect to them shall be incurred, within 12 months following the first day of the fiscal year in which the funds are available. If construction contracts on those projects have not been awarded or self-liquidating indebtedness has not been incurred within that period, the direct appropriation for those projects shall revert to the original source, and the self-liquidating appropriation shall lapse; except that direct appropriations may be placed in a reserve fund as authorized in this act. This deadline with respect to both direct and self-liquidating appropriations may be extended with the approval of the Director of the Budget up to an additional 12 months if circumstances and conditions warrant such extension.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont
1993-94 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

Sec. 123. Except where expressly repealed or amended by this act, the provisions of Chapter 321 of the 1993 Session Laws remain in effect.

Requested by: Senators Daniel, Plyler, Kaplan, Representatives Nesbitt, Diamont

EFFECTIVE DATE

Sec. 124. Except as otherwise provided, this act becomes effective July 1, 1993.

On motion of Senator Daniel, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 26
(House Committee Substitute)

House of Representatives
July 24, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute to **SB 26**, A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSE, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Senate having adopted a like report earlier today, the Chair orders the House Committee Substitute bill enrolled.

CALENDAR (Continued)

H.B. 439 (Senate Committee Substitute), a bill to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled prior to 7:00 A.M., and they are duly ratified and sent to the Office of the Secretary of State:

H.B. 278 (Committee Substitute), an act to classify misdemeanors and to reclassify some felonies as recommended by the North Carolina Sentencing and Policy Advisory Commission. (Ch. 539)

S.B. 431, an act recommended by the Juvenile Law Study Commission to increase the maximum amount that may be recovered in strict liability for damage to person or property by minors. (Ch. 540)

H.B. 765 (Senate Committee Substitute), an act to make amendments to the law of escheats and unclaimed property and to limit molders' obligations to retain dies, molds, forms, or patterns. (Ch. 541)

S.B. 14 (House Committee Substitute), an act to authorize the issuance of seven hundred forty-six million two hundred thousand dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for (1) capital improvements for the University of North Carolina, (2) grants to community colleges for capital improvements, and (3) loans, revolving loans, and grants to local government units for water supply systems, wastewater collection systems, wastewater treatment works, and water conservation projects. (Ch. 542)

S.B. 161 (House Committee Substitute), an act to allow all trailers to obtain multi-year license plates, to increase the types of special license plates, to specify how fees from the new special license plates are to be used, to modify the appearance of the special license plate issued to members of the North Carolina General Assembly, and to make technical and administrative changes to the laws concerning special license plates. (Ch. 543)

S.B. 853 (House Committee Substitute), an act to authorize certain counties that will derive economic benefits from the North Carolina Global TransPark to form a Global TransPark Development Zone to promote economic development of, and to encourage infrastructure construction in, the counties of the Zone. (Ch. 544)

S.B. 710 (House Committee Substitute), an act to modify the Nash County room occupancy tax. (Ch. 545)

S.B. 887 (Committee Substitute), an act to allow the Town of Santeetlah to make equal assessments for each lot in a new system. (Ch. 546)

S.B. 1148 (House Committee Substitute), an act to affect the Teachers' and State Employees' Comprehensive Major Medical Plan. (Ch. 547)

H.B. 83 (Senate Committee Substitute No. 2), an act to temporarily increase the scrap tire disposal tax, to provide for the distribution of the additional tax proceeds, to temporarily revoke the general authority of a unit of local government or a contracting party to impose a separate scrape tire disposal fee, and to authorize the Department of Environment, Health, and Natural Resources to develop and implement alternative, market-based pilot programs for scrap tire collection and recycling. (Ch. 548)

H.B. 114 (Senate Committee Substitute), an act to authorize Lincoln County to levy a room occupancy and tourism development tax, to set the maximum combined city and county room occupancy tax rate for Lincoln County and the cities and towns located in Lincoln County, and to make other local changes for Duplin County and the Town of Chapel Hill. (Ch. 549)

H.B. 235 (Senate Committee Substitute), an act to appropriate the balance of the funds from the proceeds of the two hundred million dollars in general obligation bonds authorized for the construction of State prison and youth services facilities, and to provide for the use of inmates in prison construction. (Ch. 550)

H.B. 505 (Committee Substitute), an act requested by the North Carolina Council for the Deaf and Hard of Hearing to reconstitute the membership of the North Carolina Council for the Deaf and Hard of Hearing. (Ch. 551)

H.B. 539 (Senate Committee Substitute), an act to amend the North Carolina Business Corporation Act and to amend G.S. 54-139 relating to foreign cooperative corporations as recommended by the General Statutes Commission and to make other amendments to the Business Corporation Act. (Ch. 552)

H.B. 544 (Senate Committee Substitute), an act to make technical amendments to the General Statutes as recommended by the General Statutes Commission, and to make technical corrections to other General Statutes and Session Laws. (Ch. 553)

H.B. 873 (Committee Substitute), an act to fulfill the intent of the insurance equality statute by correcting omissions in that Statute. (Ch. 554)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 785
(House Committee Substitute)

House of Representatives
July 24, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Amendment to **SB 785**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION AND TO ESTABLISH TEN DISTRICTS FOR THE APPOINTMENT OF COMMISSION MEMBERS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

The Senate having adopted a like report earlier today, the Chair orders the House Committee Substitute bill enrolled.

Senator Conder offers a motion the Senate do now adjourn subject to the ratification of bills and resolutions, seconded by Senator Ballance.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled prior to 7:00 A.M., and they are duly ratified and sent to the Office of the Secretary of State:

S.B. 558 (Committee Substitute), an act to appoint persons to various public offices upon the recommendation of the Senate President *Pro Tempore*. (Ch. 555)

H.B. 1008 (Senate Committee Substitute No. 2), an act to make it a Class I felony to possess or carry a firearm or explosive on educational property or to cause, encourage, or aid a minor to possess or carry a firearm or explosive on educational property, to make it a misdemeanor to cause, encourage, or aid a minor to take or possess other types of weapons on educational property, to make it a misdemeanor to fail to store firearms in a reasonable manner for the protection of minors and to fail to warn a person of this law upon the sale or transfer of a firearm. (Ch. 558)

S.B. 26 (House Committee Substitute), an act to make appropriations to provide capital improvements for State departments, institutions, and agencies, and for other purposes. (Ch. 561)

H.B. 439 (Senate Committee Substitute), an act to appoint persons to public office upon the recommendation of the Speaker of the House of Representatives. (Ch. 563)

S.J.R. 1299, a joint resolution setting the time for adjournment of the 1993 General Assembly to meet in 1994, limiting the subjects that may be considered in that Session, and providing for adjournment *sine die* of the General Assembly. (Res. 31)

Ascertaining no further business to come before the Senate, the Chair orders a message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to adjourn, pursuant to the provisions of Resolution 31, upon receipt of a like message from that Honorable Body.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.J.R. 1299

House of Representatives
July 24, 1993

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **SJR 1299**, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1993 GENERAL ASSEMBLY TO MEET IN 1994, LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, AND PROVIDING FOR ADJOURNMENT *SINE DIE* OF THE GENERAL ASSEMBLY, the House of Representatives is adjourned.

Respectfully,
S/Denise G. Weeks
House Principal Clerk

Pursuant to Resolution 31, **S.J.R. 1299**, a joint resolution setting the time for adjournment of the 1993 General Assembly to meet in 1994, limiting the subjects that may be considered in that Session, and providing for adjournment *sine die* of the General Assembly, and the motion offered earlier by Senator Conder, seconded by Senator Ballance, that the Senate do now adjourn at 7:00 A.M. to reconvene Tuesday, May 24, 1994, at 12:00 Noon, the Chair places the motion before the Senate and the motion prevails.

The hour of adjournment having arrived as fixed by Resolution 31, the President *Pro Tempore*, Marc Basnight, presiding in the absence of Lieutenant Governor Dennis A. Wicker, by the authority vested in him as President *Pro Tempore* of the Senate, declares the Senate adjourned, dedicating this 1993 Legislative Session to the memory of Thaddeus Armie Eure, the former Secretary of State who served North Carolina and her citizens fifty-two years in that Office, to reconvene at 12:00 Noon, on Tuesday, May 24, 1994.

DENNIS A. WICKER
President of the Senate

SYLVIA MORRIS FINK
Principal Clerk

ADDENDUM

ADJOURNMENT

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

> No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

(1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate present and voting, or

(2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

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It will be noted the phrase "without objection" appears throughout the Senate Journal. Upon a motion offered, this reflects a determination by the Chair there is no objection from a member present, which constitutes unanimous consent, for the order of the Chair.

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It will be noted that when a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise, the measure is placed on the Calendar for the next legislative day in its regular order of business.

— — — — — — —

It will be noted that Rule 20(2) of the House of Representatives requires that "all measures affecting a fee imposed by the State or any subdivision thereof" are classified roll-call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require, the Rule of the House of Representatives is honored and the measures are considered as roll-call measures, unless ruled otherwise by the presiding officer.

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It will be noted that numerical figures appear within parentheses throughout the Senate Journal. These figures represent the affirmative and negative votes cast and recorded electronically, pursuant to Senate Rule 25. Copies of the voting print-out are on file in the Legislative Library.

Sylvia Fink
Principal Clerk

July 24, 1993

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled are pending ratification and remain in the possession of the Enrolling Clerk:

S.B. 690, a bill amending the Charter of Durham to authorize the making of emergency repairs in housing code cases. (Ch. 556) (see page 1249)

S.B. 1222 (House Committee Substitute), a bill to provide for a disabled sportsman program under the Wildlife Resources Commission and to establish a nonresident bear hunting license. (Ch. 557) (see page 1251)

H.B. 1158, a bill to prohibit the erection of outdoor advertising on a portion of U.S. Highway 52 and North Carolina Highway 752 in Surry County and to prohibit the erection of outdoor advertising on any interstate highway in Buncombe County outside the limits of a municipality. (Ch. 559) (see page 1244)

H.B. 1319 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, and to direct various State agencies to study specified issues. (Ch. 560) (see page 1249)

S.B. 785 (House Committee Substitute), a bill to extend the sunset for the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association. (Ch. 562) (see page 1315)

1993 GENERAL ASSEMBLY REPORTS

A complete listing of reports received from Boards, Commissions and Agencies directed to report to the 1993 General Assembly through adjournment *sine die* will appear in the Senate Journal for the Second Session. An itemized listing of those reports received during the First Session appear in the alphabetical index under **General Assembly** (Reports).

February 19, 1993 (See page 96)

H.J.R. 199, a joint resolution inviting the Honorable Albert Gore, Jr., Vice President of the United States, to address a joint session of the House of Representatives and the Senate.

The following special message is received from the House of Representatives after the Senate recesses to the Hall of the House of Representatives for the Joint Session:

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 199

House of Representatives
February 19, 1993

Mr. President:

Pursuant to **H.J.R. 199** "A JOINT RESOLUTION INVITING THE HONORABLE ALBERT GORE, JR., VICE PRESIDENT OF THE UNITED STATES, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, the Speaker appoints the following members of the House of Representatives to serve with a like Committee of the Senate to escort the Vice-President of the United States to the Joint Session:

Representative Fitch,
Representative Grady,
Representative Holt,
Representative Jack Hunt,
Representative McCrary,
Representative Kuczmarski,
Representative H. Hunter.

Respectfully,
S/Denise G. Weeks
Principal Clerk

May 12, 1993 (See page 492)

TABLE OF CONTENTS
FOR PROPOSED COMMITTEE SUBSTITUTE PCS4632
FOR SENATE BILL 27
(APPROPRIATIONS COMMITTEE SUBSTITUTE)

The following is the **Table of Contents** that was distributed with PCS4632 to S.B. 27 when adopted by the Senate on May 12, 1993.

INTRODUCTION 1
TITLE OF ACT 1
PART 1. GENERAL FUND APPROPRIATIONS 1
CURRENT OPERATIONS/GENERAL FUND 1
PART 2. CURRENT OPERATIONS/HIGHWAY FUND 5
PART 3. HIGHWAY TRUST FUND 6
PART 4. BLOCK GRANT APPROPRIATIONS 6
DHR BLOCK GRANT PROVISIONS 6
NER BLOCK GRANT PROVISIONS 10
PART 5. GENERAL PROVISIONS 12
SPECIAL FUNDS, FEDERAL FUNDS, AND DEPARTMENTAL RECEIPTS/AUTHORIZATION FOR EXPENDITURES 12
INSURANCE AND FIDELITY BONDS 13
CONTINGENCY AND EMERGENCY FUND ALLOCATION 13
BUDGETING OF PILOT PROGRAMS 13
AUTHORIZED TRANSFERS 13
EXPENDITURES OF FUNDS IN RESERVES LIMITED 13
STATE MONEY RECIPIENTS/CONFLICT OF INTEREST POLICY 13
BUDGET REFORM STATEMENTS 14
REPAIRS/RENOVATIONS RESERVE CREATED 14
PART 6. GENERAL GOVERNMENT 15
BUDGET PRACTICES STUDY COMMISSION 15
RESERVE FOR IMPLEMENTATION OF FEDERAL OSHA REGULATIONS REGARDING BLOODBORNE PATHOGENS/USE OF FUNDS; LONG-RANGE PLAN 17
PART 7. DEPARTMENT OF ADMINISTRATION 17
STATE CAPITOL RESTORATION 17
OFFICE OF MARINE AFFAIRS' TRANSFER TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES 17
DEPARTMENT OF ADMINISTRATION EMPLOYEE TRAINING 20
ALLOCATION OF RAPE CRISIS CENTER FUNDS 20
DOMESTIC VIOLENCE CENTER FUNDS 20
PARKING REVENUES 21
PART 8. DEPARTMENT OF CULTURAL RESOURCES 21
REPEAL RESTRICTION ON GRASSROOTS ARTS PROGRAM FUNDS 21
CULTURAL RESOURCES SECURITY OFFICERS 21
DEPARTMENT OF CULTURAL RESOURCES VEHICLES 21
PART 9. OFFICE OF THE GOVERNOR 21
COUNCIL OF GOVERNMENT FUNDS 21

S.B. 27 (PCS 4632) Table of Contents—Continued

PART 10. DEPARTMENT OF INSURANCE 22
DEPARTMENT OF INSURANCE UNBUDGETED RECEIPTS .. 22
PART 11. OFFICE OF THE LIEUTENANT GOVERNOR 22
CERTAIN LIEUTENANT GOVERNOR APPROPRIATIONS NOT TO BE TRANSFERRED 22
PART 12. DEPARTMENT OF REVENUE 22
REVENUE FIELD OFFICE CLOSURES AND CONSOLIDATIONS 22
PART 13. OFFICE OF STATE AUDITOR 23
INFORMATION FROM PRIVATE ORGANIZATIONS RECEIVING STATE FUNDS; INFORMATION FROM STATE DEPARTMENTS AND AGENCIES PROVIDING STATE FUNDS 23
AUDITOR FUNDS/PARTIAL REVERSION 24
PART 13A. GENERAL ASSEMBLY 24
NAMING OF BRIDGES, HIGHWAYS, AND FACILITIES MORATORIUM; GUIDELINES 24
PART 14. SALARIES AND BENEFITS 24
RESTORE JUNE 30TH PAY DATE 24
APPROPRIATIONS 24
GOVERNOR'S SALARY INCREASE 25
COUNCIL OF STATE/SALARY INCREASE 25
NONELECTED DEPARTMENT HEAD/SALARY INCREASES .. 25
CERTAIN EXECUTIVE BRANCH OFFICIALS/ SALARY INCREASES 26
LEGISLATORS/SALARY AND EXPENSES INCREASE 26
GENERAL ASSEMBLY PRINCIPAL CLERKS/ SALARY INCREASES 27
SERGEANT-AT-ARMS AND READING CLERKS/ SALARY INCREASES 27
LEGISLATIVE EMPLOYEES/SALARY INCREASES 28
JUDICIAL BRANCH OFFICIALS/SALARY INCREASE 28
CLERK OF SUPERIOR COURT SALARY DETERMINATION/ INCREASE 29
ASSISTANT AND DEPUTY CLERKS OF COURT/ SALARY INCREASE 29
MAGISTRATES/SALARY INCREASE 30
COMMUNITY COLLEGES PERSONNEL/SALARY INCREASES 30
HIGHER EDUCATION PERSONNEL/SALARY INCREASES ... 31
MOST STATE EMPLOYEES/SALARY INCREASES/1993-94 31
PUBLIC SCHOOL PERSONNEL/SALARY INCREASES 32
ALL STATE-SUPPORTED PERSONNEL/SALARY INCREASES 32
RESERVE FOR LOWEST PAID EMPLOYEES 33
COMPENSATION BONUS 33
SALARY-RELATED CONTRIBUTIONS/EMPLOYERS 33
PROVIDE AN INCREASE TO RETIREES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM 34

S.B. 27 (PCS 4632) Table of Contents—Continued

PROVIDE THAT RETIRED MEMBERS IN RECEIPT OF A RETIREMENT ALLOWANCE FROM THE STATE-ADMINISTERED RETIREMENT SYSTEMS SHALL RECEIVE RETIREMENT BENEFITS EQUAL TO AN AMOUNT NOT LESS THAN THE ACCUMULATED CONTRIBUTIONS OF THE RETIREE AT RETIREMENT 35
ALLOW LEGISLATORS SERVING IN JANUARY 1985 TO PURCHASE CREDITABLE SERVICE IN THE LEGISLATIVE RETIREMENT SYSTEM 40
DEATH BENEFIT DATE CHANGE 40
PART 15. COLLEGES AND UNIVERSITIES 40
UNC ACADEMIC PROVISIONS 40
INVENTORY 40
COMPUTER NETWORK MANAGEMENT 41
WAKE FOREST AND DUKE MEDICAL SCHOOL ASSISTANCE/FUNDING FORMULAE 41
RESEARCH CAMPUSES/FACULTY COMPETITIVENESS 42
AID TO PRIVATE COLLEGES/LEGISLATIVE TUITION GRANT LIMITATIONS 42
AID TO PRIVATE COLLEGES/PROCEDURE 42
NORTH CAROLINA STATE UNIVERSITY/COMPETITIVE INDUSTRY 43
NEW DEGREE PROGRAMS 44
EAST CAROLINA UNIVERSITY MEDICAL SCHOOL/ HOSPITAL TEACHING COSTS 44
ALLIED HEALTH PERSONNEL STUDY/AHEC 44
UNC EDUCATIONAL CONSORTIA 44
RURAL/PRIMARY CARE INITIATIVES 45
NEED-BASED CYTOTECHNOLOGY SCHOLARSHIPS 45
PRINCIPAL FELLOWS PROGRAM 46
SCHOOL LEADERSHIP ACADEMY 49
ECU SCHOOL OF MEDICINE/USE OF RECEIPTS 51
PART 16. COMMUNITY COLLEGES 52
COURSE REPETITION POLICY 52
AUDIT POLICIES 52
COMMUNITY COLLEGE IN-PLANT TRAINING 53
PRISON EDUCATION 53
HUSKINS PROGRAM 53
COMMUNITY COLLEGE SHELTERED WORKSHOPS FUNDS TRANSFER 53
REMEDIATION MEASURES 54
COMMUNITY COLLEGE ACCOUNTABILITY MEASURES 54
MAINTENANCE OF PLANT 54
OPERATING APPROPRIATIONS/NOT USED FOR RECREATION EXTENSION 54
FULL-TIME EQUIVALENT TEACHING POSITIONS/ COMMUNITY COLLEGES 55
BOOKS AND EQUIPMENT APPROPRIATIONS/REVERT AFTER ONE YEAR 55
ASSISTANCE TO HOSPITAL NURSING/FUND DISTRIBUTION 55
STUDENT CENSUS DATE 55
"TECH PREP" IMPLEMENTATION 55

S.B. 27 (PCS 4632) Table of Contents—Continued

PART 17. PUBLIC SCHOOLS 56
FRESHMAN PERFORMANCE REPORTS MADE AVAILABLE TO PARENTS OF HIGH SCHOOL STUDENTS 56
CAREER DEVELOPMENT FUNDS 1994-95 REDUCTION 56
TEACHER SALARY SCHEDULES 56
OFFICE OF TEACHER RECRUITMENT STATUTES REPEALED 58
ALLOCATION OF FUNDS FOR MERGED CAREER LADDER PILOT PROJECTS 59
REORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION 59
SCHOOL COUNSELOR FUNDS 59
SCHOOL TECHNOLOGY COMMISSION CREATED 59
WEYERHAEUSER FINE TO CRAVEN COUNTY SCHOOLS 61
TEACHER ACADEMY PLAN 61
ROLE OF THE DEPARTMENT OF PUBLIC INSTRUCTION IN STAFF DEVELOPMENT 63
STAFF DEVELOPMENT FUND 63
EXCEPTIONAL CHILDREN FUNDS 64
EXTENDED SERVICES ALLOTMENT 65
LOCAL SCHOOL IMPROVEMENT PLANS 66
PART 18. DEPARTMENT OF TRANSPORTATION 71
PERMANENT HOURLY WORKER STATUS 71
REPEAL ADDITIONAL FUNDS TO DIVISION OF MOTOR VEHICLES 71
RENAME NORTH CAROLINA ELDERLY AND HANDICAPPED TRANSPORTATION ASSISTANCE PROGRAM ... 72
POWELL BILL ELIGIBILITY MODIFICATION 72
SMALL URBAN CONSTRUCTION PROGRAM FUNDS 73
AIR CARGO AIRPORT AUTHORITY MARKETING FUNDS TRANSFER 73
NORTH CAROLINA BRIDGE AUTHORITY 73
JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE 76
TRANSFER THE RAIL SAFETY SECTION FROM THE UTILITIES COMMISSION TO THE DEPARTMENT OF TRANSPORTATION 78
IMPLEMENTING SELECTED GPAC RECOMMENDATIONS .. 80
EQUIPMENT FUND TRANSFER 83
VISITOR AND WELCOME CENTER FUNDS 83
FARM EQUIPMENT DEALER PLATE USAGE 84
CAP ON DRIVERS EDUCATION COSTS 84
DEPARTMENT OF TRANSPORTATION TO REPORT ON BILLBOARD FEES 84
DIVISION OF MOTOR VEHICLES TO REPORT ON PERSONNEL EFFECTS OF NEW COMPUTER SYSTEM ... 84
MODIFY AVIATION APPROPRIATION 84
DEPARTMENT OF TRANSPORTATION TO REPORT ON THE USE OF INMATE LABOR 85
BRANCH AGENT TRANSACTION RATE 85
HIGHWAY FUND ALLOCATIONS BY CONTROLLER 86
CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND APPROPRIATIONS 86
HIGHWAY FUND LIMITATIONS ON OVEREXPENDITURES . 86

S.B. 27 (PCS 4632) Table of Contents—Continued

RESURFACED ROADS MAY BE WIDENED 87
HIGHWAY FUND ADJUSTMENTS TO REFLECT ACTUAL REVENUE 87
DEPARTMENT OF TRANSPORTATION TO PAY COMPENSATION OF ATTORNEYS ASSIGNED TO MOTOR VEHICLES DIVISION BY THE ATTORNEY GENERAL 87
DEPARTMENT OF TRANSPORTATION EXEMPTION FROM GENERAL STATUTES FOR EXPERIMENTAL PROJECT--CONGESTION MANAGEMENT 87
BRIDGE FORMULA EXCEPTIONS 88
PART 19. DEPARTMENT OF CORRECTION 88
USE OF INMATES FOR PRISON CONSTRUCTION 88
CURRENT OPERATING EXPENSES 89
LIMIT USE OF OPERATIONAL FUNDS 89
PRIVATE CONFINEMENT FACILITIES 89
NCCIW/MATCH PROGRAM FUNDS 89
SUMMIT HOUSE 90
HARRIET HOUSE 90
SENTENCING COMMISSION EXTENDED 90
INMATE INCENTIVE PAY 91
PART 20. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY 91
REPORT ON COMMUNITY SERVICE WORKERS 91
RAPE VICTIMS ASSISTANCE PROGRAM 91
NATIONAL GUARD DISASTER TRAINING 92
REPORT BY HIGHWAY PATROL DIVISION 92
PART 21. JUDICIAL DEPARTMENT 92
AOC NETWORK TRANSFER STUDY 92
INDIGENT PERSONS' ATTORNEY FEE FUND 93
SPECIAL CAPITAL CASE REHEARING FUND 94
COMMUNITY PENALTIES PROGRAMS 94
RAPE VICTIM WITNESS COUNSELOR PROGRAM 94
GRANT MATCHING FUNDS 94
EXTEND INDIGENT PERSONS' ATTORNEY REPRESENTATION CONTRACT PROGRAM 95
TRANSFER OF EQUIPMENT AND SUPPLY FUNDS 95
ADDITIONAL PUBLIC AND APPELLATE DEFENDER PERSONNEL 95
TRANSFER FUNDS FROM SPECIAL CAPITAL CASE REHEARING FUND TO THE INDIGENT PERSONS' ATTORNEY FEE FUND 96
REGIONAL MEDIATION CENTER IN PITT COUNTY TO PROVIDE MEDIATION SERVICES TO EASTERN NORTH CAROLINA 96
EMERGENCY JUDGES' PER DIEM INCREASE 96
ADD ADDITIONAL SUPERIOR COURT JUDGES/ TRANSFER CASWELL AND PERSON COUNTIES TO NEWLY CREATED SUPERIOR COURT DISTRICT 9A 96
ADD ADDITIONAL DISTRICT COURT JUDGES AND MAGISTRATES/TRANSFER CASWELL AND PERSON COUNTIES TO NEWLY CREATED DISTRICT COURT DISTRICT 9A 99

S.B. 27 (PCS 4632) Table of Contents—Continued

ADD ADDITIONAL ASSISTANT DISTRICT ATTORNEYS/ TRANSFER CASWELL AND PERSON COUNTIES TO NEWLY CREATED PROSECUTORIAL DISTRICT 9A/ CHANGE PROSECUTORIAL DISTRICT 19A AND CREATE PROSECUTORIAL DISTRICT 19C/ ADD INVESTIGATORIAL ASSISTANTS IN THE FIRST AND EIGHTH PROSECUTORIAL DISTRICTS 102
PART 22. DEPARTMENT OF JUSTICE 105
SBI FUNDS/SPENDING PRIORITIES 105
SBI USE OF COURT-ORDERED RESTITUTION FUNDS 105
PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS PAY FOR USE OF STATE FACILITIES AND SERVICES 105
TRANSFER LEGAL COUNSEL FROM BANKING COMMISSION TO DEPARTMENT OF JUSTICE 105
USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT 106
PART 23. DEPARTMENT OF HUMAN RESOURCES 106
WILLIE M. 106
THOMAS S. 108
TRANSFERS OF CERTAIN FUNDS AUTHORIZED 109
MIXED BEVERAGE TAX FOR AREA MENTAL HEALTH PROGRAMS 109
SPECIALIZED RESIDENTIAL CENTERS' BED CONVERSION 110
PHYSICIAN SERVICES 110
LIABILITY INSURANCE 110
NON-MEDICAID REIMBURSEMENT 111
DEVELOPMENTAL DAY CENTERS' GRANT-IN-AID 111
CHANGE IN THE SHORT-TERM LOAN FUND FOR ICF/MR FACILITIES 112
PLANNING AND PILOT IMPLEMENTATION OF AN INTEGRATED FUNDING APPROACH FOR MENTAL HEALTH/SUBSTANCE ABUSE INSTITUTIONAL SERVICES 112
CHILD SUPPORT FUNDS 112
"PIONEER" MENTAL HEALTH PLAN 113
MEDICAID 118
REDUCE INFANT MORTALITY 122
PURCHASE TRANSPORTATION SERVICES FOR PREGNANT WOMEN AND CHILDREN ON MEDICAID .. 122
PHARMACY DISPENSING FEE 123
ICF AND ICF/MR WORK INCENTIVE ALLOWANCES 123
MEDICAID INPATIENT HOSPITAL REIMBURSEMENT 123
FAMILY SUPPORT ACT 123
RETROSPECTIVE ACCOUNTING ADJUSTMENT 124
AFDC/WOMEN IN THIRD TRIMESTER OF PREGNANCY ADJUSTMENT 124
FOSTER CARE 124
EMERGENCY ASSISTANCE 124
FOOD STAMP OUTREACH 124
CHILD PROTECTIVE SERVICES 125

S.B. 27 (PCS 4632) Table of Contents—Continued

ADOPTION SUBSIDY 125
SOCIAL SERVICES PLAN/FAMILY PRESERVATION SERVICES 125
LIMITATION ON TRANSFER OF ABORTION FUNDS 126
COUNTY MATCHING REQUIREMENTS FOR CHILD PROTECTIVE SERVICES 126
DOMICILIARY CARE REIMBURSEMENT RATE INCREASE . 126
CAREGIVER SUPPORT SHARING 127
SENIOR CENTER OUTREACH 127
DAY CARE FUNDS MATCHING REQUIREMENT 128
DAY CARE 128
DAY CARE RATES 128
DAY CARE ALLOCATION FORMULA 129
DHR EMPLOYEES/IN-KIND MATCH 129
COMMUNITY-BASED ALTERNATIVES PARTICIPATION ... 129
SUPPLEMENTAL HEAD START FUNDS 130
COUNTY DAY CARE ENCOURAGEMENT 130
EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES 130
CHILD DAY CARE REVOLVING LOAN FUND 130
RURAL/PRIMARY CARE INITIATIVES 131
EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES QUALITY ASSURANCE/ACCOUNTABILITY 131
PART 24. DEPARTMENT OF AGRICULTURE 132
WAREHOUSE ACT FUNDS 132
CAPITAL BILL CONTENTS 133
TIMBER SALES FUNDS FOR MAINTENANCE OF STATE FARMS FOREST LANDS 134
PART 25. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES 134
FUNDS FOR VOLUNTARY REMEDIAL ACTIONS 134
HAZARDOUS WASTE INSPECTORS 134
HAZARDOUS WASTE REDUCTION AND MANAGEMENT PLAN 135
SUPERFUND PROGRAM FUNDS 135
TECHNICAL REVIEW COMMITTEE APPOINTMENTS 135
DENTAL HEALTH PROGRAM 135
PHARMACEUTICAL FUNDS/SEXUALLY TRANSMITTED DISEASE CONTROL PROGRAM 136
COMMUNICABLE DISEASE CONTROL AID TO COUNTIES FLEXIBILITY 136
ELIGIBILITY STANDARDS FOR PARTICIPATION IN DEPARTMENT REIMBURSEMENT PROGRAMS ESTABLISHED 136
LIABILITY INSURANCE PREMIUMS 136
DWI TEST CHANGES 137
ASBESTOS HAZARD MANAGEMENT FUNDS 137
RURAL OBSTETRICAL CARE INCENTIVE 137
INFANT MORTALITY PREVENTION FUNDS 138
WIC PROGRAM FUNDS 138
LEAD POISONING PREVENTION FUNDS 139
MATERNAL AND CHILD HEALTH PROGRAM FUNDS DO NOT REVERT 139

S.B. 27 (PCS 4632) Table of Contents—Continued

ADOLESCENT PREGNANCY PREVENTION PROJECTS 140
IMMUNIZATION RECEIPTS 142
COMMISSION FOR HEALTH SERVICES VACCINATION RULES 143
PARKS RECEIPTS 143
COASTAL BOATING GUIDE 143
SOIL AND WATER CONSERVATION DISTRICT SUPERVISORS' EXPENSES 143
SALES TAX TRANSFER TO WILDLIFE RESOURCES FUND . 143
DISMAL SWAMP STATE PARK 144
B.R.I.D.G.E. YOUTHFUL OFFENDERS/PARK MAINTENANCE 144
PART 26. DEPARTMENT OF COMMERCE 145
INDUSTRIAL DEVELOPMENT FUND/LOCAL MATCH 145
NC MANUFACTURING DIRECTORY PROCEEDS 145
HOME PROGRAM MATCHING FUNDS 145
HOUSING PROGRAMS TRANSFER 145
COMMUNITY DEVELOPMENT BLOCK GRANT REPORTS ... 147
TOURISM PROMOTION FUNDS 147
CENTER FOR COMMUNITY SELF-HELP FUNDS 148
ECONOMIC DEVELOPMENT FUNDS 148
RURAL ECONOMIC DEVELOPMENT CENTER 149
BIOTECHNOLOGY CENTER 150
MCNC 150
WORKER TRAINING TRUST FUND 151
STUDY STATE PORTS STATUS AS SEPARATE AGENCY 152
STUDY CONTINUED NECESSITY FOR PORTS RAILWAY COMMISSION 152
PETROLEUM OVERCHARGE FUNDS ALLOCATION 152
PETROLEUM OVERCHARGE ATTORNEYS' FEES 153
PART 27. DEPARTMENT OF LABOR 153
INCREASE AMUSEMENT DEVICE INSPECTION FEES 153
INCREASE ELEVATOR FEES 154
OSHA POSITIONS 155
PART 28. MISCELLANEOUS PROVISIONS 155
EFFECT OF HEADINGS 155
EXECUTIVE BUDGET ACT REFERENCE 155
COMMITTEE REPORT 155
MOST TEXT APPLIES ONLY TO 1993-95 155
SEVERABILITY CLAUSE 155
CONTINGENT EFFECTIVENESS 156
EFFECTIVE DATE 156

S.B. 27 (Proposed Committee Substitute 4630)
May 11, 1993 — see page 460

S.B. 27 (Proposed Committee Substitute 4632)
May 12, 1993 — see pages 492, 494

SENATE
APPROPRIATIONS COMMITTEE

REPORT
on
BASE BUDGET REDUCTIONS
and
EXPANSION BUDGET

MAY 11, 1993

TABLE OF CONTENTS

Base and Expansion Budget Recommendations 1
Community Colleges 7
University of North Carolina - Board of Governors 12
Department of Public Instruction 16
Department of Human Resources 21
Department of Correction 33
Judicial Department 40
Department of Justice 46
Department of Crime Control and Public Safety 50
Department of Agriculture 58
Department of Labor 62
Department of Environment, Health, and Natural Resources 64
Department of Commerce 74
Department of Administration 80
Department of Cultural Resources 97
General Assembly 108
Office of the Governor 110
Office of State Budget and Management 114
Office of State Planning 115
Department of Insurance 116
Office of Lieutenant Governor 118
Office of Administrative Hearings 119
Department of Revenue 120
Administrative Rules Review Commission 126
Secretary of State 127
State Auditor 130
State Controller 132
State Treasurer 134
Other Expansion Budget Recommendations 138
Department of Transportation 139

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

(Pages 1-6)

BASE AND EXPANSION BUDGET RECOMMENDATIONS

	1993-94 CONTINUATION	1993-94 REDUCTIONS & TRANSFERS	1993-94 EXPANSION	1993-94 TOTAL
EDUCATION				
Board of Governors	$1,184,069,864	($27,404,346)	$34,119,221	$1,190,784,739
Community Colleges	393,630,457	(5,276,276)	23,295,837	411,650,018
Public Education	3,445,213,790	(4,236,386)	105,742,877	3,546,720,281
TOTAL EDUCATION	$5,022,914,111	($36,917,008)	$163,157,935	$5,149,155,038
HUMAN RESOURCES	$1,686,618,219	($53,672,759)	$63,500,991	$1,696,446,451
JUSTICE & PUBLIC SAFETY				
Judicial	$232,428,819	-	$17,220,441	$249,649,260
Correction	565,579,166	($5,865,558)	4,954,435	564,668,043
Justice	53,540,802	(1,751,786)	2,375,316	54,164,332
Crime Control & Public Safety	26,860,503	(6,750,646)	3,363,802	23,473,659
TOTAL JUSTICE & PUBLIC SAFETY	$878,409,290	($14,367,990)	$27,913,994	$891,955,294
NATURAL AND ECONOMIC RESOURCES				
Labor	$12,705,854	($397,682)	$956,643	$13,264,815
Agriculture	42,614,251	(1,008,857)	1,201,537	42,806,931
Commerce	27,135,913	(1,132,884)	11,175,030	37,178,059
MCNC	16,000,000	(320,000)	-	15,680,000
Biotechnology Reserve	7,157,547	(143,151)	-	7,014,396
Rural Econ. Dev.	1,500,000	(30,000)	-	1,470,000
EHNR	198,874,660	(3,867,920)	10,538,211	205,544,951
TOTAL NATURAL AND ECONOMIC RESOURCES	$305,988,225	($6,900,494)	$23,871,421	$322,959,152
DEPARTMENT OF TRANSPORTATION				
Aid to Railroads	$100,000	($3,695)	-	$96,305
Aeronautics	10,783,237	(2,266,666)	-	8,516,571
Air Cargo	-	-	1,250,000	1,250,000
TOTAL DEPARTMENT OF TRANSPORTATION	$10,883,237	($2,270,361)	$1,250,000	$9,862,876
GENERAL GOVERNMENT				
Administration	$53,249,273	($2,878,279)	$720,000	$51,090,994
Cultural Resources	41,400,998	(715,912)	1,350,000	42,035,086
General Assembly	21,385,599	(1,049,240)	-	20,336,359
Office of the Governor	4,475,772	(114,639)	1,230,000	5,591,133
Office State Budget & Management	3,405,824	(93,842)	-	3,311,982
Office of State Planning	1,537,714	(20,991)	63,396	1,580,119
Insurance	14,114,720	(836,488)	-	13,278,232
Lieutenant Governor	551,423	(18,421)	65,000	598,002
Administrative Hearings	1,950,197	(20,958)	0	1,929,239
Revenue	55,043,269	(1,198,774)	3,474,904	57,319,399
Rules Review Commission	263,792	(5,276)	-	258,516
Secretary of State	4,962,766	(202,318)	126,950	4,887,398
Auditor	7,393,837	(156,441)	387,408	7,624,804
Controller	6,681,992	(626,561)	4,651,418	10,706,849
Board of Elections	545,539	-	-	545,539
State Treasurer	5,492,873	(259,490)	634,306	5,867,689
Special Contributions	5,437,248	-	-	5,437,248
TOTAL GENERAL GOVERNMENT	$227,892,836	($8,197,630)	$12,703,382	$232,398,588
RESERVES				
Contingency and Emergency	$1,125,000	-	-	$1,125,000
Salary Adjustment	500,000	-	-	500,000
Salary Increases	-	-	$112,197,852	112,197,852
Compensation Bonus	-	-	34,244,460	34,244,460

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

RESERVES (Continued)	1993-94 CONTINUATION	1993-94 REDUCTIONS & TRANSFERS	1993-94 EXPANSION	1993-94 TOTAL
Lowest Paid Employee	1,400,724	-	-	1,400,724
Reserve for Bloodborne Pathogens	2,000,000	(1,000,000)	-	1,000,000
Reserve Retiree 30% Reduction	(10,000,000)	2,926,060	-	(7,073,940)
TOTAL - RESERVES	($4,974,276)	$1,926,060	$146,442,312	$143,394,096
Debt Service	$83,501,058	-	$8,762,500	$92,263,558
Reserve for Restoration of Pay Dates - June 1994	-	-	$327,800,000	$327,800,000
TOTAL CURRENT OPERATIONS	$8,211,232,700	($120,400,182)	$775,402,535	$8,866,235,053
LOCAL GOVERNMENT TAX REIMBURSEMENT	$236,824,154	-	-	$236,824,154
GRAND TOTAL	$8,448,056,854	($120,400,182)	$775,402,535	$9,103,059,207

BASE AND EXPANSION BUDGET RECOMMENDATIONS

	1994-95 CONTINUATION	1994-95 REDUCTIONS & TRANSFERS	1994-95 EXPANSION	1994-95 TOTAL
EDUCATION				
Board of Governors	$1,193,945,658	($26,215,019)	$48,229,000	$1,215,959,639
Community Colleges	393,646,998	(5,276,276)	50,469,587	438,840,309
Public Education	3,501,014,053	(8,882,425)	103,588,450	3,595,720,078
TOTAL EDUCATION	$5,088,606,709	($40,373,720)	$202,287,037	$5,250,520,026
HUMAN RESOURCES	$1,854,653,994	($50,843,269)	$100,410,780	$1,904,221,505
JUSTICE & PUBLIC SAFETY				
Judicial	$235,112,520	-	$18,844,249	$253,956,769
Correction	602,236,033	($11,505,275)	6,283,453	597,014,211
Justice	52,038,131	231,709	6,285,741	58,555,581
Crime Control & Public Safety	26,836,975	(6,627,015)	1,688,577	21,898,537
TOTAL JUSTICE & PUBLIC SAFETY	$916,223,659	($17,900,581)	$33,102,020	$931,425,098
NATURAL AND ECONOMIC RESOURCES				
Labor	$12,714,621	($397,770)	$997,435	$13,314,286
Agriculture	42,803,376	(1,140,114)	2,205,142	43,868,404
Commerce	27,160,918	(1,134,410)	14,531,396	40,557,904
MCNC	16,000,000	(320,000)	-	15,680,000
Biotechnology Reserve	7,157,547	(143,151)	-	7,014,396
Rural Econ. Dev.	1,500,000	(30,000)	-	1,470,000
EHNR	202,809,288	(2,566,586)	18,063,972	218,306,674
TOTAL NATURAL AND ECONOMIC RESOURCES	$310,145,750	($5,732,031)	$35,797,945	$340,211,664
DEPARTMENT OF TRANSPORTATION				
Aid to Railroads	$100,000	-	-	$100,000
Aeronautics	10,783,237	(1,766,666)	-	9,016,571
Air Cargo	-	-	1,250,000	1,250,000
TOTAL DEPARTMENT OF TRANSPORTATION	$10,883,237	($1,766,666)	$1,250,000	$10,366,571

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

	1994-95 CONTINUATION	1994-95 REDUCTIONS & TRANSFERS	1994-95 EXPANSION	1994-95 TOTAL
GENERAL GOVERNMENT				
Administration	$54,119,528	($2,674,980)	$720,000	$52,164,548
Cultural Resources	42,086,042	(1,056,817)	1,350,000	42,379,225
General Assembly	24,982,877	(1,039,240)	-	23,943,637
Office of the Governor	4,495,442	(115,033)	1,480,000	5,860,409
Office State Budget & Management	3,530,825	(96,342)	-	3,434,483
Office of State Planning	1,538,034	(20,997)	87,196	1,604,233
Insurance	14,130,127	(1,486,488)	-	12,643,639
Lieutenant Governor	553,302	(18,459)	65,000	599,843
Administrative Hearings	1,954,545	(21,045)	-	1,933,500
Revenue	55,103,203	(1,499,032)	6,531,572	60,135,743
Rules Review Commission	263,871	(5,278)	-	258,593
Secretary of State	4,925,984	(201,583)	113,500	4,837,901
Auditor	7,430,882	(156,441)	448,618	7,723,059
Controller	6,687,578	(626,561)	6,598,102	12,659,119
Board of Elections	545,885	-	-	545,885
State Treasurer	5,498,735	(259,899)	1,105,918	6,344,754
Special Contribution	5,437,248	-	-	5,437,248
TOTAL GENERAL GOVERNMENT	**$233,284,108**	**($9,278,195)**	**$18,499,906**	**$242,505,819**
RESERVES				
Contingency and Emergency	$1,125,000	-	-	$1,125,000
Salary Adjustment	500,000	-	-	500,000
Salary Increases	-	-	$116,695,270	116,695,270
Compensation Bonus	-	-	-	-
Lowest Paid Employee	1,400,724	-	-	1,400,724
Reserve for Bloodborne Pathogens	2,000,000	(1,000,000)	-	1,000,000
Reserve Retiree 30% Reduction	(10,000,000)	2,926,060	-	(7,073,940)
TOTAL - RESERVES	**($4,974,276)**	**$1,926,060**	**$116,695,270**	**$113,647,054**
Debt Service	$80,516,283	-	$8,597,500	$89,113,783
Reserve for Restoration of Pay Dates - June 1994	-	-	-	-
TOTAL CURRENT OPERATIONS	**$8,489,339,464**	**($123,968,402)**	**$516,640,458**	**$8,882,011,520**
LOCAL GOVERNMENT TAX REIMBURSEMENT	**$236,824,154**	-	-	**$236,824,154**
GRAND TOTAL	**$8,726,163,618**	**($123,968,402)**	**$516,640,458**	**$9,118,835,674**

(Pages 7-12)

COMMUNITY COLLEGES	**1993-94**	**1994-95**
RECOMMENDED CONTINUATION:	**$393,630,457**	**$393,646,998**

Continuation Budget Changes:

1. **State Board Reserve** -
   Reduce the State Board of Community College's reserve fund for innovative and pilot projects by 10%. ($100,000) ($100,000)
2. **Department of Community Colleges Vacant Positions** -
   Eliminates 3 vacant positions in the Department. This represents one-half of the vacancies.

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

COMMUNITY COLLEGES (Continued)	1993-94	1994-95
The positions eliminated were:		
- Education Consultant II		
- Office Assistant III		
- Extension Educ. Training Specialist IV	(106,876)	(106,876)
3. Community Services Block Grant - This reduces the Block Grant by one-half. The programs offered by this fund are hobby and leisure courses, not related to job training skills. About 40% of those enrolled are senior citizens. They take these courses free of charge. Others are charged a fee that varies by college. The other program offered by this fund is the Visiting Artist program. Approximately $500,000 was spent for that purpose during the 1991-92 fiscal year.	(1,952,298)	(1,952,298)
4. Other Departmental Savings -		
(a) Data processing savings	(40,000)	(40,000)
(b) Inventory reduction	(400)	(400)
5. Administrative Cuts - Reduce the formula allotment for senior administrators and administrators of programs from a ratio per 110 FTE to one based on every 125 FTE. (It would cut less than 30 equivalent positions statewide.)	($1,563,777)	($1,563,777)
6. Prison Education Profit Cuts - Community Colleges receive funds for teaching prisoners if they are on the rolls at the 20% point of the class. Many of them are transferred to other prisons after the start of classes, but the colleges still receive FTE for them for the entire course. If they were paid only for the actual hours taught, there would be substantial savings every year.		
30% reduction: $3,454,310		
Savings: (1,000,000)		
Transfer to funding formula: $2,454,310	(1,000,000)	(1,000,000)
TRANSFER:		
1. Transfer Sheltered Workshop Funds from Community Colleges to the Department of Human Resources	(512,925)	(512,925)
- Reduction in Community Colleges Budget: ($512,925)		
- Increase in Department of Human Resources Budget: ($512,925)		
TOTAL BASE BUDGET REDUCTIONS	**($5,276,276)**	**($5,276,276)**
REVISED CONTINUATION BUDGET:	**$388,354,181**	**$388,370,722**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

COMMUNITY COLLEGES(Continued)	1993-94	1994-95
EXPANSION BUDGET:		
1. Enrollment Increases - Fully funds the enrollment increases of 3,485 FTE during the 1992 fiscal year.	$7,689,837	$7,689,837
2. Competitive Salaries - To provide funds to increase the instructional unit value for curriculum faculty. These funds may be used to reduce the faculty-student ratio and/or raise faculty salary levels. It equates to approximately 3% the first year and 6% the 2nd year.	7,000,000	14,400,000
3. Books and Equipment - Raises the total equipment level to $20 million in 1993-94 and the book allocation to $4.4 million ($6.2M for equipment; $2.2M for books). It adds another $5 million to equipment in 1994-95.	8,400,000 NR	13,400,000 NR
4. Hospital Nursing Diploma Program - To subsidize the five hospital-based diploma nursing programs.	200,000	300,000
5. Literacy - To enhance the funding for literacy education to provide additional full-time faculty and to increase the skills level of the underskilled.	—	3,000,000
6. Instructional Support - Increase professional instructional support personnel (counselors, librarians, lab coordinators) at the 58 colleges.	—	5,000,000
7. Child Care Grants - Provide assistance to each college for child care for children of qualifying students.	—	$2,000,000
8. Faculty Upgrade - To allow faculty and staff opportunities for professional growth and to stay abreast of the latest technology.	—	1,000,000
9. Specialized Technology Centersf or Manufacturing - To provide expert assistance to key manufacturing industries in the State.	—	1,200,000
10. Leadership Development - - To provide funds for the development of strong leadership for the future in the Community College system.	—	300,000
11. Human Resources Development Program Completion - This will complete the funding to all colleges for the HRD program. Funds the final 14 colleges without an HRD program	—	1,400,000
12. Small Business Centers - To complete the funding for the 5 remaining colleges without a small business center.	—	273,750

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

COMMUNITY COLLEGES (Continued) EXPANSION BUDGET (Continued)	1993-94	1994-95
13. Workforce Competitiveness Exam - To provide funds for a proficiency examination for graduates of technical and vocational programs prior to their entrance into the workforce.	—	500,000
14. Cytotechnology Funds Money for need-based scholarship loans for cytotechnology students.	6,000	6,000
Non-Recurring Expansion	$8,400,000	$13,400,000
Recurring Expansion	$14,895,837	$37,069,587
TOTAL EXPANSION BUDGET	$23,295,837	$50,469,587
TOTAL OPERATING BUDGET	**$411,650,018**	**$438,840,309**

(Pages 12-15)
UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS

RECOMMENDED CONTINUATION:	**$1,184,069,864**	**$1,193,945,658**
Continuation Budget Changes:		
1. Across-the-board reduction of .59% except for AHEC	(6,481,337)	(6,533,454)
2. Budget overhead receipts at current estimates	(858,065)	(859,066)
3. Eliminate motor vehicle purchases	(257,980) NR	-
4. Budget more realistic receipts for summer schools	(600,000)	(600,000)
5. UNC-General Administration Budget increase in overhead receipts	(275,000)	(400,000)
6. Nurse Scholars Program: Reduce funding one-year due to fund balance	(500,000) NR	-
7. Aid to Private Medical Schools: (a) Hold to 1992-93 actual use	(262,000)	(383,000)
(b) Strengthen language in special provision to require more graduates to go into family practice (family medicine, pediatrics, general internal medicine)		
8. Reduce pilot shellfish enhancement project to level requested	-	(103,927)
9. Reduce funding for endowment for Center for Alcohol Studies	($150,000)	($150,000)
10. Eliminate Reserve for WUNC-FM building because funding for public radio on UNC campuses eliminated 1991-93	(7,821)	(55,442)
11. Reduce other Reserves for new facilities due to delays in estimated completiondates	($488,452) NR	$51,785
12. Realign AHEC budget. Shift 1% of funds in Health Sciences Support budget on campus to 4 primary care residencies (60,000) each year	-	-

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS (Continued)	1993-94	1994-95
13. ECU Medical School - Hospital Teaching Costs -Alter State Medicaid Plan to reimburse Pitt County Memorial Hospital for full costs for all Medicaid patients, in exchange for elimination of State reimbursement for bad debts and unreimbursed costs for non-Pitt County patients, and residents costs.	(16,023,691)	(17,181,915)
Less State Match for Medicaid	5,420,994)	5,865,713)
Net Savings	(10,602,697)	(11,316,202)
14. UNC Hospitals - Reduce appropriation due to change in Medicaid reimbursement for full costs.	(1,500,000) NR	-
TOTAL BASE BUDGET REDUCTIONS	**($21,983,352)**	**($20,349,306)**
TRANSFER:		
1. Transfer funds to Department of Human Resources from ECU Medical School budget for State match for additional Medicaid payments to Pitt County Memorial Hospital.	(5,420,994)	(5,865,713)
TOTAL BASE BUDGET REDUCTIONS PLUS TRANSFERS - Recurring	**($24,657,914)**	**($26,215,019)**
Non-Recurring	**(2,746,432)**	
EXPANSION BUDGET:		
1. (a) Enrollment and schedule of priorities	$34,603,874	$60,566,939
	4,794,323 NR	1,567,068 NR
(b) Tuition increases of 5% each year for in-state and out-of-state students	($10,055,976)	($20,865,007)
(c) Additional need-based financial aid for in-state students	500,000	1,000,000
2. Aid to Students Attending Private Colleges -		
(a) Funding to bring grants to authorized levels ($1,150 for Legislative Tuition Grant; $450 for need-based Contractual Program).	1,055,000	1,055,000
(b) Increase need-based program from $450 to $475 per FTE.	—	620,000
3. Education Leadership Task Force Initiatives -		
(a) Principal Fellows	198,000	1,190,000
(b) School Leadership Academy	15,000	15,000
(c) School Administrators Training Program Reforms	122,000	101,000
(d) School Administrators Professional Standards Board	150,000	250,000
Total Education Leadership Task Force	$485,000	$1,556,000
4. Funding to bring Shellfish Enhancement Project at N.C. State to requested level.	8,000 NR	-
5. Cytotechnology Scholarship Program (SB 224)	29,000	29,000
6. Area Health Education Centers Primary Care Training Initiatives	2,100,000	2,100,000

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS EXPANSION BUDGET (Continued)	1993-94	1994-95
7. Education consortia at 4 additional campuses to link universities, public schools and business.	600,000	600,000
Non-Recurring Expansion	$4,802,323 NR	$1,567,068 NR
Recurring Expansion	$29,316,898	$46,661,932
TOTAL EXPANSION BUDGET	$34,119,221	$48,229,000
TOTAL OPERATING BUDGET:	**$1,190,784,739**	**$1,215,959,639**

(Pages 16-20)

DEPARTMENT OF PUBLIC INSTRUCTION		
RECOMMENDED CONTINUATION:	**$3,445,213,790**	**$3,501,014,053**
Continuation Budget Changes:		
1. **DPI Reorganization** - Reorganize DPI and reduce positions. Reduction of 86 positions over the biennium. 57 General Fund supported positions and 29 non-General Fund supported positions.	($763,366)	($1,781,186)
2. **Rent Savings** - Savings from moving offices from rental space into the new education building.	(58,251)	(58,251)
3. **Contracts** - Reduce Contracts and Grants.	(67,562)	(67,562)
4. **Inservice Training** - Reduce Inservice Training.	(35,418)	(35,418)
5. **Teacher Fellows Commission** - Reduce balance in Trust Fund for Teaching Fellows Program. Balance was created by repayments of loans.	(700,000)	(500,000)
6. **Prospective Teacher Scholarship Loan Program** -Reduce balance in Trust Fund from repayments.	(17,040)	(17,040)
7. **SIPS Charges** - Reduction in data processing charges from State Information Processing Service.	(300,000)	(300,000)
8. **Inventory Reductions** -Reduce inventories in the Department of Public Instruction.	(17,500)	(17,500)
9. **Pupil Transportation** - Reduce funds appropriated for pupil transportation program based on current fuel prices.	(2,500,000)	(2,500,000)
10. **Career Development** - Continue phase-down of funds. Reduce to 5% in FY 1994-95. Only the following systems receive funds under the budget item: Burlington, Alexander, Buncombe, Burke, Chowan, Tarboro, Greene, Roanoke Rapids, Harnett, Haywood, Mecklenburg, Montgomery, New Hanover, Orange, Perquimans, Salisbury-Rowan. All other systems are eligible to participate in the 2% distribution of differentiated pay funds, if those funds are provided in the expansion budget.	—	($7,836,901)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF PUBLIC INSTRUCTION (Continued)	1993-94	1994-95
11. Stipend - Recruiting Office - Eliminate allotted $300 per high school. If this function is necessary, teachers could choose to make this a part of their differentiated pay plan at the high school.	(124,398)	(124,398)
12. Extended Services Allotment - Increase flexibility and efficiency by combining various separate categories of funding for local schools into a single new category called Extended Services.	(2,500,000)	(2,500,000)
13. ADM Adjustment - Increase average daily membership beyond amount budgeted in the continuation.	11,064,190	15,250,246
14. Average Salaries - Recalculation of average salaries to the December payroll.	($8,217,041)	($8,394,415)
TOTAL BASE BUDGET REDUCTIONS	**($4,236,386)**	**($8,882,425)**
REVISED CONTINUATION BUDGET	**$3,440,977,404**	**$3,492,131,628**
EXPANSION BUDGET:		
Department of Public Instruction		
1. Standards Commission - Funds for the Education Standards and Accountability Commission. Funds are appropriated to the Office of the Governor elsewhere in this budget.	$500,000	$500,000
2. Testing - Completion of the End-of-Course End-of-Grade Testing Program.	$1,789,760	$1,789,760
3. TIMS - Funding for the Transportation Information Management System (TIMS). FY 1993-94 appropriated from the Energy Division of the Department of Commerce and FY 1994-95 from General Fund.		500,000
4. Teaching Fellows Commission - Increase funding to assist in operation of program including summer programs.	75,000	75,000
Public School Fund		
1. Teacher Salary Increase - Provide for step increase to the teachers salary schedule and adjust the salary schedule in FY 1993-94. Funds are appropriated in the Salary Reserve Section of the Appropriations Act.		
2. Differentiated Pay - Provide differentiated pay for certified employees in the public schools.	38,827,392 NR	
3. Fully fund teacher longevity at current rates.	7,000,000	7,000,000

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF PUBLIC INSTRUCTION EXPANSION BUDGET (Continued)	1993-94	1994-95
4. Aid for local school systems.	22,268,657	56,150,000
A. Basic Education Program (1993-94, $10,268,657 - Counselors in the public schools) (1994-95, $37,000,000 - $10,000,000 of additional funds in FY 1994-95 would be for staff development and the balance for class size reductions K-12.		
B. Low-Wealth School System (1993-94, $ 8,000,000 1994-95, $14,150,000)		
C. Small School Systems (1993-94, $ 4,000,000 1994-95, $ 5,000,000)		
5. Exceptional Children - Increase funding amounts for all exceptional children.	$5,583,598	$5,583,598
6. Textbook Purchase - Increase funding for textbooks to $28 per student in grades 1-12, and $28 per student in kindergarten.	5,732,985	5,901,050
7. Tech Prep - Increase Tech Prep funding.	100,000	100,000
8. Governor's Schools - Increase funding for the Governor's Schools.	50,000	50,000
9. School Buses - Funding for school bus replacements.	24,015,485 NR	26,439,042 NR
10. Technology Commission - Public School Technology Commission.	300,000 NR	—
Non-Recurring Expansion	$63,142,877	$26,439,042
Recurring Expansion	$42,600,000	$77,149,408
TOTAL EXPANSION BUDGET	$105,742,877	$103,588,450
TOTAL OPERATING BUDGET	**$3,546,720,281**	**$3,595,720,078**

(Pages 21-32)

DEPARTMENT OF HUMAN RESOURCES RECOMMENDED CONTINUATION BUDGET:	$1,686,618,219	$1,854,653,994
Continuation Budget Changes:		
DIVISION OF MH/DD/SAS		
1. GPAC and Governor: Downsize Psychiatric Hospitals by		
(A) eliminating sufficient number of positions in psychiatric hospitals to generate $1.5M reduction in GF Appropriations.	($1,500,000)	($1,500,000)
(B) transferring residents in ICR/MR unit at Broughton Hospital to MR Centers.	(800,000)	(800,000)
2. GPAC and Governor: Downsize MR Centers by reducing census by 4%.	(830,000)	(3,300,000)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF HUMAN RESOURCES DIVISION OF MH/DD/SAS (Continued)	1993-94	1994-95
3. Governor: Convert Caswell Center infirmary and extended care beds to ICF/MR.	(568,000)	(568,000)
4. Governor: Replace G.F. appropriation with Block Grant Funds for program for pregnant women and their children at Butner ADATC.	(800,000)	(800,000)
5. Governor: Adjust patient receipts in mental hospitals to more realistic levels.	(3,994,014)	(3,420,109)
6. Governor: Defer increases in continuation budget for vehicle replacement.	(1,393,901)	(973,495)
DIVISION SUBTOTAL	**(9,885,915)**	**(11,361,604)**
DIVISION OF MEDICAL ASSISTANCE:		
1. GPAC & Governor: Outpatient Hospital Services. Implement prospective reimbursement policies for outpatient services.	(300,000)	(700,000)
2. GPAC & Governor: Medicaid Managed Care: Accelerate expansion of Carolina Access Program and explore use of other managed care options.	(2,900,000)	(3,000,000)
3. Reduce funding for prescription drug to reflect continuation needs only.	(1,100,000)	(1,300,000)
4. Governor: Carry forward unexpended donations from FY 92-93 to FY 93-94 and adjust state appropriations.	(7,500,000) NR	(-0-)
5. Governor: FY 92-93 cost per eligible is lower than forecasted. Reduce FY 93-94 budget.	(12,327,250)	(19,134,134)
6. Governor: Increase receipts by increasing administrative staff in areas such as third-party recovery unit. Net savings.	(500,000)	(1,000,000)
7. Governor: Change rate method for ICF/MR reimbursement by implementing direct/indirect reimbursement caps for ICF/MR beds.	(1,400,000)	(1,500,000)
8. Reduce inflationary increases budgeted for medical care providers.	(5,200,000)	(5,200,000)
9. Return on Equity: Eliminate return on equity component from nursing home reimbursement formula	(200,000)	(1,000,000)
SUBTOTAL	**($31,427,250)**	**($32,834,134)**

	Savings 1993-94	1994-95
DIVISION OF SOCIAL SERVICES:		
1. Governor: Special Assistance to Adults: Reduce FY 93-94 continuation budget due to lower than expected rate of growth in caseloads and payments in FY 92-93.	($1,333,640)	($1,290,352)
2. Governor: Aid to Families With Dependent Children: Reduce continuation budget to reflect lower than expected rate of growth in payments and payment amounts in FY 92-93.	(619,336)	(625,495)
3. Governor: Equalizing Fund: adjust payments to reductions in the AFDC budget.	(67,470)	(68,137)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF HUMAN RESOURCES	1993-94	1994-95
DIVISION OF SOCIAL SERVICES (Continued)		
4. Governor: Increased Child Support Receipts: Adjust appropriations due to increased child support collections for AFDC recipients.	(315,234)	(381,948)
5. Governor: Increased Foster Care Receipts: Adjust appropriations to reflect increased federal Title IVE receipts. State funds were overmatched because federal funds were not available.	(593,969)	(563,949)
6. Governor: Increased Child Welfare funds. Adjust appropriations to reflect an increase in federal Child Welfare funds.	(278,899)	(377,499)
SUBTOTAL	**($3,208,548)**	**($3,307,380)**
DIVISION OF FACILITY SERVICES:		
1. Governor: Adjust the Continuation Budget for entitlement day care program.	(11,000,000)	(5,000,000)
DIVISION OF YOUTH SERVICES		
1. Governor: Increase receipts for Juvenile Detention services allowing for decrease in state appropriation.	(250,000)	(250,000)
2. Committee: Adjust the continuation budget increase for items funded under the Prison Bond.	(400,000) NR	-0-
SUBTOTAL	**(650,000)**	**(250,000)**
DIVISION OF SERVICES FOR THE DEAF:		
1. Governor: Defer vehicle replacement.	(452,823)	(151,670)
DEPARTMENT-WIDE:		
1. Governor: Data processing savings. Savings due to 30% reduction in SIPS rates.	(870,000)	(870,000)
2. Governor: Inventory reductions.	(794,300)	(794,300)
3. Eliminate Jordan Adams inflationary reserve.	(1,317,842)	(2,652,819)
DEPARTMENT-WIDE SUBTOTAL	**(2,982,142)**	**(4,317,119)**
TOTAL CONTINUATION BUDGET CHANGES	**(59,606,678)**	**(57,221,907)**
TRANSFERS		
1. Transfer from Eastern Carolina Medical School to Division of Medical Assistance: state funds to support Medicaid reimbursement to Pitt County Hospital at full cost. Pitt County Hospital is a primary affiliated teaching hospital of a state operated Medical School.	$5,420,994	$5,865,713
Transfer from the Department of Community Colleges to Department Human Resources for allocation to those sheltered workshops that received Community College funds in the fall quarter of 1992.	512,925	512,295
NET BASE BUDGET REDUCTIONS:	**$45,772,759**	**$50,843,269**
	$7,900,000 NR	**—**
REVISED CONTINUATION BUDGET	**$1,632,945,460**	**$1,803,810,725**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF HUMAN RESOURCES (Continued)	1993-94	1994-95
EXPANSION:		
DIVISION OF FACILITY SERVICES		
1. **Early Childhood Education and Development Initiative** - Funds for a public/private partnership for children and families, and to develop a long term strategic plan for early childhood development.	$20,000,000	$40,000,000
2. **Day Care Staff Ratios** - Funds to lower the child/staff ratios for infants and children one and two year old receiving center based care.	1,400,000	2,823,000
3. **At-Risk Child Care Matching Funds** - Funds to enable the state to receive all of the federal At-Risk Child Care funds available at the current federal financial participation rate.	126,000	186,200
SUBTOTAL	**$21,526,000**	**$43,009,200**
SECRETARY'S OFFICE		
Office of Rural Health		
1. **Rural Health Recruitment Funds** - Funds to provide stipends to medical residents, nurse midwives, physician assistants, and family nurse practioners who will serve in medically underserved areas of the state.	$450,000	$450,000
2. **Rural Health Financial Incentive Funds** - Funds to provide financial incentives, such as loan repayment and moving expenses for primary care physicians and other primary care professionals who serve in rural or medically underserved areas of the state.	500,000	500,000
3. **Support for Health Centers** - Funds to provide support for health centers in rural and medically underserved areas of the state.	$800,000	$800,000
4. **Rural Health Scholarship Fund** - Funds to establish scholarships for North Carolina medical students who agree to serve in rural and medically underserved areas of the state.	250,000	250,000
5. **Community Primary Care Program** - Funds to establish a Community Primary Care Program to encourage development of community primary care clinics. Funds will be used for planning grants to counties wanting to meet the primary care needs of their communities.	160,000	160,000
SUBTOTAL	**$2,160,000**	**$2,160,000**
DIVISION OF SOCIAL SERVICES		
1. **Expansion of Jobs Opportunity and Basic Skills (JOBS) Program** - Funds to serve more people and implement new federal AFDC - Unemployed Parent work requirement.	$2,856,881	$6,738,145

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF HUMAN RESOURCES DIVISION OF SOCIAL SERVICES (Continued)	1993-94	1994-95
2. **Rest Home Rate Increase** - Funds to increase rest home rates effective July 1, 1993. The recommended rate increase would adjust the maximum monthly rate for domiciliary care facilities from $889 to $938 for ambulatory residents and from $928 to $979 for semiambulatory residents.	4,750,000	4,750,000
3. **Expansion of the State Abortion Fund** - Funds to increase the State Abortion Fund Program.	576,000	576,000
SUBTOTAL	**$8,182,881**	**$12,064,145**
STATE AID TO NON-STATE AGENCIES		
1. **Uplift, Inc.** - Funds to provide a grant-in-aid to a Greensboro based organization which provides technical assistance to counties to better use existing resources for families and children.	200,000	300,000
2. **Caring Program for Children, Inc:** Grant-in-aid to support the purchase of health insurance for 1,748 low income children who do not qualify for Medicaid.	500,000	500,000
SUBTOTAL	**$700,000**	**$800,000**
DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES		
MENTAL HEALTH		
1. **Core Services for Adult Mentally Ill** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area programs on a per-capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	1,380,000	1,380,000
2. **HUD Group Homes for Mentally Ill** - Startup and operating funds for 5 group homes and 1 apartment project.	- 300,000 NR	460,000 40,000 NR
3. **Services for the Hearing-Impaired Mentally Ill** - Funds to maintain current program, to hire additional staff, and to provide residential and inpatient services.	238,563	350,000
4. **Core Services for Child Mentally Ill** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area programs on a per-capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	1,380,000	1,380,000
5. **Willie M Services** - Funds for additional day treatment/education slots and residential services for class members, including a second secure 14-16 bed residential program.	2,400,000	5,100,000
Number of Positions	41	41

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF HUMAN RESOURCES
(Continued)

	1993-94	1994-95
DEVELOPMENTAL DISABILITIES (DD)		
6. **Core Services for Adult DD** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area programs on a per-capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	900,000	900,000
7. **HUD Group Homes for Developmentally Disabled** -Start-up and operating funds for 7 new group homes, 3 ICF/MR homes and supplemental operating funds and ADAP funds for 16 homes previously developed.	577,420 1,058,000 NR	920,500 -
8. **United Cerebral Palsy Funds** - The Division shall use these funds to contract with United Cerebral Palsy of North Carolina for the operation and expansion of their children's centers and Independent Living Program.	400,000 290,000 NR	400,000 -
9. **Core Services for Children Who Are Developmentally Disabled** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area program on a per-capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	200,000	200,000
10. **PL 99-457 Funds** - Funds to continue the implementation of early childhood intervention services as required by PL 99-457.	4,886,667	6,288,320
11. **Thomas S. Funds** - Funds to provide services for class members residing in State psychiatric hospitals, MR Centers, the Special Care Center and those receiving inadequate community-based services.	11,760,000	18,300,000
12. **Supported Living Projects** - Funds to develop and operate 13 supported living projects, including one HUD project for persons with low incidence developmental disabilities.	-	409,500 520,000 NR
SUBSTANCE ABUSE SERVICES		
13. **Core Services for Adult Substance Abusers** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area programs on a per-capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	780,000	780,000
14. **Public/Private Partnership Initiative** - Funds to purchase substance abuse services in halfway houses, residential facilities and inpatient hospitals operated by the private treatment community.	500,000	500,000

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF HUMAN RESOURCES	1993-94	1994-95
SUBSTANCE ABUSE SERVICES (Continued)		
15. **Women's Substance Abuse Services** - Funds to expand the number of residential services available to women and their children.	260,000	260,000
16. **Core Services for Child and Adolescent Substance Abusers** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area programs on a per-capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	1,500,000	1,500,000
SUB-TOTAL DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES	**$27,162,650** **$1,648,000 NR**	**$39,128,320** **$560,000 NR**
DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING		
1. **PL 99-457 Funds** - Funds for early childhood intervention services for deaf and hearing impaired children as required by federal law.	$527,970	$645,723
SUBTOTAL	**$527,970**	**$645,723**
DIVISION OF SERVICES FOR THE BLIND		
1. **PL 99-457** - Funds for early childhood intervention services for blind and visually impaired children.	336,997	725,117
SUBTOTAL	**$336,997**	**$725,117**
DIVISION OF AGING		
1. **In-Home Funds** - Funds to provide additional in-home aide services and caregiver support.	1,000,000	1,000,000
2. **Ombudsmen Funds** - Funds for the Long-Term Care Ombudsmen Program.	256,493	318,275
SUBTOTAL	**$1,256,493**	**$1,318,275**
TOTAL DHR EXPANSION FUND	61,852,991 1,648,000 NR	99,850,780 560,000 NR
TOTAL OPERATING BUDGET	**1,696,446,451**	**1,904,221,505**

(Pages 33-39)

DEPARTMENT OF CORRECTION		
RECOMMENDED CONTINUATION BUDGET:	**$565,579,166**	**$602,236,033**
CONTINUATION BUDGET CHANGES:		
1. Reduce funds to effect GPAC recommendation to reduce supply inventories.	($1,834,700)	($1,834,700)
2. Reduce funds for staff positions in area offices and Caledonia Complex Office in order to effect GPAC recommendation. Additional positions will be reduced in future years if recommended consolidation of small prison units is authorized.	(387,333) (-11)	(737,337) (-24)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF CORRECTION
(Continued)

	1993-94	1994-95
3. In keeping with GPAC recommendation, as a result of transferring the Community Service Program from the Department of Crime Control and Public Safety to the Department of Correction, reduce the administrative cost of community supervision programs due to this consolidation.	($275,000) (-13)	($553,608) (-13)
4. Reduce the following line items for Substance Abuse Services.		
2210 Food	(13,305)	(13,305)
2310 Instructional Supplies	(5,000)	(5,000)
2650 Office Supplies	(2,000)	(2,000)
3110 Travel	(5,000)	(5,000)
3210 Telephone	(10,000)	(10,000)
3250 Postage	(6,000)	(6,000)
3510 Bldg. Maintenance	(5,000)	(5,000)
3590 Major Repairs	(6,495)	(6,495)
4120 Rent	(9,200)	(9,200)
SUBTOTAL	(62,000)	(62,000)
5. Reduce funds for positions and operating costs associated with the following recommendations:		
a. Reduce funds for operation of new facilities due to projected changes in completion dates. These are one-time savings for the 1993-95 biennium and will need to be reappropriated in the future.		
NCCIW	(79,205) NR	
Greene	(186,282) NR	
Lumberton	(708,263) NR	
Odom	(124,851) NR	
Marion (Completion date has moved forward)	$23,906 NR	$751,005 NR
Pasquotank	(47,679) NR	(3,436,510) NR
Per diem inmate costs	(713,079) NR	(1,806,810) NR
SUBTOTAL	(1,835,453) NR	(4,492,315) NR
b. Close Triangle Correctional Center, as a result of a settlement agreement, due to the deterioration of the physical plant.	(1,196,621) (-138)	(3,662,482) (-138)
c. Reduce funds due to closing four modular housing units at Haywood, Rutherford, Cabarrus, and Durham prison units.	(102,080) (-4)	(102,080) (-4)
d. Reduce funds due to custody reduction in modular units.	(563,041) (-22)	(563,041) (-22)
e. Reduce custody staffing, from three correctional officers to two on second and third shifts, in six medium security dormitories due to a reduction in inmate population as a result of dayroom construction.	(300,521) (-12)	(306,240) (-12)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF CORRECTION (Continued)	1993-94	1994-95
f. Reduce positions at Halifax Correctional Center and Sampson Correctional Center due to redesignation of facilities from medium to minimum custody.	(1,046,827) (-41)	(1,046,827) (-41)
g. Abolish new positions funded but not established at Triangle, Polk, and Western Youth Institution	(329,606) (-13)	(329,606) (-13)
h. Reduce current operating line items in food service, training, and purchase of equipment	(2,200,747)	(580,004)
i. Adjust funding for staffing at new facilities by eliminating positions currently in the reserves to operate new facilities being constructed with the $75m. and the $103m. bond funds.	(753,520) (-42)	(1,409,720 (-57)
j. Abolish positions vacant on June 30, 1993.	(824,147) (-29)	(824,147) (-29)
6. Defer funds needed for vehicle replacement.	(85,325)	(932,702)
7. Reduce funds due to a 30% reduction in State Information Processing rates.	(514,000)	(514,000)
TOTAL CONTINUATION BUDGET REDUCTIONS	**($12,310,921)**	**($17,950,809)**
TOTAL POSITIONS REDUCED	**(-325)**	**(-353)**
TRANSFER		
1. Transfer the Community Service Program from the Department of Crime Control and Public Safety to the Department of Correction in accordance with GPAC recommendation.	$6,195,363 (196)	$6,195,534 (196)
2. Transfer funds for support of Summit House, a residential center for females at high risk of incarceration who are placed on probation.	250,000	250,000
TOTAL TRANSFERS	$6,445,363	$6,445,534
SUBTOTAL CONTINUATION BUDGET CHANGES	($4,030,105) ($1,835,453) NR	($7,012,960) ($4,492,315) NR
TOTAL CONTINUATION BUDGET CHANGES	**($5,865,558)**	**($11,505,275)**
TOTAL POSITION CHANGES	**(-129)**	**(-157)**
REVISED CONTINUATION BUDGET	**$559,713,609)**	**$590,730,758**
EXPANSION BUDGET:		
1. Expand boot camp program for non-violent offenders ages 16-25 by 180 slots (90 at Morrison Youth Camp and 90 at Western Youth Institution.	$751,733 390,000 NR (33)	2,804,501 496,894 NR (71)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF CORRECTION EXPANSION BUDGET (Continued)	1993-94	1994-95
2. Funds for positions and operating costs for Central Engineering and the Division of Prisons to implement an inmate construction program. Costs for construction supplies and materials will be included in individual capital projects.	1,511,876 1,193,826 NR (9)	1,709,262 96,796 NR (9)
3. Provide one additional Parole Case Analyst and one additional clerk in each year of the biennium due to increased number of inmates being considered for parole.	164,000 (2)	112,000 (4)
4. Fund new positions in the Controller's Office to implement the new state accounting system, to automate manual accounting systems, manage data sub-systems, and implement internal and administrative controls.	243,000 (5)	214,000 (5)
5. Funds for a pilot community-based treatment program for alcohol and drug abusers on probation or parole.	200,000	-
6. Summit House.		
(a) Expand day center non-residential services at the Greensboro site to include women on probation and parole in Guilford and surrounding counties.	150,000	150,000
(b) Provide funding for planning and site selection to establish satellite programs in Mecklenburg and Wake Counties by July 1, 1994.	150,000	-
(c) Appropriate $250,000 in State funds to share the operational costs of each satellite program.	-	500,000
7. Appropriate funds to share operating expense of Harriet House, a transitional home for female ex-offenders and their children.	200,000	200,000
TOTAL EXPANSION BUDGET	**$3,370,609** **$1,583,826 NR**	**$5,689,763** **$593,690 NR**
TOTAL NEW POSITIONS	**(49)**	**(89)**
TOTAL OPERATING APPROPRIATIONS	**$564,668,043**	**$597,014,211**
TOTAL NET POSITIONS	**(-80)**	**(-68)**

CONSOLIDATION OF PRISON FACILITIES

In keeping with the GPAC recommendation to consolidate thirty of the smaller prison units into a lesser number of facilities, the Committee recommends that the Department of Correction begin this process in FY 1993-94 by developing and implementing plans to close the Granville, Halifax, Person, Warren, and Vance prison units and replace them with appropriate facilities to be recommended by the Department of Correction.

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

(Pages 40-45)

JUDICIAL DEPARTMENT	1993-94	1994-95
RECOMMENDED CONTINUATION BUDGET	**$232,428,819**	**$235,112,520**
CONTINUATION BUDGET CHANGES:		
1. The Committee considered reducing funds in the amount of $200,000 for each year of the biennium in order to effect GPAC recommendation to consolidate computer network transmission lines. In lieu of taking this action, the Committee recommends the special provision titled "AOC Network Transfer Study".		
TOTAL CONTINUATION BUDGET CHANGES	**-0-**	**-0-**
Revised Continuation Budget	**$232,428,819**	**$235,112,520**
EXPANSION BUDGET:		
1. Funds to support new Judicial Department personnel. (See attached list.)	$9,667,894 (256)	$9,830,210 (257)
2. Expand services of the General Court of Justice's Court Information System.	1,434,513 (11)	1,516,963 (11)
3. Provide ongoing adequate support for constitutionally mandated indigent defense services.	1,000,000	2,575,887
4. Continue the statewide expansion of the child custody and visitation mediation programs pursuant to G.S. 7A-494.	154,873 (2.0)	154,873 (2.0)
5. Continue the statewide expansion of court-ordered non-binding arbitration programs pursuant to G.S. 7A-37.1.	143,553 (1.5)	143,553 (1.5)
6. Expand grants to Community Penalties Programs to provide services to 10-12 additional counties.	400,000	400,000
7. Provide funds for operating costs previously funded with lapsed salaries	1,300,000	1,300,000
8. Replace office equipment and data processing equipment.	3,061,628 NR	2,853,540 NR
9. Costs to establish District 9A.	57,980 (2)	55,631 (2)
10. Cost to divide Prosecutorial District 19A into 19A and 19C.	-	13,592
11. From funds appropriated to the Judicial Department, increase rate paid to superior and district court emergency judges to $200 per day.	-	-
12. Transfer funds from Indigent Persons' Attorney Fee Fund for new public defender and appellate defender personnel. (No. additional funds are needed. $466,230 will be transferred in FY 93-94 and $471,989 in FY 94-95.)	-0- (11)	-0- (11)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

JUDICIAL DEPARTMENT EXPANSION BUDGET (Continued)	1993-94	1994-95
13. Transfer funds from Special Capital Case Rehearing Fund to the Indigent Persons' Attorney Fee Fund. (No additional funds will be needed. $1,100,000 will be transferred in FY 93-94.)	-0-	-
TOTAL EXPANSION BUDGET	$14,158,813	$15,990,709
	3,061,628 NR	2,853,540 NR
TOTAL NEW POSITIONS	(283.5)	(285.5)
TOTAL OPERATING	$249,649,260	$253,956,769
TOTAL NEW POSITIONS	(283.3)	(285.5)

THE JUDICIAL DEPARTMENT OF NORTH CAROLINA

N.C. SENATE VERSION

POSITION DESCRIPTION BY FUND	EFFECTIVE DATE	1993-1994 NO. OF POSITIONS	1993-1994 POSITION COSTS	1994-1995 NO. OF POSITIONS	1994-1995 POSITION COSTS
FUND 1210 SUPREME COURT					
Assistant Librarian	7-1-93	1	$39,793	1	$40,404
FUND 1210 SUBTOTALS:		1	$39,793	1	$40,404
FUND 1220 COURT OF APPEALS					
Appellate Clerk 1	7-1-93	1	$31,716	1	$26,130
FUND 1220 SUBTOTALS:		1	$31,716	1	$26,130
FUND 1230 SUPERIOR COURT					
Superior Court Judges	7-1-93	8	$929,152	8	$918,936
Court Reporters	7-1-93	8	$266,144	8	$264,136
Case Mgt. Assistants	7-1-93	2	$64,616	2	$57,062
Adm. Ass't. to a TCA	7-1-93	1	$35,254	1	$31,182
SCJ's Secretaries	7-1-93	3	$88,116	3	$77,067
FUND 1230 SUBTOTALS:		22	$1,383,282	22	$1,348,383
FUND 1240 DISTRICT COURT					
District Court Judges	7-1-93	15	$1,378,275	15	$1,374,165
Magistrates	7-1-93	6	$133,878	6	$139,854
DCJ's Secretaries	7-1-93	6	$178,278	6	$153,720
FUND 1240 SUBTOTALS		17	$1,690,431	27	$1,667,739
FUND 1250 JUVENILE SERVICES					
Chief Court Counselor 1	7-1-93	1	$52,237	1	$44,706
Intake/Court Counselors	7-1-93	23	$769,258	23	$815,235
Intensive Service Counselors	7-1-93	12	$401,352	12	$425,340
JSD Secretaries	7-1-93	4	$97,924	4	$99,416
Contracts for Intensive Sup.	7-1-93		$135,000		$135,000
Additional Training Funds	7-1-93		$17,000		$17,000
FUND 1250 SUBTOTALS		40	$1,472,771	40	$1,536,697
FUND 1260 CLERKS OF COURT					
Deputy Clerks	7-1-93	100	$2,173,500	100	$2,291,900
FUND 1260 SUBTOTALS		100	$2,173,500	100	$2,291,900

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

JUDICIAL DEPARTMENT (Continued)

POSITION DESCRIPTION BY FUND	EFFECTIVE DATE	1993-1994 NO. OF POSITIONS	1993-1994 POSITION COSTS	1994-1995 NO. OF POSITIONS	1994-1995 POSITION COSTS
FUND 1600 DISTRICT ATTORNEYS					
District Attorney	7-1-93	1	$124,641	1	$113,669
District Attorney	1-1-95			1	$72,044
Asst. District Attorney	7-1-93	12	$652,416	12	$706,140
D.A.'s Investigators	7-1-93	2	$68,342	2	$72,150
Legal Assistnats 1's	7-1-93	10	$278,310	10	$239,530
FUND 1600 SUBTOTALS		25	$1,123,709	26	$1,203,533
FUND 2120 GAL PROGRAM					
Regional Administrator	7-1-93	1	$49,270	1	$52,994
District Administrators	7-1-93	2	$89,950	2	$90,328
Program Supervisors	7-1-93	15	$596,655	15	$601,215
Program Secretaries	7-1-93	9	$200,403	9	$208,512
GAL Attorney and Volunteer Costs			$150,000		$150,000
FUND 2120 SUBTOTALS		27	$1,086,278	27	$1,103,049
FUND 1110 AOC-GEN. ADM.					
Word Processor II	7-1-93	1	$35,825	1	$25,495
Court Mgt. Analyst	7-1-93	1	$42,866	1	$39,608
Court Mgt. Analyst II	1-1-94	1	$30,286	1	$51,693
Tr. Judges' Research Attorney I	7-1-93	1	$66,353	1	$58,452
Senior System Accountants	7-1-93	1	$56,275	1	$49,148
System Accountants I	7-1-93	4	$239,872	4	$209,524
Field Auditor	7-1-93	1	$49,359	1	$48,199
Accounting Assistant III	7-1-93	1	$32,492	1	$26,610
Staff Development Tech.	7-1-93	1	$28,962	1	$25,777
Personnel Assistant III	7-1-93	1	$33,466	1	$27,211
Additional Travel Requirements Sys. Accounting			$50,658		$50,658
FUND 1110 SUBTOTALS		13	$666,414	13	$612,375
NEW JUDICIAL DEPARTMENT PERSONNEL TOTALS		**256**	**$9,667,894**	**257**	**$9,830,210**

FEE INCREASE

The Committee recommends that the following fee increases support approximately 30 percent of the Expansion Budget increase for the Judicial Department:

Type of Fee	No. of Collection Transactions	Rate	Annual Estimated Revenue
20-Day Failure	64,400	$25	$1,610,000
Seat Belt Violation	63,840	41	2,617,440
Under Age Drinking	6,000	41	246,000
Subtotal			$4,473,440
General Court of Justice Fee $1 Increase			1,378,778
TOTAL			**$5,852,218**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

(Pages 46-49)

DEPARTMENT OF JUSTICE	**1993-94**	**1994-95**
RECOMMENDED		
CONTINUATION BUDGET	**$53,540,802**	**$52,038,131**
Continuation Budget Changes:		
Administration:		
1. Reduce in-state travel funds.	(3,000)	(3,000)
2. Reduce printing and reproduction costs.	(4,000)	(4,000)
Legal Services:		
3. Reduce funds for data processing supplies to comply with GPAC recommendation.	(3,000)	(3,000)
4. Reduce funds for building repairs.	(5,000)	(5,000)
5. Reduce funds for applications support.	(5,000)	(5,000)
6. Reduce service contract funds for computer maintenance.	(20,000)	(20,000)
State Bureau of Investigation:		
7. Reduce funds for airplane supplies.	(40,000)	(40,000)
8. Reduce funds for data processing supplies to comply with GPAC recommendation.	(29,900)	(29,900)
9a. Adjustments in funding for motor vehicle replacements.	(1,835,086)	532,709
b. Reduce trade-in allowance receipts to agree with reduction/increase in vehicle replacement in (a) above.	(290,700)	(88,600)
	Receipt	Receipt
NET APPROPRIATION REDUCTION	(1,544,386) NR	444,109
10. Increase receipts for Terminal Rental fee.	($50,000)	($50,000)
11. Increase receipts for ID Kit Rental.	(1,000)	(1,000)
12. Increase receipts for Private Protective Services fees.	(15,000)	(15,000)
13. Increase receipts for State Applicant fees.	(15,000)	(15,000)
Training and Standards:		
14. Reduce in-state travel funds for staff.	(4,000)	(4,000)
15. Reduce funds for data processing supplies to comply with GPAC recommendation.	(4,500)	(4,500)
16. Reduce funds for utilities/electricity at the Justice Academy.	(4,000)	(4,000)
17. Reduce funds for building repairs.	-0-	(5,000)
18. Reduce service and maintenance contract funds.	(4,000)	(4,000)
TOTAL CONTINUATION BUDGET CHANGES		
Recurring	**($207,400)**	**$231,709**
Non-Recurring	**($1,544,386)**	
REVISED CONTINUATION BUDGET	**$51,789,016**	**$52,269,840**
EXPANSION BUDGET:		
1. **Competitive Salary Upgrade** - Implement salary upgrade for attorneys in Legal Services Division as recommended by Office of State Personnel in 1991, giving the Attorney General flexibility to authorize salary adjustments.	$500,000	$500,000

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF JUSTICE EXPANSION BUDGET (Continued)	1993-94	1994-95
2. **Legal Automation System** - Provide staff and support for completion of the legal automation system. Positions include: 1 - Computer Systems Admin. 1 - Hardware Specialist 1 - System Specialist	$344,052 (3)	$353,724 (3)
3. **Citizens Rights Division** - Create a new special unit to serve as advocate for the public in areas of child abuse, elder abuse, victim's rights, hate crimes, and open records and open meetings within state government. This unit will serve as a legal/investigative section for those unable to seek out adequate legal advice. Positions include: 1 - Supv. Atty. I 1 - Atty. III 2 - Atty. I 1 - Office Asst. IV	233,104 31,741 NR (5)	249,362 (5)
4. **SBI - Laboratory Services** - To provide essential staff and support needed to respond to increased demand for analysis by laboratory analysts. Restores 3 positions and equipment cut in the 1991 Session.	488,230 278,099 NR (6)	787,035 (8)
5. **Civil Division** - To meet increasing workloads arising from newly enacted workplace safety legislation as a result of attention to the Hamlet tragedy. Funding is requested for the Labor Section for five (5) new positions: 1 - Project Atty. 1 - Atty. III 1 - Atty. II 2 - Office Asst. IV	237,165 31,835 NR (5)	252,000 (5)
6. **Sheriff's Standards Section** - Restore commission funding cut in the 1990 Session to reimburse Commission members, and provide additional operating funds.	$30,000	$30,000
7. **North Carolina Justice Academy** - Provide legal training to county law enforcement officers to prevent protracted legal proceedings. lost cases and civil litigation. Funds restore Criminal Justice Coordinator position cut in the 1990 Session.	46,810 1,730 NR (1)	48,540 (1)
8. **Criminal Division** - Provide an Attorney III position needed to handle increased workload in the Special Prosecutions Section.	59,093 4,682 NR (1)	63,287 (1)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF JUSTICE EXPANSION BUDGET (Continued)	1993-94	1994-95
9. **SBI** - Upgrade the Automated Fingerprint Identification System (AFIS) to continue satisfactory response time; to provide networking compatibility with the FBI system; to provide sufficient storage capacity; and to allow additional agencies to become remote site users. Includes funding for an Applications Analyst Programmer Specialist position.	—	45,831
	—	3,867,675 NR
10. **Trade and Commerce Division** - Appropriate funds to add an Attorney III position in the Consumer Protection/Anti-Trust Section.	59,093	
	4,682 NR	63,287
	(1)	(1)
11. **Legal Services** - Appropriate funds to the North Carolina Legal Education Assistance Foundation to provide loan repayment assistance to public service attorneys.	25,000	25,000
	$2,022,547	**$2,418,066**
TOTAL EXPANSION BUDGET	**$352,769 NR**	**$3,867,675 NR**
TOTAL NEW POSITIONS	**(21)**	**(23)**
TOTAL OPERATING APPROPRIATIONS	**$54,164,332**	**$58,555,581**

(Pages 50-57)

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY RECOMMENDED CONTINUATION BUDGET	$26,860,503	$26,836,975
Continuation Budget Changes:		
National Guard:		
1. Reduce funds for legal fees.	(252)	(400)
2. Reduce funds for janitorial supplies and building maintenance.	(655)	(766)
3. Reduce construction and repair supply funds.	(3,205)	(3,205)
4. Reduce motor vehicle operation costs.	(447)	(447)
5. Adjust funding for in-state and out-of-state travel and subsistence and other travel expenses.	(1,650)	(1,650)
6a. Reduce costs for fuel oil, natural gas/propane, water and sewer services, and other utilities.	(5,359)	(6,227)
b. Additional reduction for fuel oil to comply with GPAC recommendation.	(35,300)	(35,300)
7. Reduce funds for printing and reproduction.	(158)	(158)
8. Reduce funds for repairs and maintenance.	(1,520)	(1,520)
9. Adjust costs for other unit expenses.	(243)	(243)
10. Reduce funds for dues and subscriptions.	(300)	(300)
Butner Public Safety:		
Civil Air Patrol:		
11. Reduce funds for repairs and maintenance.	(1,003)	(1,003)
12. Reduce costs for uniforms, arms, etc.	($1,376)	($1,376)
13. Adjust costs for motor vehicle operations.	(2,247)	(2,247)
14. Reduce office material and supply costs.	(53)	(53)
15. Reduce costs for other materials and supplies.	(570)	(570)
16. Reduce in-state subsistence funds.	(128)	(128)
17. Reduce costs for telephone service.	(642)	(642)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (Continued)	1993-94	1994-95
18. Reduce funds for electricity, fuel oil, natural gas/propane, and water & sewer services.	(1,544)	(1,667)
19. Reduce printing and reprodiction funds.	(40)	(40)
20. Reduce funds for repairs and maintenance.	(1,682)	(1,682)
21. Reduce costs for educational expenses, laundry service, and other services.	(220)	(220)
22. Reduce funds for office machine rental.	(255)	(255)
23. Adjust funds for dues, subscriptions, awards, trophies, and other expenses.	(112)	(112)
24. Reduce funds for office furniture and equipment.	(255)	(255)
25. Reduce funds for communication and other equipment.	(875)	(875)
Alcohol Law Enforcement:		
26a. Reduce vehicle replacement funds.	($272,369)	($91,298)
b. Reduce trade-in allowance.	(86,900)	(30,900)
	Receipt	Receipt
NET APPROPRIATION REDUCTION	(185,469)	(60,398)
Emergency Management:		
27. Reduce funds for other personal services.	(3,628)	(3,628)
28. Reduce funds for motor vehicles supplies.	(400)	(400)
29. Reduce costs for office supplies and materials.	(3,400)	(3,400)
30. Adjust funds for other materials and supplies.	(1,450)	(1,450)
31. Reduce funds for in-state and out-of-state travel and subsistence and other travel expenses.	(8,860)	(8,879)
32. Reduce cost for telephone service.	(5,000)	(5,000)
33. Reduce printing and reproduction costs.	(3,161)	(3,161)
34. Reduce funds for repairs and maintenance.	(1,000)	(1,000)
35. Reduce office machine rental costs.	(200)	(200)
36. Reduce office furniture and equipment.	(1,732)	(1,732)
37. Adjust cost for data processing equipment.	(1,216)	(1,216)
38. Reduce funds for other equipment.	(600)	(600)
Governor's Crime Commission:		
39. Adjust in-state and out-of-state travel and subsistence.	(13,500)	(13,500)
40. Reduce costs for telephone service.	(3,000)	(3,000)
41. Reduce printing and reproduction funds.	(3,000)	(3,000)
42. Reduce cost for repairs and maintenance.	(3,000)	(3,000)
Crime Prevention:		
43. Reduce funds for supplies and materials.	(300)	(300)
44. Adjust costs for in-state and out-of-state travel and subsistence, and other travel.	(4,926)	(4,926)
45. Reduce funds for telephone services and postage.	(750)	(750)
46. Reduce costs for printing and reproduction.	($500)	($500)
47. Reduce funds for repairs and maintenance.	(100)	(100)
TOTAL CONTINUATION BUDGET CHANGES	**($305,283)**	**($181,481)**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (Continued)	1993-94	1994-95
TRANSFER:		
Victim and Justice Services:		
1. Transfer the Community Service Program to the Department of Correction from the Department of Crime Control and Public Safety in accordancewith GPAC recommendation.	($6,195,363) (-196)	($6,195,534) (-196)
2. Transfer funds for Summit House, a community-based residential alternative program, to the Department of Correction from the Department of CCPS.	(250,000)	(250,000)
TOTAL REDUCTIONS AND TRANSFERS	**($6,750,646)**	**$6,627,015)**
REVISED CONTINUATION BUDGET	**$20,109,857** **(-196)**	**$20,209,960** **(-196)**
EXPANSION BUDGET:		
1. **National Guard** - Provide funds to meet National Guard Pension Fund requirements.	$65,234	$65,234
2. **Emergency Management** - (a) Appropriate State funding to provide 50% match each fiscal year to continue the Earthquake Preparedness and Mitigation Program. Effective October 1, 1993.		
Requirements	111,621	130,000
Federal Receipts	62,871	65,000
Appropriation	48,750	65,000
(b) Authorize funds to establish six (6) Hazardous Materials Regional Emergency Response teams. Fund an Industrial Hygienist position and three (3) additional Emergency Management Officer positions to provide 24-hour coverage.	172,418 2,467,400 NR (4)	948,343 (4)
3. Provide additional funding for the Crime Victims Compensation Fund to meet increased number of claims		
Requirements	700,000	700,000
Federal Receipts	200,000	200,000
Appropriation	500,000	500,000
4. Appropriate additional funds to reimburse the increased number of claims received by the Rape Victims Assistance Program.	110,000	110,000
	$896,402	**$1,688,577** **(4)**
TOTAL EXPANSION BUDGET	**$2,467,400 NR** **(4)**	
TOTAL OPERATING BUDGET	**$23,473,659**	**$21,898,537**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (Continued)	1993-94 Highway Fund	1994-95 Highway Fund
HIGHWAY PATROL:		
RECOMMENDED CONTINUATION BUDGET	**$90,027,001**	**$91,563,386**
Continuation Budget Changes:		
1. Reduce funding in the following areas:		
a. Bedding and Linen	(3,000)	(3,000)
b. Uniforms, Arms, etc.	(150,000)	(150,000)
c. Food Products & Services	(9,000)	(9,000)
d. Fuels and Lubricants	(141,374)	(153,794)
e. Tires and Tubes	(30,000)	(30,000)
f. Parts and Labor	(30,000)	(30,000)
g. Office Materials & Supplies	(10,000)	(10,000)
h. Other Materials & Supplies	(30,000)	(30,000)
i. Other Materials & Supplies - MVO	(10,000)	(10,000)
j. Other Materials & Supplies - Radio	(10,000)	(10,000)
k. Telephone Service	(10,000)	(10,000)
l. Repairs and Maintenance	(50,000)	(50,000)
m. Data Processing Equipment Rent	(10,000)	(10,000)
n. Other Expenses	(40,000)	(40,000)
o. Office Furniture & Equipment	(20,000)	(20,000)
p. Data Processing Equipment	(52,476)	(51,360)
q. Communications Equipment	(100,000)	(100,000)
r. Other Equipment	(30,000)	(30,000)
s. Other Equipment - MVO	(20,000)	(20,000)
t. Automobiles	(144,420)	(148,480)
TOTAL CONTINUATION BUDGET CHANGES - HIGHWAY FUND	**($900,270)**	**($915,634)**
REVISED CONTINUATION BUDGET - HIGHWAY FUND	**$89,126,731**	**$90,647,752**
EXPANSION BUDGET:		
1. **Funding Operational Costs for New Headquarters for Troop H** - Appropriate funds for telecommunication, garage, radio personnel, and operating costs to support the new Troop H Headquarters in Monroe to be completed by November, 1993. Personnel is effective September 1, 1993.	$670,339 382,694 NR (30)	$799,198 - (30)
2. **Additional Highway Patrol Troopers** - Provide funds for additional Highway Patrol troopers, effective September 1, 1993.	1,665,222 874,700 NR (50)	2,154,624 - (50)
TOTAL EXPANSION BUDGET - HIGHWAY FUND	**$2,335,561** **1,257,394 NR** **(80)**	**$2,953,822** **-** **(80)**
TOTAL OPERATING BUDGET - HIGHWAY FUND	**$92,719,686**	**$93,601,574**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

(Pages 58-61)

DEPARTMENT OF AGRICULTURE	1993-94	1994-95
RECOMMENDED CONTINUATION BUDGET:	**$42,614,251**	**$42,803,376**
Continuation Budget Changes:		
Plant Industry Division		
1. Eliminate State Aid for Multiflora Rose Program.	(65,000)	(67,014)
2. Fertilizer Registration Penalty - Adjust underbudgeted receipts.	(50,000)	(50,000)
3. Operating Reserve for Biological Control Facility - Reduce reserve due to delay of 6 months in renovation.	(32,500)	0
Food and Drug Division		
4a. Drug Registration Fee - Adjust underbudgeted receipts.	(15,000)	(15,000)
4b. Drug Registration Fee - Further adjust receipts.	(30,000)	(30,000)
5. Pesticide Program - Reduce funding after 1/1/95 for interagency (Agriculture/EHNR) study of effect of pesticides on groundwater due to projected study completion.	0	(87,685) (-3)
State Farms/Research Stations Division		
6. State Farms - Adjust underbudgeted receipts for sale of farm products.	(50,000)	(50,000)
Marketing Division		
7. Close Morehead City Seafood Office - Close and eliminate 2 positions (Retain 1 position and support).	($98,928) (-2)	($98,928) (-2)
8. Adjust underbudgeted receipts for (a) Farmers Market admissions (25,000); (b) Charlotte Farmers Market (15,000); (c) Western Agricultural Center for horse facility rental (50,000).	(90,000)	(90,000)
Department-wide		
9. Department-Wide - Defer funds for motor vehicles purchase.	(467,094)	(541,153)
10. Reduce inventory.	(92,235)	(92,235)
11. Vacant Positions Reduction - Reduce to first step.	(17,891)	(17,891)
12. Reduce Salary Reserve.	(209)	(208)
TOTAL CONTINUATION BUDGET CHANGES (GENERAL FUND)	**(1,008,857)** **(-2)**	**(1,140,114)** **(-5)**
TOTAL CONTINUATION BUDGET (GENERAL FUND)	**$41,605,394**	**$41,663,262**
HIGHWAY FUND REDUCTIONS		
13. Standards Division - Eliminate two positions for oxygenated gasoline program - increased availability in Highway Fund.	(69,251) (-2)	(69,251) (-2)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF AGRICULTURE (Continued)	1993-94	1994-95
TOTAL CONTINUATION BUDGET CHANGES (HIGHWAY FUND)	**(69,251)**	**(69,251)**
	(-2)	(-2)
EXPANSION BUDGET:		
Food and Drug Division		
1. Increase food inspection in retail food stroes as well as carry out mandates of the federal Nutritional Labeling and Education Act.	$445,000	$650,000
	(10)	(13)
Marketing Division		
2. Expand domestic marketing program in several areas: assistance to local and state farmers' markets' media promotion of North Carolina products; and, establishment of new inventory system that matches N.C. farmers and food processors with buyers.	164,597	225,521
	(3)	(5)
Grassroots Science Program		
3. Grant-in-Aid of $50,000 each to nine regional science museums to promote outreach science projects for unserved communities.	$450,000	$450,000
Administration		
4. Expand office automation network.	126,940 NR	-0-
Plant Industry Division		
5. Expand staff and support for Biological Pest Control	-0-	493,276
		(10)
Veterinary Division		
6. Pseudorabies Swine Program - Expansion and additional support for program	-0-	$386,345
		(7)
Grant-in-Aid		
7. N.C. Tobacco Museum, Kenly - Provide support funds.	15,000 NR	0
AGRICULTURE EXPANSION RECURRING	**$1,059,597**	**$2,205,142**
AGRICULTURE EXPANSION NON-RECURRING	**141,940**	**-0-**
TOTAL AGRICULTURE EXPANSION BUDGET	**$1,201,537**	**$2,205,142**
	(13)	(35)
TOTAL AGRICULTURE OPERATING BUDGET	**$42,806,931**	**$43,868,404**
(Pages 62-63)		
DEPARTMENT OF LABOR		
RECOMMENDED CONTINUATION BUDGET:	**$12,705,854**	**$12,714,621**
Continuation Budget Changes:		
Elevator Division		
1. Inspection Fees - Adjust underbudgeted receipts.	(27,812)	(27,900)
2. Inspection Fees - Increase inspection fees.	(135,000)	(135,000)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF LABOR (Continued)	1993-94	1994-95
Occupational Safety and Health Division		
3. OSHA Indirect Receipts - Increase estimate of amount of overhead receipts to be received from federal OSHA.	(100,000)	(100,000)
4. OSHA Director Position - Eliminate vacant Director position and support. (Deputy Commissioner is performing duties.)	(28,000)	(28,000)
	(-1)	(-1)
Apprenticeship Division		
5. Apprenticeship Management and Supervision - Reduce management by eliminating vacant field supervisor position and support.	(30,000)	(30,000)
	(-1)	(-1)
Department-wide		
6. Vacant Positions Reduction - Reduce to first step (OSHA and Apprenticeship).	(74,989)	(74,989)
7. Inventory Reduction (OSHA only).	(1,881)	(1,881)
TOTAL CONTINUATION BUDGET CHANGES	**($397,682)**	**($397,770)**
	(-2)	**(-2)**
TOTAL CONTINUATION BUDGET	**$12,308,172**	**$12,316,851**
EXPANSION BUDGET:		
Occupational Safety and Health Division		
1. Consultation/Education and Training - Provide 100% state funding for positions and support to expand safety and health consultative services and education and training programs to industry and government.	$575,000	$606,620
	(11)	(11)
Workers Discrimination Division		
2. Provide funding to carry out 1992-93 statutory change that prohibits "retaliatory discrimination" against employees who make good faith claims against an employer.	266,643	275,815
	(6)	(6)
Administration		
3. Provide funding for staff to handle citizen inquiries on labor regulations by operating a toll-free hotline.	40,000	40,000
	(2)	(2)
4. Establish Assistant Deputy Director of Administration position and provide support funds.	75,000	75,000
	(1)	(1)
TOTAL LABOR EXPANSION BUDGET	**$956,643**	**$997,435**
	(20)	**(20)**
TOTAL LABOR OPERATING BUDGET	**$13,264,815**	**$13,314,286**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

(Pages 64-73)

DEPARTMENT OF ENVIRONMENT, HEALTH, NATURAL RESOURCES	1993-94	1994-95
RECOMMENDED CONTINUATION BUDGET:	**$198,874,660**	**$202,809,288**
Continuation Budget Changes		
Albemarle/Pamlico Estuarine Study		
1. Reduce aid to counties, other contracts/grants, transfers to Environmental Management.	(6,249)	(6,364)
Office of Waste Reduction		
2. Reduce in contracts & grants.	(18,871)	(19,217)
Division of Coastal Management		
3. Reduce supplies, telephone, postage, photo services, and legal advertising.	(29,362)	(29,900)
Division of Environmental Management		
4. Administration - Reduce contracted personal services, travel, and service & maintenance contracts.	(12,623)	(12,854)
5. Lab - Increase under-budgeted receipts for DEM Lab Certification fees.	(75,000)	(75,000)
6. Lab - Reduce equipment.	(25,245)	(25,708)
7. Air Quality - Reduce supplies, travel, printing, lease purchases, and service contracts.	(26,823)	(27,315)
8. Groundwater - Reduce construction and repair.	(37,868)	(38,562)
9. Water Quality - Shift one position including benefits to federal funds	($55,224) (-1)	($56,237) (-1)
10. Agriculture and EHNR Interagency Pesticide Study - Reduce funding after 1/1/95 for interagency (Agriculture/EHNR) study of effect of pesticides on groundwater due to projected study completion.	0	(66,731) (-2)
Division of Land Resources		
11. Administration - Reduce supplies, travel, lease purchases, service contracts, and subscriptions.	(5,354)	(5,453)
12. Geological Survey - Reduce supplies, travel, telephone, printing, repairs, property rental, equipment, and subscriptions.	(17,206)	(17,517)
13. Land Quality - Reduce supplies, travel, telephone, printing, repairs, subscriptions, and equipment.	(39,322)	(40,035)
14. Geodetic Survey - Reduce travel, fuel purchases, motor vehicle parts, and supplies.	(17,305)	(17,634)
Division of Radiation Protection		
15. Reduce personal services, printing, and supplies.	(16,947)	(17,929)
Division of Solid Waste Management		
16. Reduce supplies, travel, telephone, equipment, grants, etc.	(109,385)	(111,391)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF ENVIRONMENT, HEALTH, NATURAL RESOURCES (Continued)	1993-94	1994-95
Division of Forestry		
17. Reduce Supplies and Tires in Field Organization	($6,654)	($6,658)
18. Eliminate rental of 1 air tanker used for Fire Suppression in Field Organization	(90,000)	(90,000)
Division of Marine Fisheries		
19. Research - Reduce contracted personal services.	(2,970)	(4,563)
20. Development - Reduce motor vehicles.	(17,860)	0
21. Development - Reduce boats and trailers.	0	(17,052)
22. Administration - Reduce contracted personal services.	(7,000)	(7,000)
Executive Offices		
23. Eliminate 2 clerical positions in Executive Offices.	(80,653) (-2)	(80,653) (-2)
Administrative Services		
24. Reduce supplies.	(303)	(2,400)
25. Reduce contracts/grants.	(33,448)	(33,448)
Department-Wide		
26. Reduce salary reserve.	(234,118)	(234,118)
27. Reduce inventory.	(84,472)	(84,472)
28. Reduction in SIPS rates.	(80,000)	(80,000)
29. Reduce vacant positions to 1st step.	(305,577)	(305,577)
Division of Maternal and Child Health		
30. Children's Special Health Services - Reduce funds by recapturing surplus funds. Will not reduce services to currently served population.	(400,000)	(400,000)
31. WIC Program - Reduce appropriation for food supplements as federal government pays for food supplements.	(1,392,889)	0
Division of Adult Health		
32. Migrant Health - Eliminate 1 contract administrator position since federalcontract funds have been transferred to DHR.	(55,562) (-1)	(55,562) (-1)
33. Kidney Dialysis - Reduce funding for Medicare copayments.	(114,986)	(117,726)
Public Health Laboratory		
34. Reduce Educational, Medical & Agricultural Supplies line	(31,984)	(31,984)
Epidemiology Division		
35. Injury Control — Reduce equipment funding for purchase of intoxilizer machines used as part of the statewide chemical alcohol testing program.	(350,860)	(355,850)
Division of Environmental Health		
36. Mosquito Control - Reduce aid to counties and cities and towns.	($80,000)	($80,000)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF ENVIRONMENT, HEALTH, NATURAL RESOURCES (Continued)	1993-94	1994-95
Jordan-Adams		
37. Reduce non-salary inflationary increase by 2%.	(5,800)	(11,676)
TOTAL CONTINUATION BUDGET CHANGES	**($3,867,920)**	**($2,566,586)**
	(-4)	**(-6)**
TOTAL EHNR CONTINUATION BUDGET	**$195,006,740**	**$200,242,702**
EXPANSION BUDGET:		
Division of Radiation Protection		
1. Low-level Radioactive Waste Site Assessment and Permitting - Expand consultant services in the Division of Radiation Protection to evaluate site assessment data.	$100,000 NR	$200,000
Solid Waste Management Division		
2. Expand staff and support to implement and enforce municipal solid waste landfill requirements.	505,397	603,400
	(10)	(10)
Office of Waste Reduction		
3. Expand staff and support for providing waste reduction assistance to private industry and local government.	600,000	600,000
	(10)	(10)
Epidemiology Division		
4a. Immunization - Funding for positions and support and pharmaceuticals to fully immunize all children in North Carolina. Includes eight year phase-in of recommended second dose of Measles, Mumps, Rubella (MMR) vaccine for children aged 8-18.	3,200,000	7,200,000
	(7)	(7)
4b. Immunization - One-time purchase of data processing and other equipment.	300,000 NR	-0-
Soil and Water Division		
5. District Supervisors - Increase funding for travel expenses of Soil and Water district supervisors to ensure adequate funding for all required travel.	$75,000	$75,000
Division of Forest Resources		
6. Forest Development Act - Restore funding (after 1-time 1991 reduction)to fully match forest products assessments.	700,000	700,000
7. County Cooperative Program - Fund state share for new assistant county ranger in Cumberland County.	14,202	14,202
	(1)	(1)
Division of Maternal and Child Health		
8. Rural Obstetrical Care Incentive Program - Expand program by increasing payments, number of counties served and maximum amount a county may receive.	400,000	400,000

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF ENVIRONMENT, HEALTH, NATURAL RESOURCES EXPANSION BUDGET	1993-94	1994-95
Division of Maternal and Child Health (Continued)		
9. Early Intervention - Aid to counties to serve additional eligible families.	-0-	750,000
10. Early Intervention - Add positions at Developmental Evaluation Centers for physical therapy, occupational therapy and speech therapy.	-0-	810,000 (13)
11. Early Intervention - Add nutritionists at some Developmental Evaluation Centers to complete multi-disciplinary teams statewide.	200,000 (5)	400,000 (10)
12. Infant Mortality - Fund grants for comprehensive adolescent health care projects.	$475,000	$1,445,000
13. Maternal and Child Health - Replace federal funds.	1,392,889	0
14. Hemophilia Assistance Plan - Funds for 5 grants for better and safer treatment of patients severely affected by hemophilia	-0-	2,000,000
Environmental Health		
15. Milk Sanitation - Consolidate milk inspection at State level and provide funding to meet federal requiremetns for local and industry labs.	183,608 (1)	183,608 (1)
Administration		
16. Cancer Advisory Committee - Funds for support of new board (to be created in Senate Bill 225).	100,000 (1)	100,000 (1)
Adult Health		
17. Cancer Control Program - Fund diagnosis and treatment component of program to fully cover annual costs of program.	100,000	100,000
18. Home Health Care - Provide medications for medically indigent, non-Medicaid eligible people infected with HIV.	150,000	250,000
19. Cancer Control - Expand eligibility for diagnosis and treatment to persons at or below 100% of the Federal Poverty Level.	$1,450,000	$1,664,000
Division of Water Resources		
20. Water Supply Planning - Expand local and state water supply planning and regional water supply and water management studies.	363,034 (6)	315,881 (6)
21. Water Supply Planning - Match federal funds for collection of water resource data through the U.S. Geological Survey Cooperative Program and other efforts.	135,000	158,800
Division of Land Resources		
22. Geodetic Survey - Provide additional support for surveying and mapping.	50,000	50,000

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF ENVIRONMENT, HEALTH, NATURAL RESOURCES	1993-94	1994-95
EXPANSION BUDGET (Continued)		
Dental Health		
23. Dental Services - Provide funds and support for state dental hygienist position to serve Franklin, Vance, and Granville Counties.	44,081 (1)	44,081 (1)
TOTAL EHNR EXPANSION RECURRING	$10,138,211	$18,063,972
TOTAL EHNR EXPANSION NON-RECURRING	$400,000	-0-
TOTAL EHNR EXPANSION BUDGET	$10,538,211 (42)	$18,063,972 (60)
TOTAL EHNR OPERATING BUDGET	$205,544,951	$218,306,674
(Pages 74-79)		
DEPARTMENT OF COMMERCE		
RECOMMENDED CONTINUATION BUDGET:	$27,135,913	$27,160,918
Continuation Budget Changes:		
Industrial Commission		
1. Ombudsman Position - Eliminate vacant position, as duties will be assigned to Executive Secretary position.	(51,123) (-1)	(51,187) (-1)
International Trade		
2. Rent of real property (Hong Kong office).	(10,000)	(10,000)
Division of Community Assistance		
3. Transfer housing programs including HOME and its appropriated match to Housing Finance Agency. Positions will be receipt supported in Agency.	(562,916) (-12)	(564,378) (-12)
Department-wide		
4. Reduce salary reserve.	(42,018)	(42,018)
5. Reduce inventory.	(25,300)	(25,300)
6. Reduce vacant positions to 1st step.	(76,364)	(76,364)
7. Reduce positions as part of GPAC recommendation on coordination and reorganization of Commerce.	(189,079) (-4)	(189,079) (-4)
8. Reduce regional offices and staffing as part of GPAC recommendation.	(176,084) (-4)	(176,084) (-4)
TOTAL CONTINUATION BUDGET CHANGES	($1,132,884) (-21)	($1,134,410) (-21)
TOTAL COMMERCE CONTINUATION BUDGET	$26,003,029	$26,026,508
EXPANSION BUDGET:		
Economic Development Programs		
1. Entrepreneurial Development Board - Provide staff, staff support and Board support for new board.	$250,000 (3)	$250,000 (3)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF COMMERCE EXPANSION BUDGET (Continued)	1993-94	1994-95
2. Technology Extension Project - Fund planning for development of Technology Extension Project.	250,000 NR	-0-
3. Economic Development Planning - Fund new positions and associated cost of new economic development planning effort.	300,000 (3)	300,000 (3)
Business and Industry Development		
4. Fund new office on west coast of United States.	155,030	161,396
5. Increase funding for economic development in western N.C.	120,000 (2)	120,000 (2)
6. Industrial Recruitment Competitive Fund - Creation of new fund to aid recruitment of vital and significant businesses/industries as determined by the Governor.	5,000,000 NR	10,000,000 NR
7. Increase funding for Industrial Building Renovation Fund.	1,500,000 NR	2,000,000 NR
Division of Travel and Tourism		
8. Fund second shift supervisor for Toll-Free Operation at Women's Prison and increase funding for postage, printing and advertising.	500,000 (1)	1,250,000 (1)
9. Fund one-time special travel advertising	$850,000 NR	-0-
International Division		
10. Establish new office in Mexico.	150,000	150,000
11. Establish new Furniture Export Program.	200,000 (2)	250,000 (2)
12. Grant-in-aid to World Trade Center.	100,000	-0-
Film Office		
13. Establish Film Industry Council and support.	50,000	50,000
Grants-in-Aid		
14. Land Loss Prevention Project - Funds to provide free legal representation to low income, financially distressed small farmers.	300,000 NR	0
15. N.C. Coalition of Farm and Rural Families - Funds to foster economic development within the state's rural farm communities.	250,000 NR	0
16. N.C. Insitute for Minority Economic Development - Funds to foster minority economic development within the state.	200,000 NR	0
17. Center for Community Self-Help - Funds to increase statewide lending program for small businesses and other economic development projects.	1,000,000 NR	0
TOTAL COMMERCE RECURRING EXPANSION	**$1,825,030**	**$2,531,396**
TOTAL COMMERCE NON-RECURRING EXPANSION	**$9,350,000**	**$12,000,000**
TOTAL COMMERCE EXPANSION BUDGET	**$11,175,030** (11)	**$14,531,396** (11)
TOTAL COMMERCE OPERATING BUDGET	**$37,178,059**	**$40,557,904**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF COMMERCE - MCNC (MICROELECTRONICS CENTER OF NORTH CAROLINA)	1993-94	1994-95
RECOMMENDED CONTINUATION BUDGET:	$16,000,000	$16,000,000
Continuation Budget Changes:		
1. Grant-in-Aid - Reduce state appropriation by 2%.	(320,000)	(320,000)
TOTAL CONTINUATION BUDGET CHANGES	($320,000)	($320,000)
TOTAL MCNC OPERATING BUDGET	$15,680,000	$15,680,000

DEPARTMENT OF COMMERCE - N.C. BIOTECHNOLOGY CENTER		
RECOMMENDED CONTINUATION BUDGET:	$7,157,547	$7,157,547
Continuation Budget Changes:		
1. Grant-in-Aid - Reduce state appropriation by 2%.	(143,151)	(143,151)
TOTAL CONTINUATION BUDGET CHANGES	($143,151)	($143,151)
TOTAL BIOTECHNOLOGY OPERATING BUDGET	$7,014,396	$7,014,396

DEPARTMENT OF COMMERCE - RURAL ECONOMIC DEVELOPMENT CENTER		
RECOMMENDED CONTINUATION BUDGET:	$1,500,000	$1,500,000
Continuation Budget Changes:		
1. Grant-in-Aid - Reduce state appropriation by 2%.	(30,000)	(30,000)
TOTAL CONTINUATION BUDGET CHANGES	(30,000)	(30,000)
TOTAL RURAL ECONOMIC DEVELOPMENT CENTER OPERATING BUDGET	$1,470,000	$1,470,000

(Pages 80-96)

ADMINISTRATION	General Fund 1993-94	General Fund 1994-95
RECOMMENDED CONTINUATION BUDGET	$53,249,273	$54,119,528
Continuation Budget Changes:		
1111 - Office of the Secretary		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(2,000)	(2,000)
2. Other materials and supplies	(500)	(500)
3. Travel and subsistence	(5,500)	(5,500)
4. Registration fees	(2,000)	(2,000)
5. Telephone	(7,000)	(7,000)
6. Telecommunication service	(2,000)	(2,000)
7. Postage	(1,000)	(1,000)
8. Repairs and maintenance	(2,000)	(2,000)
9. Data processing services	(1,000)	(1,000)
10. Transportation services	(780)	(780)
11. Other expenses	(920)	(978)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

ADMINISTRATION (Continued)

	General Fund	
1111 - Office of the Secretary		
A. Governor's Adjustments (Continued)	1993-94	1994-95
12. Aid to other governmental units	(2,828)	(2,828)
13. Salaries and fringes (first step)	(5,741)	(5,741)
14. Communications (inventory)	(2,089)	(2,089)
B. Legislative Adjustments		
Adjust objects of expenditure as follows:		
1. Other services	(38,220)	(38,220)
1121 - Office of Fiscal Management		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(500)	(500)
2. Travel and subsistence	(300)	(300)
3. Postage	(500)	(500)
4. Repairs and maintenance	(200)	(200)
5. Employee training expense	(3,000)	(3,000)
6. Service/maintenance contracts	($6,000)	($6,000)
7. Office furniture and equipment	(4,000)	(4,000)
8. Data processing equipment	(2,488)	(2,524)
9. Salaries and fringes (first step)	(3,282)	(3,282)
B. Legislative Adjustments:		
1. Other services	(10,000)	(10,000)
1122 - DOA Personnel Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringe benefits	(5,372)	(5,372)
	(-1/4)	(-1/4)
2. Reproduction cost	(1,782)	(1,782)
3. Office furniture and equipment	(1,500)	(1,500)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Office furniture and equipment	(500)	(500)
1126 - Executive and Organizational Development		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Executive development	(750)	(750)
B. Legislative Adjustments:		
1. Eliminate General Fund support for program (Note GF 37,530)	(36,780)	(36,780)
1241 - Information Services Division		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	($2,975)	($2,975)
2. Other materials and supplies	(1,000)	(1,000)
3. Data processing services	(2,000)	(2,000)
1264 - Agency for Public Telecommunications		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Telecommunications services	(13,572)	(13,600)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

ADMINISTRATION	General Fund	
1264 - Agency for Public Telecommunications (Continued)	1993-94	1994-95
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
(NONE)		
1311 - Office of State Personnel		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes (first step)	(29,690)	(29,690)
2. Salaries and fringes	(97,911)	(97,911)
	(-2)	(-2)
3. Office supplies and materials	(2,000)	(2,000)
4. Travel	(3,000)	(3,000)
5. Printing	(5,795)	(5,795)
6. Reproduction	(2,000)	(2,000)
7. Repairs and maintenance	(1,000)	(1,000)
8. Advertising	(1,000)	(1,000)
9. Data processing	(5,000)	(5,000)
10. Data processing (rate)	(80,000)	(80,000)
11. Subscriptions and dues	(2,000)	(2,000)
12. Books and publications	(2,000)	(2,000)
1411 - State Construction		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salary and fringes	($47,358)	($47,358)
	(-1)	(-1)
2. Data processing services	(3,780)	(3,780)
3. Service/maintenance contracts	(3,000)	(3,000)
4. Salaries and fringes (first step)	(13,823)	(13,823)
5. Office supplies and materials (inventory)	(500)	(500)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Data processing services	(6,220)	(6,220)
2. Communications	(2,500)	(2,500)
1412 - State Property Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries (Bailey-Tucker House)	(18,268)	(18,276)
	(-1)	(-1)
2. Office supplies and materials (inventory)	(300)	(300)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Repairs and maintenance	(2,000)	(2,000)
2. Other fixed charges/expenditures	(400)	(400)
1416 - State Building Commission		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Reduce other contracted services	($5,200)	($5,200)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

ADMINISTRATION (Continued)	General Fund 1993-94	General Fund 1994-95
1421 - Facility Management		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(3,000)	(3,500)
2. Other materials and supplies	(3,000)	(3,000)
3. Travel	(3,000)	(3,000)
4. Telephone	(3,000)	(3,000)
5. Electricity	(426,000)	(436,000)
6. Reproduction cost	(5,000)	(5,000)
7. Repairs and maintenance	(16,000	(16,000)
8. Repairs - Air conditioning	(10,000)	(10,000)
9. Repairs - Plumbing	(5,000)	(5,000)
10. Janitorial Services	(54,758)	(59,824)
11. Miscellaneous services	(3,000)	(3,000)
12. Rental of other equipment	(3,498)	(4,580)
13. Salaries and fringes (first step)	(29,772)	(29,772)
14. Utilities (inventory)	(27,309)	(27,309)
15. Salary reserve	(21,729)	(21,729)
16. Repair supplies (inventory)	(8,031)	(8,031)
B. Legislative Adjustments:		
Increase receipts	(8,000)	(8,000)
Increase receipts (transfer from equipment reserve)	(72,673)	—
Adjust objects of expenditure as follows:		
1. Other supplies and materials	(2,000)	(2,000)
2. Service/maintenance contracts	(45,600)	(45,600)
3. Vehicle operating supplies	(10,000)	(10,000)
4. Utilities	(271,602)	(261,602)
1423 - Landscape Services		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contracted services	($6,000)	($6,000)
2. Repairs and maintenance	(10,342)	(10,346)
3. Salaries and fringes (first step)	(864)	(864)
B. Legislative Adjustments:		
Increase receipts (transfer from equipment reserve)	(40,117)	—
1431 - James Knox Polk Building		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contracted services	(1,612)	(1,624)
B. Legislative Adjustments:		
Increase receipts	(40,368)	(40,368)
1511 - Purchase and Contract		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Data processing supplies	(6,000)	(6,000)
2. Registration fees	(1,000)	(1,000)
3. Telephone	(5,000)	(5,000)
4. Printing	(10,000)	(10,020)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

ADMINISTRATION (Continued)	General Fund	
1511 - Purchase and Contract	1993-94	1994-95
A. Governor's Adjustments: (Continued)		
5. Reproduction cost	(3,000)	(3,000)
6. Data processing services	(22,879)	(22,000)
7. Executive development	(1,000)	(1,000)
8. Employee training expense	(6,000)	(6,000)
9. Office furniture and equipment	(4,000)	(12,000)
10. Communications equipment	(22,000)	—
11. Other equipment	—	(15,000)
12. Salaries and fringes (first step)	(2,832)	(2,832)
13. Office supplies and materials (inventory)	(300)	(300)
B. Legislative Adjustments:		
Increase receipts (transfer from equipment reserve)	($23,000)	$ —
Adjust objects of expenditure as follows:		
1. Data processing	(30,000)	(20,000)
2. Office furniture and equipment	(9,000)	(3,000)
1521 - State Surplus Property		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(450)	(450)
2. Other materials and supplies	(1,100)	(1,100)
3. Travel	(650)	(650)
4. Telephone	(650)	(650)
5. Postage	(850)	(850)
6. Reproduction cost	(1,100)	(1,100)
7. Repairs and maintenance	(600)	(600)
8. Data processing services	(50)	(50)
9. Legal advertising	(550)	(550)
10. Service/maintenance contracts	(500)	(500)
11. Office furniture and equipment	(475)	(480)
B. Legislative Adjustments:		
Replace General Fund appropriation with receipts	(330,722)	(331,018)
Adjust objects of expenditure as follows:		
1. Other contracted services	(10,000)	(10,000)
2. Reduce office furniture and equipment	(1,075)	(1,070)
1611 - General Services Administration		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(750)	(750)
2. Flag purchases	($300)	($300)
3. Other materials and supplies	(200)	(200)
4. Data processing supplies	(100)	(115)
5. Travel	(754)	(854)
6. Transportation	(50)	(50)
7. Reproduction cost	(502)	(500)
8. Employee education	(25)	—
9. Employee training expense	(475)	(475)
10. Miscellaneous services	(150)	(75)
11. Office furniture and equipment	(1,475)	(1,475)
12. Subscription and dues	(75)	(75)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

ADMINISTRATION (Continued)	General Fund	
1611 - General Services Administration	1993-94	1994-95
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(2,579)	(2,579)
2. Office furniture and equipment	(3,025)	(4,525)
3. Streamline administrative structure by eliminating pos. 4155-0100-0008-000 and transferring pos. 4130-0000-0011-041 to Courier Service.	(72,952)	(72,952)
	(-1)	(-1)
1623 - State Capitol Police		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes (property guards)	(37,298)	(37,298)
	(-2)	(-2)
B. Legislative Adjustments:		
(NONE)		
1711 - Office of Marine Affairs		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. GPAC: Eliminate program	(167,961)	(169,541)
	(-3)	(-3)
1712 - North Carolina Aquariums		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Increase receipts (transfer from equipment reserve)	($38,460)	$ —
Adjust objects of expenditure as follows:		
1. Office furniture	(5,000)	(2,000)
2. DP equipment and software (Expansion)	(24,628)	(10,272)
1731 - Council on the Status of Women		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Temporary pay	(1,000)	(1,000)
2. Board member per diem	(300)	(300)
3. Other contracted services	(3,000)	(3,000)
4. Travel	(3,793)	(3,793)
5. Advertising	(100)	(100)
6. Employee training expense	(500)	(500)
7. Miscellaneous services	(200)	(200)
8. Rent/other equipment	(100)	(100)
9. Subscriptions/dues	(500)	(500)
10. Books and publications	(300)	(300)
11. Other expenses	(100)	(100)
B. Legislative Adjustments:		
(NONE)		

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

ADMINISTRATION (Continued)	General Fund 1993-94	General Fund 1994-95
1734 - Rape Crisis Program		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Ed/med/agri supplies	(100)	(100)
2. Office materials and supplies	(200)	(200)
3. Travel	($2,300)	($2,300)
4. Registration fees	(400)	(400)
5. Printing	(100)	(100)
B. Legislative Adjustments:		
(NONE)		
1741 - Human Relations Commission		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials/supplies	(450)	(450)
2. Data processing supplies	(350)	(350)
3. Travel	(3,500)	(3,500)
4. Printing	(500)	(500)
5. Reproduction	(1,000)	(1,000)
6. Service/maintenance contracts	(1,000)	(1,000)
7. Subscriptions and dues	(500)	(500)
8. Office furniture and equipment	(742)	(742)
9. Data processing equipment	(5,000)	(5,000)
B. Legislative Adjustments:		
(NONE)		
1761 - Youth Involvement Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Wages - interns	(8,000)	(8,000)
2. Social security contributions	(612)	(612)
B. Legislative Adjustments:		
(NONE)		
1763 - Governor's Advocacy Council (C&Y)		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. SPA temporary pay	(2,500)	(2,500)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	($4,500)	($4,500)
2. Printing and binding	(3,000)	(3,000)
3. Workers' compensation	(86)	(86)
1771 - Veterans Affairs - Administration		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(26,850)	(26,850)
	(-1)	(-1)
2. Vehicle operating supplies	(2,000)	(2,000)
3. Office materials and supplies	(500)	(500)
(inventory)	(271)	(271)
4. Travel and subsistence	(5,500)	(5,500)
5. Transportation	(200)	(200)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

ADMINISTRATION (Continued)

1771 - Veterans Affairs - Administration	General Fund	
A. Governor's Adjustments: (Continued)	1993-94	1994-95
6. Registration fees	(200)	(200)
7. Telephone	(1,000)	(1,000)
8. Data processing services	(2,000)	(2,000)
9. Employee training expense	(1,000)	(1,000)
10. Subscriptions and dues	(500)	(500)
11. Books and publications	(3,000)	(3,000)
12. Other equipment	(4,000)	(4,000)
13. Salaries and fringes (first step)	(20,628)	(20,628)
B. Legislative Adjustments:		
Increase receipts (transfer from equipment reserve)	(7,006) NR	—
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(2,709)	(2,709)
2. Temporary pay	(5,500)	(5,500)
3. Workers' compensation	(2,547)	(2,576)
4. Printing and binding	(2,000)	(2,000)
5. Data processing services	(3,000)	(3,000)
6. Data processing equipment and software	(2,000) NR	—
1781 - Domestic Violence		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other grants	($23,247)	($23,247)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Service and maintenance contracts	(578)	(578)
2. Other fixed charges	(945)	(945)
1803 - Juvenile Law Study Commission		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contracted services	(160)	(160)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Temporary pay	(1,340)	(1,340)
2. Social Security contribution	(103)	(103)
3. Other contracted services	(2,795)	(2,795)
4. Office materials and supplies	(250)	(250)
5. Travel	(500)	(500)
6. Communications	(216)	(216)
7. Printing and binding	(615)	(615)
1810 - Board of Ethics		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Telephone	(100)	(100)
2. Postage	(20)	(20)
3. Reproduction cost	(100)	(100)
4. Employee education expense	(51)	(51)
5. Employee training expense	($300)	($300)
6. Insurance and bonding	(17)	(17)
7. Subscription and dues	(200)	(200)
8. Books and publications	(100)	(100)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

ADMINISTRATION (Continued)	General Fund	
1810 - Board of Ethics	1993-94	1994-95
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(100)	(100)
2. Travel	(200)	(200)
3. Communications	(659)	(659)
1811 - Governor's Advocacy Council - Disabilities		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(4,000)	(3,700)
2. Registration fees	(700)	(640)
3. Printing	(187)	(200)
4. Reproduction cost	(1,150)	(950)
5. Data processing services	(4,460)	(4,460)
6. Other expenses	(250)	(250)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Temporary pay	(2,070)	(2,070)
2. Printing and binding	(1,303)	(1,490)
3. Repairs and maintenance	(300)	(300)
4. Advertising	(350)	(350)
5. Other fixed charges	(900)	(900)
1857 - Students Against Driving Drunk		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(2,000)	(2,000)
2. Registration fees	(652)	(666)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	($1,000)	($1,000)
2. Printing and binding	(500)	(500)
3. Other fixed charges	(1,000)	(1,000)
4. Communications	(1,000)	(1,000)
1861 - Commission of Indian Affairs		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(6,000)	(6,000)
2. Registration fees	(400)	(400)
3. Reproduction	(500)	(500)
4. Office furniture and equipment	(928)	(934)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(300)	(300)
2. Travel	(7,695)	(7,695)
3. Freight, express, delivery	(100)	(100)
4. Repairs and maintenance	(300)	(300)
5. Advertising	(100)	(100)
6. Data processing services	(50)	(50)
7. Office furniture and equipment	(1,572)	(1,572)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

ADMINISTRATION (Continued)	General Fund 1993-94	General Fund 1994-95
1871 - Board of Science and Technology		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contracted services	(1,000)	(1,000)
2. Office materials and supplies	(1,500)	(1,500)
3. Data processing supplies	(1,250)	(1,250)
4. Travel	(5,000)	(5,000)
5. Telephone	(1,500)	(1,500)
6. Postage	(500)	(500)
7. Reproduction cost	(500)	(500)
8. Repairs and maintenance	(1,500)	(1,500)
9. Advertising	(100)	(100)
10. Miscellaneous services	(250)	(250)
11. Subscriptions and dues	($300)	($300)
12. Office furniture and equipment	(1,221)	(1,230)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Overtime pay	(500)	(500)
2. Temporary pay	(2,308)	(2,308)
3. Other materials and supplies	(1,750)	(1,750)
4. Travel	(7,361)	(7,361)
5. Printing and binding	(3,450)	(3,450)
6. Repairs and maintenance	(500)	(500)
7. Other fixed charges	(359)	(359)
8. Office furniture and equipment	(779)	(5,270)
9. DP equipment/software	(8,000)	(3,500)
1872 - N.C. Low-Level Radioactive Waste Management Authority		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Per diem	(7,155)	(7,169)
2. Travel	(7,155)	(7,169)
3. Salaries and fringes (first step)	(1,309)	(1,309)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Board per diem	(52,845)	(52,831)
2. Other contracted service	(46,067)	(46,067)
3. Office materials and supplies	(3,167)	(3,167)
4. Travel	(2,845)	(2,831)
5. Communication	(7,634)	(7,634)
6. Printing and binding	(5,000)	(5,000)
7. Advertising	(5,000)	(5,000)
8. Data processing services	(1,326)	(1,326)
9. Other fixed charges	(2,000)	(2,000)
10. Office furniture and equipment	—	(3,300)
Continuation Budget Changes - Recurring	**($2,672,998)**	**($2,674,980)**
Position Changes	**(-11.25)**	**(-11.25)**
- Non-Recurring	**($205,281)**	**—**
REVISED CONTINUATION BUDGET	**$50,370,994**	**$51,444,548**

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S.B. 27 (Proposed Committee Substitute 4630 and 4632)

ADMINISTRATION (Continued)	General Fund 1993-94	1994-95
EXPANSION BUDGET		
1. **State Personnel Study** - Review current practices and policies, addressing issues of equity, flexible compensation, and family-supportive programs.	$25,000 NR	$25,000 NR
2. **Employee Survey** - Establish ongoing survey to track morale, attitudes, and perceptions of state workforce.	$5,000	$5,000
3. **Facilities Condition Assessment** - All one three person team in the Office of State Construction to evaluate repair and renovation needs.	$225,000	$225,000
	(4)	(4)
4. **State Building Commission** - Increase operating budget to defray additional meeting costs.	$15,000	$15,000
5. North Carolina Aquarium Operating Support - Provide for increased maintenance and enhanced educational services at the three aquariums.	$450,000	$450,000
EXPANSION RECURRING	**$695,000**	**$695,000**
	(4)	(4)
EXPANSION NON-RECURRING	**$25,000**	**$25,000**
TOTAL EXPANSION BUDGET	**$720,000**	**$720,000**
	(4)	(4)
TOTAL OPERATING BUDGET	**$51,090,994**	**$52,164,548**
(Pages 97-107)		
CULTURAL RESOURCES		
RECOMMENDED		
CONTINUATION BUDGET	**$41,400,998**	**$42,086,042**
Continuation Budget Changes:		
1110 - Office of the Secretary		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salary reserve	(4,758)	(4,758)
2. Office supplies (inventory)	(100)	(100)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Contracted personal services	(600)	(600)
2. Temporary salaries	(342)	(342)
3. Unemployment compensation	(500)	(500)
1120 - Administrative Services		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies (inventory)	(30)	(30)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Defer motor vehicles	—	(14,500)
2. Travel	(788)	(788)
3. Data processing	(1,000)	(1,000)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

CULTURAL RESOURCES (Continued)	General Fund 1993-94	General Fund 1994-95
1130 - Public Affairs		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(1,000)	(1,000)
2. Office furniture/equip	(150)	(150)
3. Office materials/supplies	(740)	(740)
1210 - Archives and History - Administration		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Insurance and bonding	(12,000)	(12,000)
2. Salary reserve	(2,836)	(2,836)
3. Office supplies	(400)	(400)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Printing and binding	(1,000)	(1,000)
1211 - Unconditional Grants		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Eliminate program of grants to Confederate Museum ($200), Confederate Cemetery ($350), and Moore's Creek Battleground ($468)	(1,018)	(1,018)
1220 - Historical Publications		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Contracted personal services	($1,000)	($1,000)
2. Travel	(850)	(850)
3. Postage	(1,000)	(1,000)
4. Printing and binding	(7,259)	(7,534)
5. Service/maintenance contracts	(309)	(309)
6. Office furniture and equipment	—	(275)
7. Data processing equipment	(1,500)	(1,500)
8. Data processing software	(1,000)	(1,000)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Increase receipts	(6,000)	(6,000)
1230 - Archives and Records		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(48,440)	(47,136)
	(-2)	(-2)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. LEO retirement (civilianize guard positions)	—	(1,891)
2. Unemployment compensation	(750)	(750)
3. Worker's compensation	(4,000)	(4,000)
4. Motor vehicles (shift to MFM)	(13,025) NR	—

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

CULTURAL RESOURCES (Continued)	General Fund 1993-94	General Fund 1994-95
1241 - State Historic Sites		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Motor vehicle supplies	(9,600)	(10,100)
(inventory)	(1,000)	(1,000)
2. Office supplies and materials	—	(1,000)
(inventory)	(1,000)	(1,000)
3. Other supplies and materials	($14,000)	($14,000)
(inventory)	(7,322)	(7,322)
4. Travel and subsistence	(12,468)	(13,200)
5. Postage	—	(3,100)
(inventory)	(250)	(250)
6. Utilities (inventory)	(1,300)	(1,300)
7. Other services	(9,800)	(9,800)
8. Insurance and bonding	—	(8,600)
9. Office furniture and equipment	(2,640)	(1,800)
10. Education equipment - exhibits	(7,400)	(7,400)
11. Other equipment	(11,750)	(11,732)
12. Other repairs and maintenance (inventory)	(8,900)	(8,900)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Motor vehicles (shift to MFM)	(30,000)	(80,000)
1242 - Tryon Palace Restoration Complex		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Temporary salaries	(929)	(1,207)
2. Social Security contribution	(71)	(93)
3. Telephone	(500)	(500)
4. Printing and binding	(200)	(200)
5. Other repairs and maintenance	(1,102)	(1,484)
6. Employee training	(100)	(100)
7. Rent of buildings	(4,200)	(3,900)
8. Office furniture and equipment	(200)	(300)
9. Other equipment	(4,000)	(4,000)
10. Office supplies (inventory)	(200)	(200)
11. Postage (inventory)	(140)	(140)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Tort claim	(2,745)	(2,745)
2. Unemployment compensation	(1,200)	(1,200)
3. Worker's compensation	(10,800)	(10,800)
4. Travel	(2,000)	(2,000)
5. Book purchases	($1,000)	($1,000)
6. Motor vehicle (shift to MFM)	(10,000) NR	—
1250 - Archaeology and Historic Preservation		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Motor vehicle supplies	(2,745)	(2,745)
2. Other supplies and materials	(9,077)	(7,453)
3. Travel and subsistence	(5,190)	(3,893)
4. Postage	(1,000)	(1,000)
5. Printing and binding	(725)	(725)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

CULTURAL RESOURCES (Continued)	General Fund	
1250 - Archaeology and Historic Preservation	1993-94	1994-95
A. Governor's Adjustments: (Continued)		
6. Other repairs and maintenance	(2,231)	(2,231)
7. Service/maintenance contracts	(1,071)	(1,303)
8. Office furniture/equipment	(1,185)	(1,485)
9. Other equipment	(380)	(367)
10. Office supplies (inventory)	(200)	(200)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Disability benefits	(2,250)	(2,250)
2. Motor vehicles (shift to MFM)	(22,000) NR	—
1270 - Museum of History		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(31,480)	(31,480)
2. Office supplies (inventory)	(1,300)	(1,300)
3. Postage (inventory)	(700)	(700)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Worker's compensation	(1,419)	(1,419)
2. Disability benefits	(1,000)	(1,000)
3. Office supplies/materials	(4,100)	(4,100)
4. Rental of real property	(13,670)	(13,670)
5. Motor vehicles (shift to MFM)	—	(28,500)
1280 - Eastern Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other supplies and materials	($400)	($400)
2. Travel and subsistence	(430)	(566)
3. Telephone	(200)	(200)
4. Printing and binding	(200)	(200)
5. Office furniture/equipment	(800)	(800)
6. Data processing equipment	(200)	(200)
7. Data processing software	(200)	(200)
8. Other equipment	(800)	(800)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Worker's compensation	(55)	(55)
2. Contracted personal services	(500)	(500)
1290 - Western Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies and materials	(1,000)	(1,000)
2. Travel	(1,000)	(1,276)
3. Telephone	(1,500)	(1,500)
4. Postage	(300)	(300)
5. Printing and binding	(50)	(50)
6. Other repairs and maintenance	(200)	(200)
7. Subscriptions and memberships	(300)	(300)
8. Office furniture/equipment	(1,029)	(1,029)
9. Other equipment	(1,079)	(1,079)
B. Legislative Adjustments:		
(NONE)		

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

CULTURAL RESOURCES (Continued)

	General Fund 1993-94	General Fund 1994-95
1320 - Museum of Art		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Construction	(3,261)	(3,261)
2. Office supplies and materials (inventory)	($2,000) (600)	($2,000) (600)
3. Other supplies and materials	(2,000)	(2,000)
4. Travel and subsistence	—	(617)
5. Printing and binding	(1,000)	(1,000)
6. Advertising	(3,000)	(3,000)
7. Other services	(3,000)	(3,000)
8. Service/maintenance contracts	(5,000)	(5,000)
9. Insurance and bonding	(7,000)	(7,000)
10. Books	(1,000)	(1,000)
11. Postage (inventory)	(390)	(390)
12. Salaries and fringes (first step)	(11,200)	(11,200)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. LEO retirement (civilianize guard positions)	—	(10,713)
1330 - North Carolina Arts Council		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Grants program	(13,265)	(13,265)
2. Grassroots Arts program	(6,633)	(6,633)
3. Office supplies (inventory)	(700)	(700)
4. Salaries and fringes (first step)	(635)	(635)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(1000)	(1000)
2. Worker's compensation	(100)	(100)
1340 - North Carolina Symphony		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Postage (inventory)	(20)	(20)
B. Legislative Adjustments: (NONE)		
1410 - State Library - Administration		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies and materials	($500)	($500)
2. Telephone	(2,000)	(2,000)
3. Subscriptions and memberships	(1,000) NR	—
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies/materials	(3,701)	(2,901)
2. Travel	(15,000)	(15,000)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

CULTURAL RESOURCES (Continued)	General Fund 1993-94	General Fund 1994-95
1420 - State Library - Information Services		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Telephone	(7,560)	(7,560)
2. Postage	(7,560)	(7,560)
B. Legislative Adjustments:		
(NONE)		
1430 - State Library - Technical Services		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Printing and binding	(4,250)	(4,250)
2. Employee training	(1,077)	(1,077)
3. Other services	(5,013)	(5,013)
4. SOLINET	(5,000)	(5,000)
5. Office supplies/materials (inventory)	(400)	(400)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies/materials	($1,000)	($1,000)
1460 - State Library - Services to Blind, Handicapped, and Institutions		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Postage	(5,000)	(5,000)
(inventory)	(770)	(770)
2. Other equipment	(4,500)	(4,500)
3. Books	(5,125)	(5,125)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Reduce unemployment compensation	(500)	(500)
2. Motor vehicles (shift to MFM)	—	(9,500)
1470 - Services to Public Libraries		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies (inventory)	(100)	(100)
2. Salaries and fringes (first step)	(6,201)	(6,201)
B. Legislative Adjustments:		
(NONE)		
1992 - Continuation Reserve		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Reserve - History Museum	(11,037)	(16,365)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Reserve - History Museum (to accommodate delayed opening and shift expansion items out of continuation budget)	($48,700)	($144,306)
2. Reserve - Historic Sites (to correspond with projected site operations and shift expansion items out of continuation budget)	(68,677)	(179,524)
3. Reserve - Art Museum (to shift operating expansion to expansion budget	($68,259)	($117,675)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

CULTURAL RESOURCES (Continued)	General Fund 1993-94	General Fund 1994-95
Continuation Budget Changes - Recurring	**($669,887)**	**(1,056,817)**
Position Changes	**(-2)**	**(-2)**
- Non-Recurring	**($46,025)**	
REVISED CONTINUATION BUDGET	**$40,685,086**	**$41,029,225**
**********		
EXPANSION BUDGET		
1. **Electronic Records Program** - Extend current records management activity to include electronic records.	$100,000	$100,000
	(2)	(3)
2. **N.C. Symphony** - Increase grant to N.C. Symphony.	$650,000	$650,000
3. **North Carolina Arts Council/Education Outreach** - Provide funding for education outreach; increase Grassroots Art program.	$600,000	$600,000
	(2)	(2)
EXPANSION RECURRING	$1,350,000	$1,350,000
	(4)	(5)
EXPANSION NON-RECURRING	-0-	-0-
TOTAL EXPANSION BUDGET	**$1,350,000**	**$1,350,000**
	(4)	(5)
TOTAL OPERATING BUDGET	**$42,035,086**	**$42,379,225**
(Pages 108-109)		
GENERAL ASSEMBLY		
RECOMMENDED		
CONTINUATION BUDGET	**$21,385,599**	**$24,982,877**
Continuation Budget Changes:		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Various unspecified reductions	(250,000)	(250,000)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1211 - Administrative Services		
1. Contractual services	(5,000)	(5,000)
2. Consultant fees	(3,440)	(3,440)
1215 - Building Maintenance Division		
1. Worker's compensation	(1,000)	(1,000)
2. Construction and repair	(4,500)	(4,500)
3. Repairs and maintenance	(24,000)	(24,000)
4. Other services	(1,000)	(1,000)
1216 - Food Services Division		
1. Repairs and maintenance	(500)	(500)
2. Rent of other equipment	(1,000)	(1,000)
3. Other equipment	(500)	(500)
4. Reserve food services	(10,000)	(10,000)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

	General Fund	
GENERAL ASSEMBLY (Continued)	1993-94	1994-95
1900 - Reserves and Transfers		
1. Reserve salary adjustments	(200,000)	(200,000)
2. Reserve contingencies	(500,000)	(500,000)
3. Reserve Gov Operations	(20,000)	(20,000)
4. Commission on Family	(8,300)	(8,300)
5. Future Strategies Study	($10,000)	($10,000)
6. Education Oversight	(10,000)	—
Continuation Budget Changes	**($1,049,240)**	**($1,039,240)**
Position Changes		
REVISED CONTINUATION BUDGET	**$20,336,359**	**$23,943,637**

****

NO EXPANSION

(Pages 110-113)

OFFICE OF THE GOVERNOR		
RECOMMENDED		
CONTINUATION BUDGET	**$4,475,772**	**$4,495,442**
Continuation Budget Changes:		
1110 - Administration		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies	(2,500)	(2,500)
2. Telephone	(35,000)	(35,394)
3. Data processing	(500)	(500)
4. Misc. services	(3,000)	(3,000)
5. Rent of reproduction equipment	(3,600)	(3,600)
6. Subscriptions	(1,200)	(1,200)
7. Data processing equipment	(11,405)	(11,405)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Utilities	(600)	(600)
2. Repairs and maintenance	(1,000)	(1,000)
1120 - Dues to National Organizations		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Advisory Council on Intergovernmental Relations	(3,000)	(3,000)
B. Legislative Adjustments:		
(NONE)		
1130 - Western Governor's Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Rent of other equipment	(2,672)	(2,672)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	($1,500)	($1,500)
2. Repairs and maintenance	(200)	(200)
3. Rent of other equipment	(3,889)	(3,889)
4. Office furniture and equipment	(1,190)	(1,190)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

OFFICE OF THE GOVERNOR (Continued)	General Fund 1993-94	1994-95
1210 - Office of Citizen Affairs		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Postage	(5,000)	(5,000)
2. Printing	(1,200)	(1,200)
3. Reproduction	(433)	(433)
4. Data processing	(1,061)	(1,061)
5. Volunteer recognition	(1,500)	(1,500)
6. Misc. services	(1,934)	(1,934)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contracted service	(5,000)	(5,000)
2. Office supplies	(775)	(775)
3. Communication	(5,000)	(5,000)
1220 - Office of Local Government Advocacy		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Board travel	(2,431)	(2,431)
2. Board subsistence	(760)	(760)
B. Legislative Adjustments:		
(NONE)		
1230 - Division of Non-Public Education		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	($1,138)	($1,138)
2. Printing	(1,000)	(1,000)
3. Data processing equipment	(1,509)	(1,509)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(3,862)	(3,862)
2. Data processing	(300)	(300)
3. Service/maintenance contracts	(440)	(440)
1631 - Raleigh Executive Residence		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Household cleaning supplies	(1,215)	(1,215)
2. Repairs and maintenance	(2,500)	(2,500)
3. Misc. services	(3,000)	(3,000)
4. Home furnishings	(2,325)	(2,325)
B. Legislative Adjustments:		
(NONE)		
1632 - Western Executive Residence		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Repairs and maintenance:	(1,000)	(1,000)
B. Legislative Adjustments:		
(NONE)		
Continuation Budget Changes	**($114,639)**	**($115,033)**
Position Changes		
REVISED CONTINUATION BUDGET	**$4,361,133**	**$4,380,409**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

OFFICE OF THE GOVERNOR (Continued)	General Fund 1993-94	1994-95
EXPANSION BUDGET		
1. **Workforce Preparedness** - Establish an office to coordinate workforce preparedness activities.	$200,000	$200,000
2. **Ombudsman** - Establish an office to provide communications between Governor and state employees.	$80,000	$80,000
	(1)	(1)
3. **Cities in Schools** - Contribute state funds to non-profit organization that addresses needs of high-risk youth.	$200,000	$200,000
4. **Center for World Languages and Culture** - Create a Center to provide foreign language training.	$250,000	$500,000
	(5)	(5)
5. **Standards Commission** - Establish and fund the Education Standards and Accountability Commission.	$500,000	$500,000
EXPANSION RECURRING	$1,230,000	$1,480,000
	(6)	(6)
EXPANSION NONRECURRING	-0-	-0-
TOTAL EXPANSION BUDGET	**$1,230,000**	**$1,480,000**
	(6)	**(6)**
TOTAL OPERATING BUDGET	**$5,591,133**	**$5,860,409**

(Page 114)

OFFICE OF STATE BUDGET AND MANAGEMENT		
RECOMMENDED CONTINUATION BUDGET	**$3,405,824**	**$3,530,825**
Continuation Budget Changes:		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies	(4,000)	(4,000)
2. Other supplies and materials	(2,000)	(2,000)
3. Computer supplies	(1,500)	(1,500)
4. Travel and subsistence	(19,500)	(22,000)
5. Telephone	(1,200)	(1,200)
6. Postage	(3,000)	(3,000)
7. Printing	(5,000)	(5,000)
8. Reproduction	(100)	(100)
9. Repairs and maintenance	(1,031)	(1,031)
10. Data processing	(8,000)	(8,000)
11. Employee education	(1,347)	(1,347)
12. Misc. services	(3,800)	(3,800)
13. Service/maintenance contracts	(7,000)	(7,000)
14. Subscriptions	(1,500)	(1,500)
15. Office furniture and equipment	(9,138)	(9,138)
16. Salaries and fringes (first step)	(1,287)	(1,287)
17. Salary reserve	(24,439)	(24,439)
B. Legislative Adjustments:		
(NONE)		

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

OFFICE OF STATE BUDGET AND MANAGEMENT (Continued)	General Fund 1993-94	1994-95
Continuation Budget Changes	**($93,842)**	**($96,342)**
Position Changes		
REVISED CONTINUATION BUDGET	**$3,311,982**	**$3,434,483**

****

NO EXPANSION

(Page 115)

DEPARTMENT: OFFICE OF STATE PLANNING		
RECOMMENDED		
CONTINUATION BUDGET	**$1,537,714**	**$1,538,034**
Continuation Budget Changes:		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Postage	(2,000)	(2,000)
2. Printing	(3,806)	(3,812)
3. Data Processing	(7,762)	(7,762)
4. Salary reserves	(7,423)	(7,423)
B. Legislative Adjustments:		
(NONE)		
Continuation Budget Changes	**($20,991)**	**($20,997)**
Position Changes		
REVISED CONTINUATION BUDGET	**$1,516,723**	**$1,517,037**

****

EXPANSION BUDGET		
1. **Replace ARC Funds** - Replace federal funds now used to support staff in Office of State Planning.	$63,396	$87,196
EXPANSION RECURRING	$63,396	$87,196
EXPANSION NON-RECURRING	-0-	-0-
TOTAL EXPANSION	**$63,396**	**$87,196**
TOTAL OPERATING BUDGET	**$1,580,119**	**$1,604,233**

(Pages 116-117)

INSURANCE		
RECOMMENDED		
CONTINUATION BUDGET	**$14,114,720**	**$14,130,127**
Continuation Budget Changes:		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1110 - Administration		
1. Contracted temporary services	(5,000)	(5,000)
2. Supplies	(5,000)	(5,000)
3. Data processing supplies	(8,000)	(8,000)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

INSURANCE (Continued)	General Fund	
1110 - Administration (Continued)	1993-94	1994-95
4. Travel	(10,000)	(10,000)
5. Service and maintenance	(25,000)	(25,000)
6. Unemployment comp	(152)	(152)
7. Other fixed charges/benefits	(8,335)	(8,335)
1123 - Medical Database Commission		
1. Travel	(4,011)	(4,011)
2. Supplies	(1,600)	(1,600)
1220 - Company Services		
1. Eliminate 15 receipted vacancies, reduce requirements $676,468		
2. Instructional services	(10,000)	(10,000)
3. Contracted temporary help	(2,000)	(2,000)
4. Contracted personal services	(30,000)	(30,000)
5. Data processing	(8,000)	(8,000)
6. Other fixed charges and expenses	(7,000)	(7,000)
1230 - Agent Services		
1. Instructional services	(20,000)	(20,000)
2. Data processing supplies	(1,300)	(1,300)
3. Travel	(13,315)	(13,315)
4. Data transmission services	(20,000)	(20,000)
5. Data processing	(50,000)	(50,000)
6. Other services	(2,500)	(2,500)
7. Other fixed charges and expenses	(110)	(110)
1240 - Consumer Services		
1. Data processing supplies	($2,200)	($2,200)
1260 - Field Services		
1. Vacant insurance investigator positions	(164,404)	(164,404)
	(-4)	(-4)
2. Travel	(13,483)	(13,483)
3. Repairs and maintenance	(263)	(263)
1311 - Engineering		
1. Comp to Building Code Council	(500)	(500)
2. Supplies	(2,400)	(2,400)
3. Data processing supplies	(1000)	(1000)
1313 - Manufactured Housing		
1. Travel	(10,000)	(10,000)
1320 - Fire and Rescue Services		
1. Instructional services	(3,000)	(3,000)
2. Contracted temporary help	(3,000)	(3,000)
3. Service and maintenance	(2,800)	(2,800)
4. Other fixed charges and expenses	(13,669)	(13,669)
5. Educ., med., ag. equip	(5,365)	(5,365)
1600 - State Property Fire Insurance Fund		
1. Contracted temporary help	(29,000)	(29,000)
2. Service and maintenance	(4,081)	(4,081)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

INSURANCE (Continued)	General Fund 1993-94	1994-95
1900 - Reserves and Transfers		
1. Reduce appropriation to Consumer Protection Fund per G.S. 58-2-215	(350,000)	(1,000,000)
Continuation Budget Changes	**($836,488)**	**($1,486,488)**
Position Changes	**(-19)**	**(-19)**
REVISED CONTINUATION BUDGET	**$13,278,232**	**$12,643,639**

****

NO EXPANSION

(Page 118)
LIEUTENANT GOVERNOR

RECOMMENDED CONTINUATION BUDGET	**$551,423**	**$553,302**
Continuation Budget Changes:		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contractual services	(2,434)	(2,453)
2. Travel	(5,514)	(5,533)
3. Communications	(1,080)	(1,080)
4. Service/maintenance contracts	(2,000)	(2,000)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(773)	(773)
2. Other materials and supplies	(600)	(600)
3. Communications expense	(3,920)	(3,920)
4. Repair and maintenance	(1,000)	(1,000)
5. Data processing expense	(600)	(600)
6. Other services	(500)	(500)
Continuation Budget Changes	**($18,421)**	**($18,459)**
Position Changes		
REVISED CONTINUATION BUDGET	**$533,002**	**$534,843**

****

EXPANSION BUDGET:		
1. Substance Abuse Coordinator and Support -		
Establish a position to coordinate drug and alcohol abuse prevention activities.	$65,000	$65,000
	(1)	(1)
EXPANSION RECURRING	**$65,000**	**$65,000**
	(1)	(1)
EXPANSION NON-RECURRING	**-0-**	**-0-**
TOTAL EXPANSION BUDGET	**$65,000**	**$65,000**
	(1)	(1)
TOTAL OPERATING BUDGET	**$598,002**	**$599,843**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

(Page 119)

	General Fund	
OFFICE OF ADMINISTRATIVE HEARINGS	1993-94	1994-95
RECOMMENDED CONTINUATION BUDGET	**$1,950,197**	**$1,954,545**
Continuation Budget Changes:		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1110 - Administration		
1. Salary Reserve	(3,954)	(3,954)
2. Office Supplies and Equip	(3,000)	(3,000)
3. Other Supplies and Material	(1,000)	(1,000)
4. Printing	(2,904)	(2,991)
5. Employee Educ Expense	(500)	(500)
6. Service and Maintenance Contracts	(8,000)	(8,000)
7. Office Furniture and Equipment	(1,600)	(1,600)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
(NONE)		
Continuation Budget Changes	**($20,958)**	**($21,045)**
Position Changes		
REVISED CONTINUATION BUDGET	**$1,929,239**	**$1,933,500**

****

NO EXPANSION

(Pages 120-125)

DEPARTMENT OF REVENUE		
RECOMMENDED CONTINUATION BUDGET	**$55,043,269**	**$55,103,203**
Continuation Budget Changes:		
1110 - Administration		
A. Governor's Adjustments:		
1. Salaries and fringes (first step)	(1,778)	(1,778)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Collection fees	30,000	30,000
1115 - Internal Audit		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Supplies and materials	(200)	(200)
2. Other supplies and materials	(200)	(200)
3. Other services	(2,500)	(2,500)
4. Publications/subscriptions	(350)	(350)
5. Equipment	(750)	(750)
B. Legislative Adjustments:		
(NONE)		

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF REVENUE (Continued)	General Fund 1993-94	1994-95
1211 - Accounting		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(21,766)	(21,766)
	(-1)	(-1)
2. Salaries and fringes (first step)	(460)	(460)
B. Legislative Adjustments:		
(NONE)		
1212 - Management Information Service		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	($88,555)	($88,555)
	(-1)	(-1)
2. Communications	(50,000)	(50,000)
3. Rent of DP equipment	(30,000)	(30,000)
4. Service/maintenance contracts	(16,556)	(16,556)
5. Data processing services	(8,000)	(8,000)
6. Salaries and fringes (first step)	(21,511)	(21,511)
7. Supplies and materials (inventory)	(5,000)	(5,000)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Advertising	(4,000)	(4,000)
2. Data processing services	(12,000)	(12,000)
1213 - General Services		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other supplies and materials	(28,264)	(28,264)
2. Postage	(112,864)	(114,063)
3. Rent of offices	(25,000)	(25,000)
4. Supplies and materials (inventory)	(13,827)	(13,827)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Printing and binding	(20,000)	(20,000)
2. Repairs and maintenance	(26,000)	(26,000)
3. Service/maintenance contracts	($40,000)	($40,000)
4. Office furniture and equipment	(20,661)	(20,661)
1222 - License and Gift Tax		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(24,593)	(24,593)
	(-1)	(-1)
B. Legislative Adjustments:		
(NONE)		
1223 - Corporate Income and Franchise Tax		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(78,097)	(78,097)
	(-1)	(-1)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
(NONE)		

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF REVENUE (Continued)	General Fund 1993-94	General Fund 1994-95
1224 - Individual Income, Inheritance, and Gift Tax		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(135,049)	(135,049)
	(-3)	(-3)
2. Salaries and fringes (first step)	(5,278)	(5,278)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(1,604)	(1,604)
1225 - Sales and Use Tax		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	($60,461)	($60,461)
	(-2)	(-2)
B. Legislative Adjustments:		
(NONE)		
1233 - Field Operations		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(20,000)	(20,000)
2. Salaries and fringes	(336,410)	(336,410)
	(-8)	(-8)
3. Salaries and fringes (first step)	(1,832)	(1,832)
4. Salary reserve	(41,038)	(41,038)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. GPAC: Salaries and fringes	37,351	74,702
(tax technicians)	(1)	(2)
2. GPAC: Salaries and fringes (field office personnel)	—	(336,410)
	—	(-8)
1311 - Property Tax Division		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Collection fees	(1,000)	(1,000)
2. Other supplies and materials	(2,000)	(2,000)
3. Communications	(3,000)	(3,000)
B. Legislative Adjustments:		
(NONE)		
1400 - Tax Research		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and wages (first step)	($2,521)	($2,521)
B. Legislative Adjustments:		
(NONE)		

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF REVENUE (Continued)	General Fund 1993-94	General Fund 1994-95
1500 - Controlled Substance Tax		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Communications	(3,000)	(3,000)
B. Legislative Adjustments:		
(NONE)		
Continuation Budget Changes	**($1,198,774)**	**($1,499,032)**
Position Changes	**(-16)**	**(-23)**
REVISED CONTINUATION BUDGET	**$53,844,495**	**$53,604,171**

****

EXPANSION BUDGET		
1. **Electronic Funds Transfer** - Implement electronic funds transfer to expedite collections.	$465,104	$321,772
	(5)	(6)
2. **Integrated Tax Administration System** - Integrate data processing systems to increase efficiency and provide better taxpayer service.	$3,009,800 NR	$6,209,800 NR
EXPANSION RECURRING	$465,104	$321,772
	(5)	(6)
EXPANSION NON-RECURRING	$3,009,800	$6,209,800
TOTAL EXPANSION BUDGET	**$3,474,904**	**$6,531,572**
	(5)	**(6)**
TOTAL OPERATING BUDGET	**$57,319,399**	**$60,135,743**

(Page 126)
RULES REVIEW COMMISSION

RECOMMENDED CONTINUATION BUDGET	**$263,792**	**$263,871**
Continuation Budget Changes:		
1110 - Administration		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Rent on Real Property	(3,395)	(3,395)
2. Subscriptions and Dues	(600)	(600)
3. Office Equipment	(1,281)	(1,283)
B. Legislative Adjustments		
(NONE)		
Continuation Budget Changes	**($5,276)**	**($5,278)**
Position Changes		
REVISED CONTINUATION BUDGET	**$258,516**	**$258,593**

****

NO EXPANSION

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

(Page 127-129) SECRETARY OF STATE	General Fund 1993-94	1994-95
RECOMMENDED CONTINUATION BUDGET	**$4,962,766**	**$4,925,984**
Continuation Budget Changes:		
1110 - General Administration		
A. Governor's Adjustments		
Adjust objects of expenditures as follows:		
1. Data processing	(4,000)	(4,000)
B. Legislative Adjustments		
Increase receipts	(500)	(500)
Adjust objects of expenditures as follows:		
1. Repairs and Maintenance	(500)	(500)
1120 - Publications		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Printing and Binding	(15,000)	(15,000)
2. Data processing	(1,000)	(1,000)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
1. Other Services	(1,000)	(1,000)
1210 - Corporations		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Communications (Inventory)	(263)	(263)
2. Data processing	(67,000)	(67,000)
B. Legislative Adjustments		
Adjust objects of expenditure as follows:		
1. Repairs and Maintenance	($400)	($400)
1220 - Uniform Commercial Code		
A. Governor's Adjustments		
Adjust objects of expenditures as follows:		
1. Data processing	(15,000)	(15,000)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
1. Repairs and Maintenance	(400)	(400)
1230 - Securities Registration		
A. Governor's Adjustments		
1. Data processing	(5,000)	(5,000)
B. Legislative Adjustments		
(NONE)		
1240 - Business License Office		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Utilities	(2,824)	(3,108)
2. Data processing	(4,000)	(4,000)
B. Legislative Adjustments		
(NONE)		

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

SECRETARY OF STATE (Continued)	General Fund 1993-94	1994-95
1300 - Notary Public Commission		
A. Governor's Adjustments		
1. Data processing	($4,000)	($4,000)
B. Legislative Adjustments		
(NONE)		
1400 - Land Records Management		
A. Governor's Adjustments		
Adjust objects of expenditures as follows:		
1. Rent of Real Property	(19,879)	(19,879)
2. Land Records Management	(61,552)	(60,533)
B. Legislative Adjustments		
(NONE)		
Continuation Budget Changes	**($202,318)**	**($201,583)**
Position Changes		
REVISED CONTINUATION BUDGET	**$4,760,448**	**$4,724,401**
**********		
EXPANSION BUDGET		
1. **Corporations Division** - Increase staff to meet growing workload.	$126,950	$113,500
	(4)	(4)
EXPANSION RECURRING	$126,950	$113,500
	(4)	(4)
EXPANSION NON-RECURRING	-0-	-0-
TOTAL EXPANSION BUDGET	**$126,950**	**$113,500**
	(4)	(4)
TOTAL OPERATING BUDGET	**$4,887,398**	**$4,837,901**

(Pages 130-131)
STATE AUDITOR

RECOMMENDED CONTINUATION BUDGET	**$7,393,837**	**$7,430,882**
Continuation Budget Changes:		
1110 - Administration		
A. Governor's Adjustments		
(NONE)		
B. Legislative Adjustments		
Adjust objects of expenditure as follows:		
1. Travel	(6,000)	(6,000)
1210 - Field Audit		
A. Governor's Adjustments		
Adjust objects of expenditures as follows:		
1. Transfer 2 ASA positions from appropriations to receipt	(72,968)	(72,968)
2. Salaries and Fringes	(10,633)	(10,633)
3. Travel	(24,440)	(24,440)
4. Data processing	(40,000)	(40,000)
B. Legislative Adjustments		
(NONE)		

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

STATE AUDITOR (Continued)	General Fund 1993-94	General Fund 1994-95
1120 - General Services		
A. Governor's Adjustments		
1. Supplies and Materials (inventory)	(1,850)	(1,850)
2. Postage (inventory)	(550)	(550)
Continuation Budget Changes	**($156,441)**	**($156,441)**
Position Changes		
REVISED CONTINUATION BUDGET	**$7,237,396**	**$7,274,441**
EXPANSION BUDGET		
1. **Hotline Support** - Provide toll-free access and add positions to reduce investigations backlog.	$105,935	$199,370
	(2)	(4)
2. **Performance Audit Capability** - Add performance auditors to meet expanding responsibilities.	281,473	249,248
	(5)	(5)
EXPANSION RECURRING	$387,408	$448,618
	(7)	(9)
EXPANSION NON-RECURRING	-0-	-0-
TOTAL EXPANSION	**$387,408**	**$448,618**
	(7)	(9)
TOTAL OPERATING BUDGET	**$7,624,804**	**$7,723,059**

(Pages 132-133)

STATE CONTROLLER

RECOMMENDED CONTINUATION BUDGET	**$6,681,992**	**$6d,687,578**
Continuation Budget Changes:		
1100 - State Controller		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salary reserve	(57,584)	(57,584)
2. Salaries and fringes (first step)	(22,840)	(22,840)
3. Supplies and materials (inventory)	(800)	(800)
4. Data processing services	(500,000)	(500,000)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(1,337)	(1,337)
2. Office supplies	(8,000)	(8,000)
3. Communications	(15,000)	(15,000)
4. Printing and binding	(4,000)	(4,000)
5. Other current services/obligations	(7,000)	(7,000)
6. Office furniture/equipment	(10,000)	(10,000)
Continuation Budget Changes	**($626,561)**	**($626,561)**
Position Changes		
REVISED CONTINUATION BUDGET	**$6,055,431**	**$6,061,017**

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EXPANSION BUDGET		
1. **Reserve for State Accounting System** - Continue implementation of new state accounting system.	$4,200,000 NR	$5,000,000 NR

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

STATE CONTROLLER Expansion Budget (Continued)	General Fund 1993-94	 1994-95
2. **Technical Staff for State Accounting System** - Add staff to support accounting system implementation.	$451,418 (8)	$598,102 (12)
3. **Increased Data Processing Costs for State Accounting System** - Increase funding to meet expanded usage by agencies on new accounting system.	-0-	1,000,000
EXPANSION RECURRING	$451,418 (8)	$1,598,102 (12)
EXPANSION NON-RECURRING	$4,200,000	$5,000,000
TOTAL EXPANSION BUDGET	**$4,651,418** **(8)**	**$6,598,102** **(12)**
TOTAL OPERATING BUDGET	**$10,706,849**	**$12,659,119**

(Pages 134-137)
STATE TREASURER

RECOMMENDED CONTINUATION BUDGET	**$10,930,121**	**$10,935,983**
Continuation Budget Changes:		
1110 - General Administration		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Office Supplies and Materials (inventory)	(111)	(111)
2. Salaries and fringes (first step)	(370)	(370)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
1. Office Supplies and Material	(2,000)	(2,000)
2. Other Supplies	(1,000)	(1,000)
1210 - Investment Management		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Data Processing Supplies (Inventory)	(125)	(125)
2. Salaries and fringes (first step)	(7,169)	(7,169)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
1. Printing and Binding	(400)	(400)
1220 - Banking Operations		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Office Supplies and Materials (Inventory)	(134)	(134)
2. Salaries and fringes (first step)	(370)	(370)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
(NONE)		
1310 - Local Government Operations		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Data Processing Supplies (inventory)	(210)	(210)
2. Salary Reserve	(83)	(83)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

STATE TREASURER (Continued)	General Fund	
1310 - Local Government Operations	1993-94	1994-95
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
1. Other Materials and Supp	(5,000)	(5,000)
2. Travel	(7,000)	(7,000)
3. Service and Maintenance	(1,200)	(1,200)
4. Office Furniture and Equip	(1,000)	(1,000)
1420 - Adm Fire/Rescue Pension		
A. Governor's Adjustments		
Increase Receipts	(233,318)	(233,727)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
(NONE)		
Continuation Budget Changes	**(259,490)**	**(259,899)**
Position Changes		
REVISED CONTINUATION BUDGET	**10,670,631**	**10,676,084**

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EXPANSION BUDGET:		
1. **Local Government Operations** - Increase staff to meet growing workload (funded with non-tax revenues).	$144,670	$182,859
	(3)	(3)
2. **Retirement Systems** - Improve record storage and retrieval in retirement system management (funded with departmental receipts).	$2,050,000 NR	$100,000
3. **Investment Management** - Increase effectiveness of investment management operations (funded with non-tax revenues).	$489,636	$923,059
	(1)	(1)
4. **Escheat Fund Administration** - Add clerical position to assist with tangible property received (funded with departmental receipts).	$50,357	$55,493
	(1)	(1)
EXPANSION RECURRING	**$684,753**	**$1,261,411**
	(5)	(5)
EXPANSION NON-RECURRING	**$2,050,000**	**-0-**
TOTAL EXPANSION BUDGET	**$2,734,753**	**$1,261,411**
	(5)	(5)
DEPARTMENTAL RECEIPTS	**$2,100,357**	**$155,493**
NET APPROPRIATION	**$634,306**	**$1,105,918**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

OTHER EXPANSION BUDGET RECOMMENDATIONS

	1993-94	1994-95
I. Reserve for Salary Increase - 2%		
Public Education		
Teacher Salary Schedule	$42,588,927	$42,588,927
Non-Teaching	15,031,955	15,031,955
	$57,620,882	$57,620,882
Community Colleges		
EPA	6,980,471	7,615,059
University System		
EPA	12,842,338	14,009,823
SPA	6,230,732	6,797,163
State Employees		
SPA	19,208,391	20,954,608
Judicial		
EPA	3,485,693	3,802,574
Other		
EPA	92,260	100,648
General Assembly		
EPA	155,417	212,845
Locally Operated Programs	5,581,668	5,581,668
TOTAL	**$112,197,852**	**$116,695,270**
II. Reserve for Compensation Bonus - 1%		
Public Education	$7,515,977	-
Community Colleges	3,807,529	-
Board of Governors	7,004,912	-
All Other State Employees	15,916,042	-
TOTAL	**$34,244,460 NR**	
III. Debt Service	**$8,762,500**	**$8,597,500**
IV. Reserve for Restoration of Pay Dates - June 1994		
Public Schools	$112,800,000	-
Community Colleges	24,400,000	-
State and University Employees	190,600,000	-
TOTAL	**$327,800,000 NR**	

(Pages 139-155)

DEPARTMENT OF TRANSPORTATION	1993-94 Highway Fund	1994-95 Highway Fund
REVISED RECOMMENDED CONTINUATION BUDGET	$922,873,731	$916,556,999
Continuation Budget Changes:		
TRANSPORTATION ADMINISTRATION		
1. Public Affairs:		
Abolish Information and Communications Specialist I position (0120-various)	(38,264) (-1)	(38,264) (-1)
2. Personnel:		
Abolish vacant Agency Safety Program Director III position (0130-various)	(49,402) (-1)	(49,402) (-1)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF TRANSPORTATION TRANSPORTATION ADMINISTRATION (Continued)	1993-94 Highway Fund	1994-95 Highway Fund
3. Adopt-A-Highway:		
Reduce purchases of litter bags and vests (0140-2352)	(33,000)	(33,000)
4. Secretary's Office:		
Eliminate the following positions (0190-various)		
Special Assistant - Operations Secretary IV (3) Special Assistant - Regional Affairs Agency General Counsel Director Citizen Affairs Public Information Asst. V	(443,744) (-8)	(443,744) (-8)
5. Fiscal:		
Abolish vacant Clerk III position (0210-various)	(22,619) (-1)	(22,619) (-1)
6. Management Information Systems:		
Reduce SIPS payments due to lower utilization and lower SIPS rates (0220-2354)	(600,000)	(600,000)
7. General Services:		
Reduce Water, Heat, Power (0240-2336)	(50,000)	(50,000)
Reduce Janitorial Services (0240-2344)	(100,000)	(100,000)
Budget receipts - reimbursement by others (0240-0953)	(5,000)	(5,000)
8. Asst. Secretary for Administration:		
Abolish Admin. Asst. I (Travel Coordinator) (0290-various)	(31,882) (-1)	(31,882) (-1)
Increase administrative allotment from Highway Trust Fund for costs of Century Center Complex (0290-0914)	(33,550)	(33,550)
9. Transportation Planning Office:		
Abolish Assistant Secretary - Planning position (0390-various)	(79,799) (-1)	(79,999) (1)
Abolish Secretary IV position (0390-various)	(28,824) (-1)	(28,824) (-1)
Total - Transportation Administration	($1,516,084) (-14)	($1,516,084) (-14)
TRANSPORTATION OPERATIONS		
10. State Highway Administrator:		
Reduce professional fees (1020-2310)	(1,000)	(1,000)
11. Chief Engineer - Operations:		
Eliminate Operations Reserve (1030-2699)	(125,000)	(125,000)
12. Asst. Highway Administrator - Preconstruction:		
Abolish vacant Staff Highway Engineer position (1080-various)	(75,567) (-1)	(75,567) (-1)
13. Highway Design:		
Reduce educational expenses (2210-2233)	(3,000)	(3,000)
Reduce travel Expenses (2210,2236-3340)	(20,000)	(20,000)
Budget receipts for sale of maps, plans, specs (2210-0943)	(10,000)	(10,000)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF TRANSPORTATION TRANSPORTATION OPERATIONS (Continued)	1993-94 Highway Fund	1994-95 Highway Fund
14. Maintenance:		
Reduce building supplies (2230-2428)	(5,000)	(5,000)
Reduce rental of equipment (2230-2522)	(5,000)	(5,000)
Eliminate vacant Transportation Engineer II position (2230-various)	(64,119) (-1)	(64,119) (-1)
15. Construction:		
Reduce temporary labor (2240-1030)	(5,467)	(5,467)
Reduce repairs and service (2240-2342)	(25,000)	(25,000)
16. Traffic Engineering:		
Eliminate rental of land (2320-2330)	(500)	(500)
17. Right of Way:		
Reduce temporary labor (2330-1030)	(5,000)	(5,000)
18. Support Services:		
Abolish State Highway Safety Engineer (2350-various)	(52,495) (-1)	(52,495) (-1)
19. Division of Highways:		
Reduce building supplies	(37,112)	(37,112)
Reduce repairs and service to equipment	(5,000)	(5,000)
Total - Transportation Operations	($439,260) (-3)	($439,260) (-3)
TRANSPORTATION CONSTRUCTION AND MAINTENANCE		
20. Ferry Division - Operations (Fund 5300):		
Reduce overtime pay ($75,000), temporary labor (300,000) and the cost of the Cedar Island-Ocracoke route (125,000)	($500,000)	($500,000)
21. Special Appropriation for Highways:		
Eliminate reserve (5161)	(5,000)	(5,000)
GOVERNOR'S HIGHWAY SAFETY PROGRAM		
22. Planning and Administration:		
Reduce travel (0410)	(2,940)	(2,940)
DIVISION OF MOTOR VEHICLES		
23. Commissioner's Office:		
Abolish Chief Deputy II position (0510-various)	(83,358) (-1)	(83,358) (-1)
Abolish Asst. Commissioner position (0510-various)	(84,029) (-1)	(84,029) (-1)
Reduce temporary labor (0510-1030)	(6,197)	(6,197)
Reduce printing (0510-2411)	(50,000)	(50,000)
Budget receipts for sale of NC lawbooks (0510-0990)	(30,000)	-
24. Vehicle Registration:		
Abolish 6 vacant positions (0520-various)	(143,257) (-6)	(143,257) (-6)
Reduce temporary labor (0520-1030)	(50,000)	(50,000)
Reduce photographic supplies (0520-2473)	(25,000)	(25,000)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF TRANSPORTATION DIVISION OF MOTOR VEHICLES (Continued)	1993-94 Highway Fund	1994-95 Highway Fund
25. Driver Licensing:		
Abolish vacant Clerk Typist III position (0530-various)	(21,802) (-1)	(21,802) (-1)
Eliminate 2 Driver License Examiner positions (0530-various)	(86,486) (-2)	(86,486) (-2)
Reduce Uniform Fund (0530-2412)	-	(5,000)
26. Traffic Records:		
Abolish 4 vacant positions (0550-various)	(86,362) (-4)	(86,362) (-4)
27. International Reg. Plan:		
Reduce overtime pay (0560-1080)	(2,825)	(2,825)
Total - DMV	(669,316) (-15)	(644,316) (-15)
TRANSPORTATION RESERVES		
28. Driver Education:		
Cap spending at 1992-93 authorized level (6310)	(1,316,229)	(1,316,229)
29. State Treasurer:		
Reduce payment for sales tax exemption due to adjustment in sales tax growth rate (6320)	(200,000)	(200,000)
30. Unforeseen Events:		
Reduce reserve for asphalt plant cleanup due to slow pace of spending existing funds	(500,000)	-
Total - Reserves	($2,016,229)	($1,516,229)
Highway Fund Reductions	($5,148,829) (-32)	($4,623,829) (-32)
1. Public Affairs:		
* Eliminate the following positions:		
- Information and Communications Specialist I (0120-various)	0 (-1)	0 (-1)
- Artist Illustrator II (0120-various)	0 (-1)	0 (-1)
2. Management Assessment:		
Reduce educational expenses (0160-2233)	(4,000)	(4,000)
Reduce subsistence (0160-2236)	(5,000)	(5,000)
Reduce travel (0160-2237)	(4,000)	(4,000)
3. Civil Rights:		
Eliminate professional fees (0320-2310)	(15,000)	(15,000)
4. Chief Engineer - Programs:		
Eliminate water, heat, power (1040-2336)	(11,794)	(11,794)
Highway Trust Fund reductions	$99,093 (-2)	$99,093 (-2)

Note: These funds are returned to the Highway Trust Fund allotment for administration.

* These positions were created after the Governor submitted his budget to the General Assembly; thus, no funding is in the base budget. DOT has agreed to abolish the positions and return the funds to the Highway Trust Fund.

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF TRANSPORTATION (Continued)	1993-94 General Fund	1994-95 General Fund
Continuation Budget Changes:		
1. Aid to Railroads:		
Reduce aid based on previous year's dividends (5945)	(3,695)	
2. Aid to Airports:		
Reduce aid based on new provision on aviation appropriation	(2,266,666)	(1,766,666)
General Fund reductions	($2,270,361)	($1,766,666)

	1993-94 Equipment Fund	1994-95 Equipment Fund
Continuation Budget Changes:		
1. Equipment Unit:		
Abolish 2 vacant Mechanic II positions (4040 & 4090)	(56,989) (-2)	(56,989) (-2)
Reduce Motor Fuel and lubricant (4000-4250)	(500,000)	(500,000)
Equipment Fund Reductions	($556,989)	($556,989)

Note: These funds will remain in the Equipment Fund and may be used for equipment purchase.

ADDITIONAL BASE BUDGET ADJUSTMENTS
Department of Transportation

	Highway Fund 93-94	Highway Fund 94-95
1. Reduce Federal Aid Matching Funds (5601)	(10,971,734)	(10,971,734)
2. Reduce transfer to Highway Patrol due to error in Governor's budget documents. The transfer was overbudgeted for both fiscal years.	(1,137,386)	(2,379,412)
3. GPAC Savings: -Eliminate four positions in Management Assessment and Compliance	(68,574) (-4)	(137,149) (-4)
- Eliminate four positions in the Division of Highways-2000 series	(191,211) (-4)	(191,211) (-4)
* -Eliminate 179 positions in the Division of Highways-3000 series	(4,661,014) (-179)	(4,661,014) (-179)
** -Eliminate 10 positions in the Division of Highways-Equipment Unit	(269,948) (-10)	(269,948) (-10)
** -Eliminate 14 Equipment Operations Supervisors in the Equipment Unit on June 30, 1994	0	(589,456) (14)
TOTAL - SAVINGS-Highway Fund	**(12,368,905)** **(-8)**	**(13,679,506)** **(-8)**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF TRANSPORTATION (Continued)

* Because these are work order positions, there will be no savings to the Highway Fund.

** Because these positions are funded by the Equipment Fund, there will be no savings to the Highway Fund.

	Equipment Fund 93-94	Equipment Fund 94-95
1. Transfer from the Equipment Fund to the Highway Fund	(10,000,000)	0

EXPANSION BUDGET CHANGES:	1993-94 Highway Fund	1994-95 Highway Fund
Availability	$58,037,080	$51,982,558
Transportation Administration:		
1. Provide travel and office expenses for the new Safety Director in the Office of the Secretary.	$14,800	$14,800
2. Expand the imaging processing system in the Fiscal Section to enable the scanning of payroll forms.	168,957	33,000
3. Increase the Management Information Systems staff and pay the expenses to service new and existing systems.	1,055,181 (10)	881,591 (10)
4. Provide funding to develop a new Vehicle Registration System.	3,701,000	2,059,000
5. Provide supplemental funding to purchase additional computer hardware for the Driver License System.		
- Data Processing Equipment	310,486	0
- Operations Reserve	640,000	0
Total - Transportation Administration	**$5,890,424** (10)	**$2,988,391** (10)
Transportation Operations:		
6. Pay the expenses for additional safety personnel in the Occupational Safety and Emergency Planning Unit	47,150	42,800
7. Fund special traffic engineering equipment for the Traffic Engineering Unit.	52,400	4,500
Total - Transportation Operations	**$99,550**	**$47,300**
8. Restore the reduction in Spot Safety required to balance the budget for the 1992-93 fiscal year.	2,000,000	2,000,000
9. Increase funding for highway maintenance in the various highway systems as follows:		
- Primary System	4,506,251	5,437,101
- Secondary System	7,920,078	9,556,117
- Urban system	1,228,978	1,482,846
Total - Maintenance	**$13,655,307**	**$16,476,064**

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF TRANSPORTATION EXPANSION BUDGET (Continued)	1993-94 Highway Fund	1994-95 Highway Fund
Division of Motor Vehicles:		
10. Replace microfilm equipment in the Traffic Records section.	0	17,640
11. Conform with OSHA standards to provide protection from blood-borne pathogens for the Enforcement Unit. -520 officers to be vaccinated for Hepatitis B in 1993-94	82,278	13,454
12. Acquire imaging and optical disk storage filing for the Enforcement Unit.	164,000	11,000
13. Replace data processing equipment for the Enforcement Unit.	48,000	0
14. Computerize weigh station functions - Enforcement Unit.	241,945	32,617
15. Acquire data processing equipment for additional counties for the Motor Vehicle Exhaust Emission Inspection Unit.	19,900	3,500
Total - DMV	**$556,123**	**$78,211**
16. Fund a Transportation Study in the Piedmont-Triad Area in order to accelerate the regional transportation planning efforts underway in the Triad involving the High Point, Greensboro, and Winston-Salem MPOs.	222,750	346,500
17. Transfers to the Department of Crime Control and Public Safety:		
- Fund the operating cost and acquisition of additional equipment for the new Troop "H" headquarters.	1,053,033	799,198
- Fund 50 NEW trooper positions in 1993-94.	2,539,922	2,154,624
Total - Highway Patrol	**$3,592,955**	**$2,953,822**
18. Reserve for Compensation Increase to reflect a two percent increase for positions supported from the Highway Fund in 1993-94.	6,963,446	6,963,446
19. Reserve for a one percent Incentive Compensation Bonus for 1993-94 and again for 1994-95.	3,481,723	3,481,723
Capital Improvements:		
20. See attached list of capital projects	4,927,100	0
21. Provide supplemental funds for the Rail Program:		
- Rail Safety Inspection Program Support for one rail safety supervisor and two rail safety inspectors as called for in HB 155 and SB 62	190,000	190,000
- State funds to rehabilitate short line railroads and funding for a rail industrial access program	210,000	210,000
Total - Rail Program	$400,000	$400,000

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF TRANSPORTATION EXPANSION BUDGET (Continued)	1993-94 Highway Fund	1994-95 Highway Fund
Public Transportation:		
22. Fund formula assistance for urban public transit maintenance. Thirteen cities and one regional transit authority are included.	3,000,000	3,000,000
23. Rural Public Transportation: Expand state participation in the funding of vehiclesto allow a 70-20-10 federal-state-local funding ratio. Capital equipment is currently funded at 70-15-15. Additional funds would allow for the purchase of additional vehicles to meet the increased transportation demands placed on systems by programs serving the transportation disadvantaged, such as the JOBS Program.	300,000	300,000
24. Purchase of vehicles for Rural Human Service (Section 16)transportation systems. Standard vans for FY 94 are estimated to cost $18,000. Increased funding would allow for the purchase of 24 additional vehicles. Forty-six (46) North Carolina counties are eligible for this program.	400,000	400,000
25. Introduce state maintenance of service assistance to small urban fixed route systems including AppalCART (Town of Boone), City of Salisbury, and City of Wilson, comparable to funding percentages provided to urban transit systems.	100,000	100,000
26. Increase funding available for the Elderly and Disabled Transportation Assistance Program, which provides assistance to local governments for transportation services to the elderly and disabled. Services provided include transportation to regional medical facilities, employment, and training. Currently ninety-seven (97)counties receive funding from this program.	500,000	500,000
27. Expand general public transportation provided to citizens in rural areas (under 50,000 population). The provision of state funds will enable citizens in rural areas better access to employment, medical facilities, and education and training opportunities. There are currently twenty-two (22)rural general public transportation systems serving thirty-eight (38)counties.	300,000	300,000
28. Public Transportation Grant Program: -Increase total available to match federal and local public transportation capital and planning projects.	500,000	500,000
29. Expand Planning capacity for Public Transit and Rail.	87,229 (2)	86,629 (2)
30. Increase project management capacity for public transit and rail.	88,739 (2)	88,739 (2)
Total - Public Transportation	**$5,275,968** (4)	**$5,275,368** (4)

S.B. 27 (Proposed Committee Substitute 4630 and 4632)

DEPARTMENT OF TRANSPORTATION EXPANSION BUDGET (Continued)	1993-94 Highway Fund	1994-95 Highway Fund
31. Fund small urban construction projects. -see special provision	10,971,734	10,971,734
GRAND TOTAL - HIGHWAY FUND	**$58,037,080** (14)	**$51,982,558** (14)

	93-94 General Fund	94-95 General Fund
1. **Air Cargo Authority:** Provide General Fund money to pay the continuing cost for promotion and other organizational cost. Of this amount, $500,000 will be allocated to the Department of Commerce for marketing purposes.	$1,250,000	$1,250,000

	93-94 Highway Trust Fund	94-95 Highway Trust Fund
1. Increase the capacity of the Purchasing Section. The need for this increase is a result of the creation of the Highway Trust Fund.	$58,328 (2)	$58,328 (2)

S.B. 27 (Proposed Conference Committee Substitute PCCS-5708A)
July 9, 1993 — see page 1000

SENATE AND HOUSE

CONFERENCE REPORT
BASE BUDGET REDUCTIONS
and
EXPANSION BUDGET
JULY 8, 1993

S/George B. Daniel, Chairman
S/Aaron W. Plyler, Chairman

S/Martin Nesbitt, Chairman
David H. Diamont, Chairman

TABLE OF CONTENTS

Base and Expansion Budget Recommendations ..... A
Position Changes Due to Committees' Actions ..... B
Community Colleges 1
University of North Carolina - Board of Governors 4
Department of Public Instruction 10
Department of Human Resources 15
Department of Correction 31
Judicial Department 37
Department of Justice 42
Department of Crime Control and Public Safety 46
Department of Agriculture 54
Department of Labor 58
Department of Environment, Health, and Natural Resources 61
Department of Commerce 71
Department of Administration 78
Department of Cultural Resources 94
General Assembly 104
Office of the Governor 105
Office of State Budget and Management 109
Office of State Planning 110
Department of Insurance 111
Office of Lieutenant Governor 113
Office of Administrative Hearings 114
Department of Revenue 115
Administrative Rules Review Commission 120
Secretary of State 121
State Auditor 124
State Controller 126
State Treasurer 128
Other Budget Recommendations 131
Department of Transportation 134

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

(Page A)

CONFERENCE REPORT
BASE AND EXPANSION BUDGET RECOMMENDATIONS

	1993-94 CONTINUATION	1993-94 REDUCTIONS & TRANSFERS	1993-94 EXPANSION	1993-94 TOTAL
EDUCATION				
Board of Governors	$1,184,069,864	($27,309,806)	42,465,813	$1,199,225,871
Community Colleges	393,630,457	(5,822,353)	24,989,837	412,797,941
Public Education	3,445,213,790	(1,736,386)	113,989,220	3,557,466,624
TOTAL EDUCATION	$5,022,914,111	($34,868,545)	$181,444,870	$5,169,490,436
HUMAN RESOURCES	$1,686,618,219	($53,626,682)	$71,468,233	$1,704,459,770
JUSTICE & PUBLIC SAFETY				
Judicial	$232,428,819	($352,800)	$15,846,835	$247,922,854
Correction	565,579,166	(11,785,921)	4,954,435	558,747,680
Justice	53,540,802	(1,751,786)	2,263,118	54,052,134
Crime Control & Public Safety	26,860,503	(703,639)	3,363,802	29,520,666
TOTAL JUSTICE & PUBLIC SAFETY	$878,409,290	($14,594,146)	$26,428,190	$890,243,334
NATURAL AND ECONOMIC RESOURCES				
Labor	$12,705,854	($397,682)	$1,467,643	$13,775,815
Agriculture	42,614,251	(1,008,857)	1,407,267	43,012,661
Commerce	27,135,913	(1,132,884)	13,080,949	39,083,978
MCNC	16,000,000	(320,000)	-	15,680,000
Biotechnology Reserve	7,157,547	(143,151)	-	7,014,396
Rural Econ. Dev.	1,500,000	(30,000)	-	1,470,000
EHNR	198,874,660	(3,820,984)	12,269,989	207,323,665
TOTAL NATURAL AND ECONOMIC RESOURCES	$305,988,225	(6,853,558)	$28,225,848	$327,360,515
DEPARTMENT OF TRANSPORTATION				
Aid to Railroads	$100,000	($3,695)	-	$96,305
Aeronautics	10,783,237	(2,266,666)	-	8,516,571
Air Cargo	-	-	-	
TOTAL DEPARTMENT OF TRANSPORTATION	$10,883,237	($2,270,361)	—	$8,612,876
GENERAL GOVERNMENT				
Administration	$53,249,273	($2,802,827)	$855,000	51,301,446
Cultural Resources	41,400,998	(715,912)	1,670,545	42,355,631
General Assembly	21,385,599	(250,000)	100,000	21,235,599
Office of the Governor	4,475,772	(114,639)	1,230,000	5,591,133
Office State Budget & Management	3,405,824	(93,842)	-	3,311,982
Office of State Planning	1,537,714	(20,991)	63,396	1,580,119
Insurance	14,114,720	(666,000)	191,420	13,640,140
Lieutenant Governor	551,423	(18,421)	65,000	598,002
Administrative Hearings	1,950,197	(20,958)	-	1,929,239
Revenue	55,043,269	(1,198,774)	3,409,800	57,254,295
Rules Review Commission	263,792	(5,276)	-	258,516
Secretary of State	4,962,766	(202,318)	117,702	4,878,150
Auditor	7,393,837	(116,441)	1,124,181	8,401,577
Controller	6,681,992	(626,561)	350,000	6,405,431
Board of Elections	545,539	-	-	545,539
State Treasurer	5,492,873	(259,490)	634,306	5,867,689
Special Contributions	5,437,248	-	-	5,437,248
TOTAL GENERAL GOVERNMENT	$227,892,836	($7,112,450)	$9,811,350	$230,591,736
RESERVES				
Contingency and Emergency	$1,125,000	-	-	$1,125,000
Salary Adjustment	500,000	-	-	500,000
Salary Increases	-	-	$112,052,142	112,052,142
Compensation Bonus	-	-	34,244,460	34,244,460
Lowest Paid Employee	1,400,724	-	-	1,400,724

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

RESERVES (Continued)	1993-94 CONTINUATION	1993-94 REDUCTIONS & TRANSFERS	1993-94 EXPANSION	1993-94 TOTAL
Reserve for Blood-borne Pathogens	2,000,000	(1,000,000)	-	1,000,000
Reserve Retiree 30% Reduction	(10,000,000)	2,752,702	-	(7,247,298)
Wage Floor - Lowest Paid Employees	—	—	135,500	135,500
Reserve - Health Care Initiatives	—	—	5,500,000	5,500,000
Reserve - Public Schools' Employees' Sick Leave Bank	—	—	1,000,000	1,000,000
Retirement Rate Change	—	—	1,316,400	1,316,400
TOTAL - RESERVES	($4,974,276)	$1,752,702	$154,248,502	$151,026,928
Debt Service	$83,501,058	-	$8,762,500	$92,263,558
Reserve for Restoration of Pay Dates - June 1994	-	-	$214,200,000	$214,200,000
TOTAL CURRENT OPERATIONS	$8,211,232,700	($117,573,040)	$694,589,493	$8,788,249,153
LOCAL GOVERNMENT TAX REIMBURSEMENT		$236,824,154	-	$236,824,154
GRAND TOTAL	$8,448,056,854	($117,573,040)	$694,589,493	$9,025,073,307

BASE AND EXPANSION BUDGET RECOMMENDATIONS

	1994-95 CONTINUATION	1994-95 REDUCTIONS & TRANSFERS	1994-95 EXPANSION	1994-95 TOTAL
EDUCATION				
Board of Governors	$1,193,945,658	($26,113,646)	31,746,741	$1,199,578,753
Community Colleges	393,646,998	(5,822,353)	16,589,837	404,414,482
Public Education	3,501,014,053	(6,382,425)	83,891,800	3,578,523,428
TOTAL EDUCATION	$5,088,606,709	($38,318,424)	$132,228,378	$5,182,516,663
HUMAN RESOURCES	$1,854,653,994	($49,597,192)	$92,518,000	$1,897,574,802
JUSTICE & PUBLIC SAFETY				
Judicial	$235,112,520	($352,800)	$15,956,390	$250,716,110
Correction	602,236,033	(17,147,201)	5,489,763	590,578,595
Justice	52,038,131	231,709	2,087,244	54,357,084
Crime Control & Public Safety	26,836,975	(578,332))	1,188,577	27,447,220
TOTAL JUSTICE & PUBLIC SAFETY	$916,223,659	($17,846,624)	$24,721,974	$923,099,009
NATURAL AND ECONOMIC RESOURCES				
Labor	$12,714,621	($397,770)	$1,513,435	$13,830,286
Agriculture	42,803,376	(1,140,114)	1,289,977	42,953,239
Commerce	27,160,918	(1,134,410)	5,887,315	31,913,823
MCNC	16,000,000	(320,000)	-	15,680,000
Biotechnology Reserve	7,157,547	(143,151)	-	7,014,396
Rural Econ. Dev.	1,500,000	(30,000)	-	1,470,000
EHNR	202,809,288	(2,811,224)	15,471,426	215,469,490
TOTAL NATURAL AND ECONOMIC RESOURCES	$310,145,750	($5,976,669)	$24,162,153	$328,331,234
DEPARTMENT OF TRANSPORTATION				
Aid to Railroads	$100,000	-	-	$100,000
Aeronautics	10,783,237	(1,766,666)	-	9,016,571
Air Cargo	-	-	-	-
TOTAL DEPARTMENT OF TRANSPORTATION	$10,883,237	($1,766,666)	-	$9,116,571

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

	1994-95 CONTINUATION	1994-95 REDUCTIONS & TRANSFERS	1994-95 EXPANSION	1994-95 TOTAL
GENERAL GOVERNMENT				
Administration	$54,119,528	($2,599,528)	$1,010,060	$52,530,060
Cultural Resources	42,086,042	(1,056,817)	1,670,545	42,699,770
General Assembly	24,982,877	(250,000)	-	24,732,877
Office of the Governor	4,495,442	(115,033)	1,480,000	5,860,409
Office State Budget & Management	3,530,825	(96,342)	-	3,434,483
Office of State Planning	1,538,034	(20,997)	87,196	1,604,233
Insurance	14,130,127	(1,366,000)	234,012	12,998,139
Lieutenant Governor	553,302	(18,459)	65,000	599,843
Administrative Hearings	1,954,545	(21,045)	-	1,933,500
Revenue	55,103,203	(1,499,032)	310,000	53,914,171
Rules Review Commission	263,871	(5,278)	-	258,593
Secretary of State	4,925,984	(201,583)	113,500	4,837,901
Auditor	7,430,882	(116,441)	531,260	7,845,701
Controller	6,687,578	(626,561)	350,000	6,411,017
Board of Elections	545,885	-	-	545,885
State Treasurer	5,498,735	(259,899)	1,105,918	6,344,754
Special Contribution	5,437,248	-	-	5,437,248
TOTAL GENERAL GOVERNMENT	$233,284,108	($8,253,015)	$6,957,491	$231,988,584
RESERVES				
Contingency and Emergency	$1,125,000	-	-	$1,125,000
Salary Adjustment	500,000	-	-	500,000
Salary Increases	-	-	$116,549,560	
Compensation Bonus	-	-	-	116,549,560
Lowest Paid Employee	1,400,724	-	-	1,400,724
Reserve for Bloodborne Pathogens	2,000,000	(1,000,000)	-	1,000,000
Reserve Retiree 30% Reduction	(10,000,000)	2,752,702	-	(7,247,298)
Wage Floor-Lowest Paid Employees	-	-	135,500	135,500
Reserve - Health Care Initiatives	—	—	2,000,000	2,000,000
Reserve - Public Schools' Employees' Sick Leave Bank	—	—	1,000,000	1,000,000
Retirement Rate Change	—	—	1,316,400	1,316,400
TOTAL - RESERVES	($4,974,276)	$1,752,702	$121,001,460	$117,779,886
Debt Service	$80,516,283	-	$8,597,500	$89,113,783
Reserve for Restoration of Pay Dates - June 1994	-	-	-	-
TOTAL CURRENT OPERATIONS	$8,489,339,464	($120,005,888)	$410,186,956	$8,779,520,532
LOCAL GOVERNMENT TAX REIMBURSEMENT	$236,824,154	-	-	$236,824,154
GRAND TOTAL	$8,726,163,618	($120,005,888)	$410,186,956	$9,016,344,686

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

(Page B)

SENATE AND HOUSE CONFERENCE REPORT
POSITION CHANGES DUE TO COMMITTEES' ACTIONS

	1993-94			1994-95		
General Fund Codes	Deletions	Additions	Net	Deletions	Additions	Net
HUMAN RESOURCES	0	161.5	161.5	0	161.5	161.5
GENERAL GOVERNMENT						
Administration	(-10.25)	3.5	(-6.75)	(-10.25)	7.5	(-2.75)
Cultural Resources	(-2)	6	4	(-2)	7	5
General Assembly	0	0	0	0	0	0
Governor	0	1	1	0	1	1
State Budget	0	0	0	0	0	0
State Planning	0	0	0	0	0	0
Insurance	(-20)*	4	(-16)	(-20)*	4	(-16)
Lt. Governor	0	1	1	0	1	1
Administrative Hearings	0	0	0	0	0	0
Revenue	(-16)	5	(-11)	(-23)	5	(-18)
Administrative Rules	0	0	0	0	0	0
Secretary of State	0	4	4	0	4	4
Auditor	0	11	11	0	11	11
Controller	0	6	6	0	6	6
Treasurer	0	5	5	0	5	0
TOTAL GENERAL GOVERNMENT	**(48.25)**	**46.5**	**(-1.75)**	**(-60.25)**	**51.5**	**(-8.75)**
CORRECTION	(-313)	49	(264)	(-339)	89	(250)
JUDICIAL	0	269.5	269.5	0	280.5	280.5
JUSTICE	0	13	13	0	16	16
CRIME CONTROL & PUBLIC SAFETY	(-3)	4	1	(-3)	4	1
AGRICULTURE	(-2)	17	15	(-5)	17	12
LABOR	(-2)	29	27	(-2)	29	27
EHNR	(-4)	79	75	(-6)	76	70
COMMERCE	(-21)	14	7	(-21)	14	7
COMMUNITY COLLEGES	(-150)	265	115	(-150)	265	115
UNIVERSITY	(66.25)	237.5	171.25	(66.25)	382.2	315.95
PUBLIC SCHOOLS	-	260	260	-	260	260
PUBLIC INSTRUCTION	(57)	-	(57.0)	(57)	-	(57)
TOTAL GENERAL FUND CODES	**(666.50)**	**1,445.0**	**778.50**	**(709.50)**	**1,645.7**	**936.20**
HIGHWAY FUND						
Transportation	(-220)	14	(-206)	(-220)	14	(-206)
Highway Patrol	-0-	80	80	0	80	80
Agriculture	(-2)	0	(-2)	(-2)	0	(-2)
HIGHWAY TRUST FUND	(-2)	+2	-	(-2)	+2	-
EQUIPMENT FUND	(-10)	0	(-10)	(-24)	-	(-24)
TOTAL	**(900.25)**	**1,541.0**	**640.5**	**(957.50)**	**1,741.7**	**784.20**

* Includes 15 receipt-supported positions

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

(Pages 1-3)

COMMUNITY COLLEGES	1993-94	1994-95
RECOMMENDED CONTINUATION	**$393,630,457**	**$393,646,998**
Continuation Budget Changes:		
1. **State Board Reserve** - Reduce the State Board of Community College's reserve fund for innovative and pilot projects by 10%.	(100,000)	(100,000)
2. **Department of Community Colleges Vacant Positions** - Eliminates 3 vacant positions in the Department. This represents one-half of the vacancies. The positions eliminated were: - Education Consultant II - Office Assistant III - Extension Educ. Training Specialist IV	(106,876)	(106,876)
3. **Community Services Block Grant** - This reduces the Block Grant by one-half. The programs offered by this fund are hobby and leisure courses, not related to job training skills. About 40% of those enrolled are senior citizens. They take these courses free of charge. Others are charged a fee that varies by college. The other program offered by this fund is the Visiting Artist program. Approximately $500,000 was spent for that purpose during the 1991-92 fiscal year.	(1,952,298)	(1,952,298)
4. **Other Departmental Savings** -		
(a) Data processing savings	(40,000)	(40,000)
(b) Inventory reduction	(400)	(400)
5. **Administrative Cuts** - Reduce the formula allotment for senior administrators and administrators of programs from a ratio per 110 FTE to one based on every 125 FTE. (It would cut less than 30 equivalent positions statewide.)	($1,563,777)	($1,563,777)
6. **Prison Education Profit Cuts** - Community Colleges receive funds for teaching prisoners if they are on the rolls at the 20% point of the class. Many of them are transferred to other prisons after the start of classes, but the colleges still receive FTE for them for the entire course. If they were paid only for the actual hours taught, there would be substantial savings every year.	(1,000,000)	(1,000,000)
TRANSFER:		
1. Transfer Sheltered Workshop Funds from Community Colleges to the Department of Human Resources -Reduction in Community Colleges Budget: ($1,059,002) -Increase in Department of Human Resources Budget: $1,059,002	(1,059,002)	(1,059,002)
TOTAL BASE BUDGET REDUCTIONS	**($5,822,353)**	**($5,822,353)**
REVISED CONTINUATION BUDGET	**$387,808,104**	**$387,824,645**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

COMMUNITY COLLEGES (Continued)	1993-94	1994-95
EXPANSION BUDGET		
1. **Enrollment Increases** - Fully funds the enrollment increases of 3,485 FTE during the 1992 fiscal year.	$7,689,837	$7,689,837
2. **Hospital Nursing Diploma Program** - Subsidy for five hospital-based nurse training programs.	200,000	200,000
3. **Specialized Technology Centers for Manufacturing** - Funds for specialized technology centers to assist manufacturing industries.	200,000	200,000
4. **Workforce Preparedness - Child Care Grants** - To provide child care grants to community colleges.	1,500,000	1,500,000
5. **Workforce Preparedness - Competitive Salary Levels** - To provide additional faculty salary funds.	6,000,000	6,000,000
6. **Workforce Preparedness - Counselor Positions** - To fund additional counselor positions.	1,000,000	1,000,000
7. **Workforce Preparedness - Equipment and Books** - To provide additional funds for equipment and books. ($6.2 million - equipment 2.2 million - books)	8,400,000 NR	—
Non-Recurring Expansion	$8,400,000	—
Recurring Expansion	$16,589,837	$16,589,837
TOTAL EXPANSION BUDGET	$24,989,837	$16,589,837
TOTAL OPERATING BUDGET	$412,797,94	$404,414,482

(Pages 4-9)

UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS

RECOMMENDED CONTINUATION	**$1,184,069,864**	**$1,193,945,658**
Continuation Budget Changes:		
1. Across-the-board reduction of 0.59% except for AHEC	(6,481,337)	(6,533,454)
2. Budget overhead receipts at latest estimates	(858,065)	(859,066)
3. Eliminate motor vehicle purchases	(257,980) NR	-
4. Budget more realistic receipts for summer schools	(600,000)	(600,000)
5. UNC-General Administration Budget increase in overhead receipts	(275,000)	(400,000)
6. Nurse Scholars Program: Reduce funding one-year due to fund balance	(500,000) NR	-
7. Aid to Private Medical Schools: Hold to 1992-93 actual use	(262,000)	(383,000)
8. Reduce pilot shellfish enhancement project to level requested	-	(103,927)
9. Reduce funding for endowment for Center for Alcohol Studies	(150,000)	(150,000)
10. Eliminate Reserve for WUNC-FM building because funding for public radio on UNC campuses was eliminated 1991-93	(7,821)	(55,442)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS (Continued)	1993-94	1994-95
11. Reduce other Reserves for new facilities due to delays in estimated completion dates	(488,452) NR	51,785
12. Realign AHEC budget. Shift 1% of funds in Health Sciences Support budget on campus to 4 primary care residencies $60,000 (each year)	-	-
13. **ECU Medical School - Hospital Teaching Costs -**		
(a) **Teaching Hospital Costs** - Change State Medicaid Plan to reimburse Pitt Hospital for full costs for all Medicaid patients, in exchange for elimination of State reimbursement for bad debts, residents, and unreimbursed Medicaid costs for non-Pitt County patients.		
Counties pay at regular Medicaid rate.	($15,929,151)	($17,080,542)
Less State Match for Medicaid	5,420,994)	5,865,713)
Net Savings	(10,508,157)	(11,214,829)
(b) Funds to continue support for residents at Pitt County Memorial Hospital.		
93-94 94-95		
Requirements 10,000 10,000		
Less Receipts (10,000) (10,000)		
Appropriations -0- -0-	—	—
14. **UNC Hospitals** - Reduce appropriation due to change in Medicaid reimbursement for full costs.	(1,500,000) NR	-
TOTAL BASE BUDGET REDUCTIONS	**($21,888,812)**	**($20,247,933)**
TRANSFER:		
1. Transfer funds to Department of Human Resources from ECU Medical School budget for State match for additional Medicaid payments to Pitt County Memorial Hospital.	($5,420,994)	($5,865,713)
TOTAL BASE BUDGET REDUCTIONS	**($27,309,806)**	**($26,113,646)**
PLUS TRANSFERS - Recurring	**($24,563,374)**	**($26,113,646)**
Non-Recurring	**($2,746,432)**	—

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EXPANSION BUDGET		
1. **Enrollment and Schedule of Priorities -**		
(a) Funds for schedule	$47,498,197	$47,449,834
	36,703,874 R	47,449,834 R
	10,794,323 NR	
(b) Tuition Increase		
In-State: 3% first year; 3.3% second year		
Out-of-State: 6.5% each year	(9,944,127)	(20,882,836)
Subtotal: Schedule of Priorities:		
General Fund	37,554,070	26,566,998
	26,759,747 R	26,566,998 R

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

	10,794,323 NR	
UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS EXPANSION BUDGET (Continued)	1993-94	1994-95
2. **Aid to Students Attending Private Colleges**		
Funding to bring grants to authorized levels	1,055,000	1,055,000
3. **Education Leadership Task Force**		
(a) Principal Fellows	198,000	1,190,000
(b) School Leadership Academy	15,000 NR	-
(c) School Administrators Training Program Reforms	$122,000	$101,000
(d) School Administrators Professional Standards Board	150,000	250,000
TOTAL: EDUCATION LEADERSHIP TASK FORCE	**$470,000 R** **$15,000 NR**	**$1,541,000 R**
4. **N. C. State**		
a. Non-Wovens Cooperative Research Center Funds to match National Science Foundation grant for textile research	250,000 NR	—
b. Pulp and Paper ($300,000 each year from overhead receipts)	—	—
c. Furniture Manufacturing and Management Center ($500,000 each year from overhead receipts)	—	—
d. Seafood Enhancement Pilot Project	8,000 NR	—
5. **N.C. A&T State** - Matching funds for Transportation Institute to match federal grant of $1 million (HB 662)	250,000 NR	—
6. **N.C. School of Science and Mathematics**		
(a) Funds for salary schedule	125,000	125,000
(b) Funds for campus security	70,743	70,743
7. **Agricultural Programs**		
(a) Research staff for Tidewater Research Station (HB 65)	$500,000	$500,000
(b) Funds for 4-H Youth Development program for camp operation (HB 422)	250,000 NR	—
(c) Conifer Integrated Pest Management (House Bill 1277)	64,000	64,000
(d) Seafood Laboratory Funds (House Bill 259)	125,000	125,000
8. **NCSU/Textbooks** Funds for preparation and publication of social studies textbooks for grades 4-7 (HB 676)	204,000	174,000
9. **Project TEACCH** (House Bill 333)	150,000	150,000
10. **Mtn. Aquaculture** (House Bill 119)	200,000	200,000
11. **Nurse Anesthetists** (House Bill 438)	50,000	50,000
12. **Diabetes Program** (HB 1349)	225,000	225,000
13. **Learning Link** (HB 1308)	100,000	100,000
14. **Teacher Academy**: N. C. Center for the Advancement of Teaching for training trainers	200,000	200,000
15. **Educational Consortia**: Fund 4 additional campuses (SB 1110)	$600,000	$600,000

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS EXPANSION BUDGET (Continued)	1993-94	1994-95
TOTAL RECURRING EXPANSION	$30,898,490	$31,746,741
TOTAL NON-RECURRING EXPANSION	$11,567,323	—
TOTAL EXPANSION	$42,465,813	$31,746,741
TOTAL OPERATING BUDGET	$1,199,225,871	$1,199,578,753

(Pages 10-14)
DEPARTMENT OF PUBLIC INSTRUCTION

RECOMMENDED CONTINUATION:	**$3,445,213,790**	**$3,501,014,053**
Continuation Budget Changes:		
1. **DPI Reorganization** - Reorganize DPI and reduce positions. Reduction of 86 positions over the biennium. 57 General Fund supported positions and 29 non-General Fund supported positions.	(763,366)	(1,781,186)
2. **Rent Savings** - Savings from moving offices from rental space into the new education building.	(58,251)	(58,251)
3. **Contracts** - Reduce Contracts and Grants.	(67,562)	(67,562)
4. **Inservice Training** - Reduce Inservice Training.	(35,418)	(35,418)
5. **Teacher Fellows Commission** - Reduce balance in Trust Fund for Teaching Fellows Program. Balance was created by repayments of loans.	(700,000)	(500,000)
6. **Prospective Teacher Scholarship Loan Program** - Reduce balance in Trust Fund from repayments.	(17,040)	(17,040)
7. **SIPS Charges** - Reduction in data processing charges from State Information Processing Service.	(300,000)	(300,000)
8. **Inventory Reductions** - Reduce inventories in the Department of Public Instruction.	(17,500)	(17,500)
9. **Pupil Transportation** - Reduce funds appropriated for pupil transportation program based on current fuel prices.	(2,500,000)	(2,500,000)
10. **Career Development** - Continue phase-down of funds. Reduce to 5% in FY 1994-95. Only the following systems receive funds under the budget item: Burlington, Alexander, Buncombe, Burke, Chowan, Tarboro, Greene, Roanoke Rapids, Harnett, Haywood, Mecklenburg, Montgomery, New Hanover, Orange, Perquimans, Salisbury-Rowan. All other systems are eligible to participate in the 2% distribution of differentiated pay funds, if those funds are provided in the expansion budget.	$ —	($7,836,901)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF PUBLIC INSTRUCTION (Continued)	1993-94	1994-95
11. **Stipend - Recruiting Office** - Eliminate allotted $300 per high school. If this function is necessary, teachers could choose to make this a part of their differentiated pay plan at the high school.	(124,398)	(124,398)
12. **ADM Adjustment** - Increase average daily membership beyond amount budgeted in the continuation.	11,064,190	15,250,246
13. **Average Salaries** - Recalculation of average salaries to the December payroll.	(8,217,041)	(8,394,415)
TOTAL BASE BUDGET REDUCTIONS	**($1,736,386)**	**($6,382,425)**
REVISED CONTINUATION BUDGET	**$3,443,477,404**	**$3,494,631,628**
EXPANSION BUDGET		
Department of Public Instruction		
1. **Testing** - Completion of the End-of-Course End-of-Grade Testing Program.	$1,789,760	$1,789,760
Public School Fund		
2. **Differentiated Pay** - Provide differentiated pay for certified employees in the public schools.	38,827,392 NR	38,827,392
3. Fully fund teacher longevity at current rates.	7,000,000	7,000,000
4. **Basic Education Program** - Increase Counselors in the public schools)	10,000,000	10,000,000
5. **Low-Wealth School System** - Provide additional supplemental funding	9,000,000	9,000,000
6. **Small School Systems** rovide additional supplemental funding	4,000,000	4,000,000
7. **Exceptional Children** - Increase funding amounts for all exceptional children.	4,583,598	4,583,598
Add $1 million in non-recurring funds to those systems with handicapped children over the 12.5% cap.	1,000,000 NR	5,583,598
8. **Textbook Purchase** - Increase funding for textbooks to $28 per student in grades 1-12, and $28 per student in kindergarten.	5,732,985	5,901,050
9. **Supplies and Materials** - Increase for supplies, materials, and equipment	$2,500,000 NR	$ —
10. **Safe School Grants** - Provide funds for safe school grants	2,500,000	2,500,000
11. **Tech Prep** - Increase Tech Prep funding.	100,000	100,000
12. **Governor's Schools** - Increase funding for the Governor's Schools.	100,000	100,000
13. **Mobile Preschool Pilot Program** - Establish pilot preschool program.	50,000 NR	—
14. **Parent-as-Teachers** - Establshes pilot parent-as-teacher program in two school districts.	100,000 NR	—
15. **Task Force on Teacher Staff Development** - Funds the Task Force.	300,000 NR	—

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

DEPARTMENT OF PUBLIC INSTRUCTION		
EXPANSION BUDGET		
Public School Fund (Continued)	1993-94	1994-95
16. **Staff Development Fund** - Add funds for staff development.	2,000,000 NR	—
17. **Model Teacher Consortium** - Add additional county to the existing consortium in northeastern North Carolina.	15,000	15,000
18. **School Buses** - Funding for school bus replacements.	24,015,485 NR	—
19. **School Technology Commission** - Funds the Commission to study the use of technology in the public schools	$300,000 NR	$ —
20. **Public School Forum** - Support for additional administrative costs associated with the Teaching Fellows Program	75,000	75,000
Non-Recurring Expansion	$69,092,877	—
Recurring Expansion	$44,896,343	$83,891,800
TOTAL EXPANSION BUDGET	**$113,989,220**	**$83,891,800**
TOTAL OPERATING BUDGET	**$3,557,466,624**	**$3,578,523,428**

(Pages 15-30)

DEPARTMENT OF HUMAN RESOURCES

RECOMMENDED		
CONTINUATION BUDGET	**$1,686,618,219**	**$1,854,653,994**
Continuation Budget Changes		
DIVISION OF MH/DD/SAS		
1. **GPAC and Governor**: Downsize psychiatric hospitals by (a) eliminating sufficient number of positions in psychiatric hospitals to generate $1.5m reduction in GF appropriations.	(1,500,000)	(1,500,000)
(b) discharging residents in ICR/MR Unit at Broughton Hospital to community placements.	(360,199)	471,043
2. **GPAC and Governor**: Downsize MR centers by reducing census by 4%.	(230,000)	(900,000)
3. **Governor**: Convert Caswell Center infirmary and extended care beds to ICF/MR.	(568,000)	(568,000)
4. **Governor**: Replace G.F. appropriation with block grant funds for program for pregnant women and their children at Butner ADATC.	(800,000)	(800,000)
5. **Governor**: Adjust patient receipts in mental hospitals to more realistic levels.	(3,994,014)	(3,420,109)
6. **Governor**: Defer increases in continuation budget for vehicle replacement.	(1,393,901)	(973,495)
7. **Governor**: 30% reduction in SIPS rate.	(45,343)	(45,343)
8. **Governor**: Inventory reductions.	(680,200)	(680,200)
DIVISION SUBTOTAL	**($9,571,657)**	**($8,416,104)**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF HUMAN RESOURCES
(Continued)

	1993-94	1994-95
Division of Medical Assistance		
1. **GPAC & Governor**: Medicaid Managed Care: Accelerate expansion of Carolina Access Program and explore use of other managed care options.	($2,900,000) (8)	($3,000,000) (8)
2. Reduce funding for prescription drug to reflect continuation needs only.	(1,100,000)	(1,300,000)
3. **Governor**: Carry forward unexpended donations from FY 92-93 to FY 93-94 and adjust state appropriations.	(7,500,000) NR	(-0-)
4. **Governor**: FY 92-93 cost per eligible is lower than forecasted. Reduce FY 93-94 budget.	(12,327,250)	(19,134,134)
5. **Governor**: Increase receipts by increasing administrative staff in areas such as third-party recovery unit. Net savings.	(500,000) (45)	(1,000,000) (45)
6. **Governor**: Change rate method for ICF/MR reimbursement by implementing direct/ indirect reimbursement caps for ICF/MR beds.	(1,400,000)	(1,500,000)
7. Reduce inflationary increases budgeted for medical care providers.	(6,200,000)	(6,200,000)
8. **GPAC and Governor**: Downsize MR Centers by reducing census by 4%.	(600,000)	(2,400,000)
9. **Governor**: 30% reduction in SIPS rate.	(20,693)	(20,693)
10. **GPAC and Governor**: Discharge residents in ICF/MR Unit at Broughton Hospital to community placements.	($439,801)	($1,271,043)
SUBTOTAL	**($25,487,744))** **($7,500,000) NR**	**($35,825,870)**
Division of Social Services		
1. **Governor**: Special Assistance to Adults: Reduce FY 93-94 continuation budget due to lower than expected rate of growth in caseloads and payments in FY 92-93.	(1,333,640)	(1,290,352)
2. **Governor**: Aid to Families With Dependent Children: Reduce continuation budget to reflect lower than expected rate of growth in payments and payment amounts in FY 92-93.	(619,336)	(625,495)
3. **Governor**: Equalizing Fund: adjust payments to reductions in the AFDC budget.	(67,470)	(68,137)
4. **Governor**: Increased Child Support Receipts: Adjust appropriations due to increased child support collections for AFDC recipients.	(315,234)	(381,948)
5. **Governor**: Increased Foster Care Receipts: Adjust appropriations to reflect increased federal Title IV E receipts. State funds were overmatched because federal funds were not available.	(593,969)	(563,949)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF HUMAN RESOURCES

Division of Social Services (Continued)	1993-94	1994-95
6. **Governor**: Increased Child Welfare funds. Adjust appropriations to reflect an increase in federal Child Welfare funds.	($278,899)	($377,499)
7. **Governor**: 30% reduction in SIPS rate.	(740,888)	(740,888)
8. **Governor**: Inventory reduction.	(22,200)	(22,200)
SUBTOTAL	**($3,971,636)**	**($4,070,468)**
Division of Facility Services		
1. **Governor**: Adjust the Continuation Budget for entitlement day care program.	(11,000,000)	(5,000,000)
2. **Governor**: 30% reduction in SIPS rate.	(4,331)	(4,331)
3. **Governor**: Inventory reduction.	(2,700)	(2,700)
SUBTOTAL	**($11,007,031)**	**($5,007,031)**
Division of Youth Services		
1. **Governor**: Increase receipts for Juvenile Detention services allowing for decrease in state appropriation.	(250,000)	(250,000)
2. **Committee**: Adjust the continuation budget increase for items funded under the Prison Bond.	(400,000) NR	-0-
3. **GOVERNOR**: 30% reduction in SIPS rate.	(15,864)	(15,864)
4. **Governor**: Inventory reduction.	(48,700)	(48,700)
SUBTOTAL	**($314,564)**	**($314,564)**
	($400,000) NR	
Division of Services for the Deaf		
1. **Governor**: Defer vehicle replacement.	($452,823)	($151,670)
2. **Governor**: 30% reduction in SIPS rate.	(5,142)	(5,142)
3. **Governor**: Inventory reduction.	(18,100)	(18,100)
SUBTOTAL	**($476,065)**	**($174,912)**
Department-Wide		
1. Eliminate Jordan-Adams inflationary reserve.	(1,317,842)	(2,652,819)
Division of Aging		
1. **Governor**: 30% reduction in SIPS rate.	(1,234)	(1,234)
Division of Vocational Rehabilitation		
1. **Governor**: 30% reduction in SIPS rate.	(25,001)	(25,001)
2. **Governor**: Inventory reduction.	(10,200)	(10,200)
SUBTOTAL	**($35,201)**	**($35,201)**
Division of Services for the Blind		
1. **Governor**: 30% reduction in SIPS rate.	(3,425)	(3,425)
2. **Governor**: Inventory reduction.	(9,500)	(9,500)
SUBTOTAL	**($12,925)**	**($12,925)**
Secretary's Office		
1. **Governor**: 30% reduction in SIPS rate.	(8,079)	(8,079)
2. **Governor**: Inventory reduction.	(2,700)	(2,700)
SUBTOTAL	**($10,779)**	**($10,779)**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF HUMAN RESOURCES (Continued)	1993-94	1994-95
TRANSFERS:		
1. Transfer from Eastern Carolina Medical School to Division of Medical Assistance: State funds to support Medicaid reimbursement to Pitt County Hospital at full cost. Pitt County Hospital is a primary affiliated teaching hospital of a state operated Medical School.	$5,420,994	$5,865,713
Transfer from the Department of Community Colleges to Department of Human Resources, Division of Mental Health, Developmental Disabilities and Substance Abuse Services for allocation to those sheltered workshops that received Community College funds in the fall quarter of 1992.	$1,059,002	$1,059,002
TOTAL CONTINUATION BUDGET CHANGES	**($45,726,682)** **(7,900,000) NR**	**($49,597,192)**
REVISED CONTINUATION BUDGET	**$1,632,991,537**	**$1,805,056,802**

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EXPANSION BUDGET Division of Facility Services		
1. **Early Childhood Education and Development Initiative** - Funds for a public/private partnership for children and families, and to develop a long term strategic plan for early childhood development.	$15,330,000 4,670,000 NR (8)	$27,640,000 (8)
2. **Day Care Staff Ratios** - Funds to lower the child/staff ratios for infants and children one and two year old receiving center based care.	1,400,000	2,216,293
3. **At-Risk Child Care Matching Funds** - Funds to enable the state to receive all of the federal At-Risk Child Care funds available at the current federal financial participation rate.	$126,000	$186,200
4. **Monitoring Compliance Staff** - Funds to add staff to monitor and provide technical assistance to child care centers and homes.	300,000 (10)	438,672 (10)
5. **Home Care Licensing** - Funds to continue the Home Care Licensing Act of 1991.	121,000	121,000
SUBTOTAL	**$17,277,000** **$4,670,000 NR**	**$30,602,165**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF HUMAN RESOURCES EXPANSION BUDGET (Continued)	1993-94	1994-95
Secretary's Office		
Office of Rural Health and Resources Rural Health Recruitment Funds		
1. **Rural Health Stipends** - Funds to provide stipends to medical residents, nurse midwives, physician assistants, and family nurse practitioners who will serve in medically underserved areas of the state.	450,000	450,000
2. **Rural Health Financial Incentive Funds** - Funds to provide financial incentives, such as loan repayment and moving expenses for primary care professionals who serve in rural or medically underserved areas of the state.	500,000	500,000
3. **Support for Health Centers** - Funds to provide support for health centers in rural and medically underserved areas of the state.	800,000	800,000
4. **Rural Health Scholarship Fund** - Funds to establish scholarships for North Carolina medical students who agree to serve in rural and medically underserved areas of the serve.	$250,000	$250,000
5. **Community Primary Care Program** - Funds to establish a Community Primary Care Program to encourage development of community primary care clinics. Funds will be used for planning grants to counties wanting to meet the primary care needs of their communities.	160,000	160,000
Subtotal	**$2,160,000**	**$2,160,000**
Division of Social Services		
1. **Expansion of Jobs Opportunity and Basic Skills (JOBS) Program** - Funds to serve more people and implement new federal AFDC - Unemployed Parent work requirement.	2,856,881 (2)	6,738,145 (2)
2. **Rest Home Rate Increase** - Funds to increase rest home rates effective July 1, 1993 The recommended rate increase would adjust the maximum monthly rate for domiciliary care facilities from $889 to $938 for ambulatory residents and from $928 to $979 for semi-ambulatory residents.	4,750,000	4,750,000
3. **Child Protective Services** - Funds to strengthen Child Protective Services by providing additional social worker positions in local Departments of Social Services.	2,000,000	2,000,000
4. **State/County Special Assistance Personal Needs** - Funds to adjust the personal needs allowance of persons participating in the State/County Special Assistance Program.	$200,000	$200,000

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF HUMAN RESOURCES
EXPANSION BUDGET

Division of Social Services (Continued)	1993-94	1994-95
5. **Adoption Assistance Program:** Funds to raise the payment made to families who adopt children with special needs from $200 to $265 per month effective 7/1/93.	648,540	670,303
6. **Emergency Assistance Program:** Funds to extend the availability of AFDC-EA program.	500,000	500,000
7. **Infant Mortality/Adolescent Parenting Program:** Funds to expand the program to 8 additional counties. Up to $10,000 may be used for administrative costs in the Division of Social Services.	300,000	300,000
8. **State Abortion Fund** - Funds to support the provision of services for low income women.	788,000	788,000
Subtotal	**$12,043,421**	**$15,946,448**
State Aid to Non-State Agencies		
1. **Uplift, Inc.** - Funds to provide a grant-in-aid to a Greensboro based organization which provides technical assistance to counties to better use existing resources for families and children.	300,000 NR	—
2. **Autism Society of North Carolina** - Grant-in-aid to the Autism Society to support a Children/Adult Summer Camp program.	$49,000	$49,000
3. **Caring for Children Program** - Grant-in-Aid to support the purchase of health insurance for 1,748 low income children who do not qualify for Medicaid.	500,000	500,000
Subtotal	**$549,000**	**$549,000**
	$300,000 NR	
Mental Health		
1. **Coalition 2001: Core Services for Adult Mentally Ill** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area programs on a per-capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	1,300,000	1,300,000
2. **Coalition 2001: HUD Group Homes for Mentally Ill** - Start-up and operating funds for 5 group homes and 1 apartment project.	—	460,000
	300,000 NR	
3. **Coalition 2001: Services for the Hearing-Impaired Mentally Ill** - Funds to maintain current program, to hire additional staff, and to provide residential and inpatient services.	238,563	350,000

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

DEPARTMENT OF HUMAN RESOURCES
EXPANSION BUDGET

Mental Health (Continued)	1993-94	1994-95
4. **Coalition 2001: Core Services for Child Mentally Ill** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area programs on a per-capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	$1,300,000	$1,300,000
5. **Willie M. Services** - Funds for additional day treatment/education slots and residential services for class members, including a second secure 14-16 bed residential program.	2,127,671	—
	272,329 NR	4,500,000
Number of positions.	(41)	(41)
6. **Nurses Pay Adjustment** - Funds to implement salary adjustments for nurses in DHR institutions based on revised entry rates and special minimum rates which became effective August 1, 1991.	892,196	892,196
Developmental Disabilities (DD)		
1. **Coalition 2001: Core Services for Adult DD** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area programs on a per-capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	700,000	700,000
2. **Coalition 2001: HUD Group Homes for Developmentally Disabled** - Start-up and operating funds for 17 new group homes, 3 ICF/MR homes and supplemental operating funds and ADAP funds for 16 homes previously developed.	$577,420	$920,500
	1,058,000 NR	—
3. **Coalition 2001: United Cerebral Palsy Funds** - The Division shall use these funds to contract with United Cerebral Palsy of North Carolina for the operation and expansion of their children's centers and Independent Living Program.	400,000	400,000
	290,000 NR	—
4. **Coalition 2001: DD Training Funds** - Training Funds for in-home and community living arrangements, provided in conjunction with the Developmental Disabilities Training Institute of the Division of Continuing Education at UNC. (HB 535)	200,000	200,000

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF HUMAN RESOURCES
EXPANSION BUDGET

Developmental Disabilities (DD) (Continued)	1993-94	1994-95
5. **Coalition 2001: Funds for Head Injury Projects** - Funding for up to 3 developmentally disabilities head injury projects, selected by the Department based upon the need of head injury clients. Funds may be used for supported employment, assisted living and other client needs. (HB 1279)	300,000	300,000
6. **Coalition 2001: Single Portal** - Funds for the area mental health programs to coordinate the entrance and exit of DD clients to residential and day/night services.	$1,076,250	$1,435,000
7. **Coalition 2001: Residential Subsidy for DD Clients** - Funds to pay for room and board for clients who are able to move to less restrictive and costly housing.	136,256	181,675
8. **PL 99-457 Funds** - Funds to continue the implementation of early childhood intervention services as required by PL 99-457. (HB 628)	4,886,667	4,886,667
9. **Thomas S. Funds** - Funds to provide services for class members residing in State psychiatric hospitals, MR Centers, the Special Care Center and those receiving inadequate community-based services.	10,760,000	16,248,842
10. **Coalition 2001: Life Guardianship Program** - Funds to expand legal guardianship services to developmentally disabled persons.	35,000	35,000
Substance Abuse Services		
1. **Coalition 2001: Core Services for Adult Substance Abusers** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area programs on a per-capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	$780,000	$780,000
2. **Coalition 2001: Public/Private Partnership Initiative** - Funds to purchase substance abuse services in halfway houses, residential facilities and inpatient hospitals operated by the private treatment community.	500,000	500,000
3. **Coalition 2001: Women's Substance Abuse Services** - Funds to expand the number of residential services available to women and their children.	260,000	260,000
4. **Coalition 2001: Core Services for Child and Adolescent Substance Abusers** - Provision of basic services recommended in the State Plans adopted by MH Study Commission. 70% of funds allocated to area programs on a Per-Capita basis; 30% allocated using "catch-up" formula approved by MH Study Commission.	1,500,000	1,500,000

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF HUMAN RESOURCES EXPANSION BUDGET (Continued)	1993-94	1994-95
SUBTOTAL - DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES	**$27,970,023**	**$37,149,880$**
	1,920,329 NR	
Division of Services for the Deaf and Hard of Hearing		
1. **PL 99-457 Funds** - Funds for early childhood intervention services for deaf and hearing impaired children as required by federal law. (HB 628)	527,970	645,723
	(16)	(16)
2. **Early Intervention: Deaf Funds** - Funds to establish and operate Early Intervention and Educational Resource Centers.	$250,000	$274,000
	(7)	(7)
3. **Pilot Deaf Program** - Funds to establish a pilot extended year program	200,000	300,000
SUBTOTAL	**977,970**	**1,219,723**
Division of Services for the Blind		
1. **PL 99-457** - Funds for early childhood intervention services for blind and visually impaired children. (HB 628)	336,997	725,117
	(8.5)	(8.5)
Division of Vocational Rehabilitation		
1. **Independent Living Program** - Funds to develop and implement additional Independent Living Programs.	554,000	1,243,392
	(16)	(16)
Division of Youth Services		
1. **Juvenile Sex Offender** - Funds to provide treatment to juveniles adjudicated delinquent for committing an act that is a sex offense crime.	500,000	500,000
2. **Community Based Alternative Funds** - Funds for the expansion of community-based services for youth at risk of coming into contact with the juvenile justice system.	500,000	500,000
SUBTOTAL	**$1,000,000**	**$1,000,000**
Division of Medical Assistance		
1. **Infant Mortality/Parenting Education** - Funds to support the addition of parenting education as a Medicaid reimbursable services for Medicaid eligible families with children under age 3.	$378,000	$504,000

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

	1993-94	1994-95
DEPARTMENT OF HUMAN RESOURCES		
EXPANSION BUDGET		
Division of Medical Assistance (Continued)		
2. **Infant Mortality/Medicaid Hot Line** - Funds to develop public education materials and a toll free hot line to inform Medicaid eligible families with children about the Healthy Children and Teens program and to link them with providers who accept Medicaid.	75,000	100,000
SUBTOTAL	**$453,000**	**$604,000**
Division of Aging		
1. **In-Home Funds** Funds to provide additional in-home aid services and caregiver support.	1,000,000	1,000,000
2. **Ombudsmen Funds** Funds for the long-term care Ombudsmen Program.	256,493	318,275
Subtotal	**1,256,493**	**1,318,275**
TOTAL DHR EXPANSION FUNDS	**$64,577,904** **$6,890,329 NR**	**$92,518,000**
TOTAL OPERATING BUDGET	**$1,704,459,770** **(161.5)**	**$1,897,574,802** **(161.5)**
(Pages 31-36)		
DEPARTMENT OF CORRECTION		
RECOMMENDED CONTINUATION	**$565,579,166**	**$602,236,033**
Continuation Budget Changes:		
1. Reduce funds to effect GPAC recommendation to reduce supply inventories.	(1,834,700)	(1,834,700)
2. Reduce funds for staff positions in area offices and Caledonia Complex Office in order to effect GPAC recommendation. Additional positions will be reduced in future years if recommended consolidation of small prison units is authorized.	(387,333) (-12)	(737,337) (-23)
3. Reduce the following line items for Substance Abuse Services.		
2210 Food	(13,305)	(13,305)
2310 Instructional Supplies	(5,000)	(5,000)
2650 Office Supplies	(2,000)	(2,000)
3110 Travel	(5,000)	(5,000)
3210 Telephone	(10,000)	(10,000)
3250 Postage	(6,000)	(6,000)
3510 Bldg. Maintenance	(5,000)	(5,000)
3590 Major Repairs	(6,495)	(6,495)
4120 Rent	(9,200)	(9,200)
SUBTOTAL	(62,000)	(62,000)
4. Reduce funds for positions and operating costs associated with the following recommendations:		

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF CORRECTION (Continued)	1993-94	1994-95
a. Reduce funds for operation of new facilities due to projected changes in completion dates. These are one-time savings for the 1993-95 biennium and will need to be reappropriated in the future.		
NCCIW	($79,205) NR	—
Greene	(186,282) NR	—
Lumberton	(708,263) NR	—
Odom	(124,851) NR	—
Marion (Completion date has moved forward)	23,906 NR	$751,005 NR
Pasquotank	(47,679) NR	(3,436,510) NR
Per diem inmate costs	(713,079) NR	(1,806,810) NR
SUBTOTAL	(1,835,453) NR	(4,492,315) NR
b. Close Triangle Correctional Center, as a result of a settlement agreement, due to the deterioration of the physical plant.	(1,196,621) (-138)	(3,662,482) (-138)
c. Reduce funds due to closing four modular housing units at Haywood, Rutherford, Cabarrus, and Durham prison units.	(102,080) (-4)	(102,080) (-4)
d. Reduce funds due to custody reduction in modular units.	(563,041) (-22)	(563,041) (-22)
e. Reduce custody staffing, from three correctional officers to two on second and third shifts, in six medium security dormitories due to a reduction in inmate population as a result of dayroom construction.	(300,521) (-12)	(306,240) (-12)
f. Reduce positions at Halifax Correctional Center and Sampson Correctional Center due to redesignation of facilities from medium to minimum custody.	($1,046,827) (-41)	($1,046,827) (-41)
g. Abolish new positions funded but not established at Triangle, Polk, and Western Youth Institution.	(329,606) (-13)	(329,606) (-13)
h. Reduce current operating line items in food service, training, and purchase of equipment.	(2,200,747)	(580,004)
i. Adjust funding for staffing at new facilities by eliminating positions currently in the reserves to operate new facilities being constructed with the $75M and the $103M Bond funds.	(753,520) (-42)	(1,409,720) (-57)
j. Abolish positions vacant on June 30, 1993.	(824,147) (-29)	(824,147) (-29)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF CORRECTION (Continued)	1993-94	1994-95
5. Defer funds needed for vehicle replacement.	(85,325)	(932,702)
6. Reduce funds due to a 30% reduction in State Information Processing rates.	(514,000)	(514,000)
Subtotal - Continuation Budget Changes	($10,200,468)	($12,904,886)
	($1,835,453) NR	($4,492,315) NR
TOTAL CONTINUATION BUDGET REDUCTIONS	**($12,035,921)**	**($17,397,201)**
TOTAL POSITIONS REDUCED	**(-313)**	**(-339)**
TRANSFER:		
1. Transfer funds for support of Summit House a residential center for females at high risk of incarceration who are placed on probation.	250,000	250,000
TOTAL TRANSFERS	**$250,000**	**$250,000**
TOTAL CONTINUATION BUDGET CHANGES	**($11,785,921)**	**($17,147,201)**
TOTAL NET POSITION CHANGES	**(-313)**	**(-339)**
REVISED CONTINUATION BUDGET	**$553,793,245**	**$585,088,832**
EXPANSION BUDGET		
1. Expand boot camp program for non-violent offenders ages 16-25 by 180 slots (90 at Morrison Youth Camp and 90 at Western Youth Institution.)	$751,733	$2,804,501
	390,000 NR	
	(33)	(71)
2. Funds for positions and operating costs for Central Engineering and the Division of Prisons to implement an inmate construction program. Costs for construction supplies and materials will be included in individual capital projects.	1,511,876	1,709,262
	1,193,826 NR	
	(9)	(9)
3. Provide one additional Parole Case Analyst and one additional clerk in each year of the biennium due to increased number of inmates being considered for parole.	$164,000	$112,000
	(2)	(4)
4. Fund new positions in the Controller's Office to implement the new state accounting system, to automate manual accounting systems, manage data subsystems, and implement internal and administrative controls.	243,000	214,000
	(5)	(5)

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

DEPARTMENT OF CORRECTION **EXPANSION BUDGET** (Continued)	1993-94	1994-95
5. Funds for a pilot community-based treatment program for alcohol and drug abusers on probation or parole.	200,000 NR	-0-
6. **Summit House** -		
(a) Expand day center non-residential services at the Greensboro site to include women on probation and parole in Guilford and surrounding counties.	150,000	150,000
(b) Provide funding for planning and site selection to establish satellite programs in Mecklenburg and Wake Counties by July 1, 1994.	150,000	NR
(c) Appropriate $250,000 in State funds to share the operational costs of each satellite program.	—	500,000
6. Appropriate funds to share operating expense of Harriet's House, a transitional home for female ex-offenders and their children.	200,000 NR	-0-
TOTAL EXPANSION BUDGET	**$2,820,609**	**$5,489,763**
	$2,133,826 NR	**—**
TOTAL NEW POSITIONS	**(49)**	**(89)**
TOTAL OPERATING APPROPRIATIONS	**$558,747,680**	**$590,578,595**
TOTAL NET POSITIONS	**(-264)**	**(-250)**

(Pages 37-41)
JUDICIAL DEPARTMENT

RECOMMENDED CONTINUATION		**$232,428,819**	**$235,112,520**
Continuation Budget Changes:			
1. Reduce employer retirement contribution for the Consolidated Judicial Retirement System by 1.2% for FY 1993-94 and FY 1994-95. The rate for the 1993-95 biennium would then be:			
Normal	14.75%		
Accrued Liability	7.55%		
Death Benefit	.53%		
Health Insurance	2.00%		
Total	24.83%	(352,800)	(352,800)
2. The Committee considered reducing funds in the amount of $200,000 for each year of the biennium in order to effect GPAC recommendation to consolidate computer network transmission lines. In lieu of taking this action, the Committee recommends the special provision titled "AOC Network Transfer Study".			
TOTAL CONTINUATION BUDGET CHANGES		**($352,800)**	**($352,800)**
REVISED CONTINUATION BUDGET		**$232,076,019**	**$234,759,720**

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

JUDICIAL DEPARTMENT (Continued)	1993-94	1994-95
EXPANSION BUDGET		
1. Funds to support new Judicial Department personnel. (See attached list.)	$7,395,582 535,500 NR (244)	$9,348,641 (255)
2. Expand services of the General Court of Justice's Court Information System.	1,078,979 67,812 NR (6)	1,258,955 (6)
3. Provide ongoing adequate support for constitutionally mandated indigent defense services.	1,000,000	2,575,887
4. Annualize funds for the existing child custody and visitation mediation programs pursuant to G.S. 7A-494.	154,873 (2)	154,873 (2)
5. Continue the statewide expansion of court-ordered non-binding arbitration programs pursuant to G.S. 7A-37.1.	143,553 (1.5)	143,553 (1.5)
6. Expand grants to Community Penalties Programs to provide services to 10-12 additional counties.	400,000	400,000
7. Provide funds for operating costs previously funded with lapsed salaries	1,300,000	1,300,000
8. Replace office equipment and data processing equipment.	3,061,628 NR	-0-
9. Transfer funds from Indigent Persons' Attorney Fee Fund for new public defender and appellate defender personnel. (No additional funds are needed. $466,230 will be transferred in FY 93-94 and $471,989 in FY 94-95.)	-0- (11)	-0- (11)
10. Transfer funds from Special Capital Case Rehearing Fund to the Indigent Persons' Attorney Fee Fund. (No additional funds will be needed. $1,100,000 will be transferred in FY 93-94.)	-0-	-0-
11. Expand access to civil justice for indigents.	250,000	250,000
12. Increase daily compensation for emergency judges from $150/day to $200/day.	77,722	81,598
13. Provide funds for a regional mediation and dispute settlement center located in Pitt County to serve eastern North Carolina.	40,000	40,000
14. Provide funds for a salary adjustment for clerks of court due to the revision of county population brackets.	80,000	80,000

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

JUDICIAL DEPARTMENT EXPANSION BUDGET (Continued)	1993-94	1994-95
15. Provide funds to establish District 9A.	216,468 44,718 NR (5)	322,883 (5)
TOTAL EXPANSION BUDGET	**$12,137,177 $3,709,658 NR**	**$15,956,390**
TOTAL NEW POSITIONS	**(269.5)**	**(280.5)**
TOTAL OPERATING APPROPRIATIONS	**$247,922,854**	**$250,716,110**
TOTAL NEW POSITIONS	**(269.5)**	**(280.5)**

NEW PERSONNEL

Position Description By Fund	Effective Date	1993-1994 No. of Pos.	1993-1994 Position Costs	1994-1995 No. of Pos.	1994-1995 Position Costs
Fund 1210					
Supreme Court					
Asst. Librarian	7/1/93	1	39,793	1	40.404
Fund 1220					
Court of Appeals					
Appellate Clerk I	7/1/93	1	31,716	1	26,130
Fund 1230					
Superior Court					
Res. Superior Court Judges	11/1/93	6	523,362	6	689,202
Res. Superior Court Judge	1/1/95			1	67,741
Spec. Superior Court Judges	11/1/93	2	174,454	2	229,734
Court Reporters	11/1/93	7	174,737	7	231,119
Court Reporters	1/1/95			1	19,811
Case Mgt. Assistants	7/1/93	2	64,616	2	57,062
Adm. Asst. to a TCA	7/1/93	1	35,254	1	31,182
SCJ's Secretaries	7/1/93	3	88,116	3	77,067
FUND 1230 SUBTOTALS		21	1,060,039	23	1,402,918
FUND 1240 DISTRICT COURT					
District Court Judges	11/1/93	6	415,536	6	549,846
District Court Judges	12/1/94			7	436,863
Magistrates	7/1/93	6	133,878	6	139,854
DCJ's Secretaries	7/1/93	6	178,278	6	153,720
FUND 1240 SUBTOTALS		18	727,692	25	1,280,283

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

JUDICIAL DEPARTMENT (Continued)

Position Description By Fund	Effective Date	1993-1994 No. of Pos.	1993-1994 Position Costs	1994-1995 No. of Pos.	1994-1995 Position Costs
FUND 1250					
JUVENILE SERVICES					
Chief Court Counselor I	7/1/93	1	52,237	1	44,706
Intake/Court Counselors	7/1/93	23	769,258	23	815,235
Intensive Service Counselors	7/1/93	12	401,352	12	425,340
JSD Secretaries	7/1/93	4	97,924	4	99,416
Contracts for Intensive Sup.	7/1/93		135,000		135,000
Additional Training Funds	7/1/93		17,000		17,000
FUND 1250 SUBTOTALS		40	1,472,771	40	1,536,697
FUND 1260					
CLERKS OF COURT					
Deputy Clerks	7/1/93	100	2,173,500	100	2,291,900
FUND 1260 SUBTOTALS		100	2,173,500	100	2,291,900
FUND 1600					
DISTRICT ATTORNEYS					
District Attorney	1/1/95				80,147
Asst. District Attorneys	1/1/94	11	326,227	11	647,295
Victim-Witness Assistant	1/1/95				15,863
D.A.'s Investigators	7/1/93	2	68,342	2	72,150
Legal Assistants I's	7/1/93	10	278,310	10	239,530
FUND 1600 SUBTOTALS		23	672,879	25	1,054,885
FUND 2120					
GAL PROGRAM					
Regional Administrator	7/1/93	1	49,270	1	52,994
District Administrators	7/1/93	2	89,950	2	90,328
Program Supervisors	7/1/93	15	596,655	15	601,215
Program Secretaries	7/1/93	9	200,403	9	208,512
GAL Attorney & Volunteer Costs			150,000		150,000
FUND 2120 SUBTOTALS		27	1,086,278	27	1,103,049

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

JUDICIAL DEPARTMENT (Continued)

Position Description By Fund	Effective Date	1993-1994 No. of Pos.	1993-1994 Position Costs	1994-1995 No. of Pos.	1994-1995 Position Costs
FUND 1110					
AOC-GEN ADM					
Word Processor II	7/1/93	1	35,825	1	25,495
Court Mgt. Analyst I	7/1/93	1	42,866	1	39,608
Court Mgt. Analyst II	1/1/94	1	30,286	1	51,693
Trial Judges' Research Attorney I	7/1/93	1	66,353	1	58,452
Senior System Accountants	7/1/93	1	56,275	1	49,148
System Accountants I	7/1/93	4	239,872	4	209,524
Field Auditor	7/1/93	1	49,359	1	48,199
Accounting Assistant III	7/1/93	1	32,492	1	26,610
Staff Development Tech	7/1/93	1	28,962	1	25,777
FUND 1110					
Personnel Assistant III	7/1/93	1	33,466	1	27,211
Additional Travel Requirements Sys. Accounting			50,658		50,658
FUND 1110 SUBTOTALS		13	666,414	13	612,375
NEW JUDICIAL DEPARTMENT PERSONNEL TOTALS		**244**	**$7,931,082**	**255**	**$9,348,641**

(Pages 42-45)

DEPARTMENT OF JUSTICE	1993-94	1994-95
RECOMMENDED CONTINUATION	**$53,540,802**	**$52,038,131**
Continuation Budget Changes:		
Administration		
1. Reduce in-state travel funds.	(3,000)	(3,000)
2. Reduce printing and reproduction costs.	(4,000)	(4,000)
Legal Services		
3. Reduce funds for data processing supplies to comply with GPAC recommendation.	(3,000)	(3,000)
4. Reduce funds for building repairs.	(5,000)	(5,000)
5. Reduce funds for applications support.	(5,000)	(5,000)
6. Reduce service contract funds for computer maintenance.	(20,000)	(20,000)
State Bureau of Investigation		
7. Reduce funds for airplane supplies.	(40,000)	(40,000)
8. Reduce funds for data processing supplies to comply with GPAC recommendation.	(29,900)	(29,900)

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

DEPARTMENT OF JUSTICE State Bureau of Investigation (Continued)	1993-94	1994-95
9a. Adjust funding for motor vehicle replacement.	(1,835,086)	532,709
9b. Reduce trade-in allowance receipts to agree with reduction/increase in vehicle replacement in (a) above.	(290,700)	(88,600)
	Receipt	Receipt
NET APPROPRIATION REDUCTION	**($1,544,386)**	**$444,109**
10. Increase receipts for Terminal Rental fee.	($50,000)	($50,000)
11. Increase receipts for ID Kit Rental.	(1,000)	(1,000)
12. Increase receipts for Private Protective Services fees.	(15,000)	(15,000)
13. Increase receipts for State Applicant fees.	(15,000)	(15,000)
Training and Standards		
14. Reduce in-state travel funds for staff.	(4,000)	(4,000)
15. Reduce funds for data proceasing supplies to comply with GPAC recommendation.	(4,500)	(4,500)
16. Reduce funds for utilities/electricity at the Justice Academy.	(4,000)	(4,000)
17. Reduce funds for building repairs.	-0-	(5,000)
18. Reduce service and maintenance contract funds.	(4,000)	(4,000)
TOTAL CONTINUATION BUDGET CHANGES	**($1,751,786)**	**$231,709**
REVISED CONTINUATION BUDGET	**$51,789,016**	**$52,269,840**

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EXPANSION BUDGET		
1. Attorney Positions/Salary Adjustment - Provide funds to add attorney positions to create a Citizens Rights Division; to meet increased caseloads in the Labor, Special Prosecutions, and Consumer Protection/Anti-Trust Sections; and to support the Paralegal position handling Low Level Radioactive Waste cases. Per this section, the Attorney General is given the authority to allocate funding in the preceeding manner or to provide salary adjustments for attorney positions in the Legal Services Section.	$936,000	$936,000
2. **Legal Automation System** - Provide staff and support for completion of the legal automations system. Positions include:	344,052 (3)	353,724 (3)
1 - Computer Systems Admin. 1 - Hardware Specialist 1 - System Specialist		
3. **SBI - Laboratory Services** - Provide essential laboratory personnel and support needed to respond to increased demand for analysis. Restores 3 positions and equipment cut in the 1991 Session.	488,230 278,099 NR (6)	684,980 (6)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF JUSTICE EXPANSION BUDGET (Continued)	1993-94	1994-95
4. **Sheriff's Standards Section** - Restore commission funding cut in the 1990 Session to reimburse Commission members, and provide additional operating funds.	30,000	30,000
5. **North Carolina Justice Academy** - Provide legal training to county law enforcement officers to prevent protracted legal proceedings, lost cases, and civil litigation. Funds restore Criminal Justice Coordinator position cut in the 1990 Session.	46,810 1,730 NR (1)	48,540 — (1)
6. **SBI** - Fund State match requirement for federal grant to support DNA Database and Databank Project.	113,197 (3)	34,000 (6)
7. **Legal Services** - Appropriate funds to the North Carolina Legal Education Assistance Foundation to provide loan repayment assistance for attorneys employed full-time in law-related public service positions.	25,000 NR	
TOTAL EXPANSION BUDGET	**$1,958,289** **$304,829 NR**	**$2,087,244** —
TOTAL NEW POSITIONS	**(13)**	**(16)**
TOTAL OPERATING APPROPRIATIONS	**$54,052,134**	**$54,357,084**

(Pages 46-53)

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

RECOMMENDED CONTINUATION	**$26,860,503**	**$26,836,975**
Continuation Budget Changes:		
National Guard		
1. Reduce funds for legal fees.	(252)	(400)
2. Reduce funds for janitorial supplies and building maintenance.	(655)	(766)
3. Reduce construction and repair supply funds.	(3,205)	(3,205)
4. Reduce motor vehicle operation costs.	(447)	(447)
5. Adjust funding for in-state and out-of-state travel, subsistence, and other travel expenses.	(1,650)	(1,650)
6a. Reduce costs for fuel oil, natural gas/propane, water and sewer services, and other utilities.	(5,359)	(6,227)
b. Additional reduction for fuel oil to comply with GPAC recommendation.	(35,300)	(35,300)
7. Reduce funds for printing and reproduction.	(158)	(158)
8. Reduce funds for repairs and maintenance.	(1,520)	(1,520)
9. Adjust costs for other unit expenses.	(243)	(243)
10. Reduce funds for dues and subscriptions.	(300)	(300)
Civil Air Patrol		
11. Reduce funds for repairs and maintenance.	(1,003)	(1,003)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (Continued)	1993-94	1994-95
Butner Public Safety		
12. Reduce costs for uniforms, arms, etc.	($1,376)	($1,376)
13. Adjust costs for motor vehicle operation.	(2,247)	(2,247)
14. Reduce office material and supply costs.	(53)	(53)
15. Reduce costs for other materials and supplies.	(570)	(570)
16. Reduce in-state subsistence funds.	(128)	(128)
17. Reduce costs for telephone service.	(642)	(642)
18. Reduce funds for electricity, fuel oil, natural gas/propane, and water & sewer services.	(1,544)	(1,667)
19. Reduce printing and reproduction funds.	(40)	(40)
20. Reduce funds for repairs and maintenance.	(1,682)	(1,682)
21. Reduce costs for educational expenses, laundry service, and other services.	(220)	(220)
22. Reduce funds for office machine rental.	(255)	(255)
23. Adjust funds for dues, subscriptions, awards, trophies, and other expenses.	(112)	(112)
24. Reduce funds for office furniture and equipment.	(255)	(255)
25. Reduce funds for communication and other equipment.	(875)	(875)
Alcohol Law Enforcement		
26a. Reduce vehicle replacement funds.	($272,369)	($91,298)
b. Reduce trade-in allowance.	(86,900)	(30,900)
	Receipt	Receipt
NET APPROPRIATION REDUCTION	**($185,469)**	**($60,398)**
Emergency Management		
27. Reduce funds for other personal services.	(3,628)	(3,628)
28. Reduce funds for motor vehicle supplies.	(400)	(400)
29. Reduce costs for office supplies and materials.	(3,400)	(3,400)
30. Adjust funds for other materials and supplies.	(1,450)	(1,450)
31. Reduce funds for in-state and out-of-state travel, subsistence, and other travel expenses.	(8,860)	(8,879)
32. Reduce cost for telephone service.	(5,000)	(5,000)
33. Reduce printing and reproduction costs.	(3,161)	(3,161)
34. Reduce funds for repairs and maintenance.	(1,000)	(1,000)
35. Reduce office machine rental costs.	(200)	(200)
36. Reduce office furniture and equipment.	(1,732)	(1,732)
37. Adjust cost for data processing equipment.	(1,216)	(1,216)
38. Reduce funds for other equipment.	(600)	(600)
Victim and Justice Services		
39a Eliminate three (3) positions in the Community Services Program.	($93,757)	($93,757)
	(-3)	(-3)
b. Reduce benefits for deleted positions:		
Social Security	(7,172)	(7,172)
Retirement	(10,247)	10,247)
Hospitalization	(5,208)	(5,208)
40. Reduce in-state travel and substistence.	(8,505)	(7,000)
41. Reduce funds for telephone service.	(16,467)	(16,467)
42. Reduce printing and reproduction funds.	(7,000)	(7,000)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (Continued)	1993-94	1994-95
Governor's Crime Commission		
43. Adjust in-State and out-of-state travel and subsistence.	(13,500)	(13,500)
44. Reduce costs for telephone service.	(3,000)	(3,000)
45. Reduce printing and reproduction funds.	(3,000)	(3,000)
46. Reduce cost for repairs and maintenance.	(3,000)	(3,000)
Crime Prevention		
47. Reduce funds for supplies and materials.	(300)	(300)
48. Adjust costs for in-State and out-of-state travel, subsistence, and other travel.	(4,926)	(4,926)
49. Reduce funds for telephone services and postage.	(750)	(750)
50. Reduce costs for printing and reproduction.	($500)	($500)
51. Reduce funds for repairs and maintenance.	(100)	(100)
TOTAL CONTINUATION BUDGET CHANGES	**($453,639)**	**($328,332)**
	(-3)	**(-3)**
TRANSFER:		
1. **Victim and Justice Services** - Transfer funds for Summit House, a community-based residential alternative program, to the Department of Correction from the Department of Crime Control and Public Safety.	(250,000)	(250,000)
TOTAL REDUCTION AND TRANSFER	**($703,639)**	**($578,332)**
TOTAL POSITION CHANGES	**(-3)**	**(-3)**
REVISED CONTINUATION BUDGET	**$26,156,864**	**$26,258,643**

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EXPANSION BUDGET		
1. **National Guard** - Provide funds to meet National Guard Pension Fund requirements.	$65,234	$65,234
2. **Emergency Management** -		
(a) Appropriate State funding to provide 50% match each fiscal year to continue the Earthquake Preparedness and Mitigation Program. Effective October 1, 1993.		
Requirements	111,621	130,000
Federal Receipts	62,871	65,000
Appropriation	48,750	65,000
(b) Authorize funds to establish six (6) Hazardous Materials Regional Emergency Response teams. Fund an Industrial Hygienist position (effective 9-1-93) and three (3) additional Emergency Management Officer positions (effective 4-1-94) to provide 24-hour coverage.	172,418	948,343
	(4)	(4)
	2,467,400 NR	

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY EXPANSION BUDGET (Continued)	1993-94	1994-95
3. **Victim and Justice Services** - Provide additional funding for the Crime Victims Compensation Fund to meet increased number of claims.		
Requirements	700,000	—
Federal Receipts	200,000	—
Appropriation	500,000 NR	—
4. **Victim and Justice Services** - Appropriate additional funds to reimburse the increased number of claims received by the Rape Victims Assistance Program.	110,000	110,000
TOTAL EXPANSION BUDGET - RECURRING	**$396,402**	**$1,188,577**
	(4)	**(4)**
- NON-RECURRING	**2,967,400**	**—**
TOTAL OPERATING BUDGET	**$29,520,666**	**$27,447,220**
	1993-94 Highway Fund	1994-95 Highway Fund
HIGHWAY PATROL:		
RECOMMENDED CONTINUATION BUDGET	**$90,027,001**	**$91,563,386**
Continuation Budget Changes:		
1. Reduce funding in the following areas:		
a. Bedding and Linen	(3,000)	(3,000)
b. Uniforms, Arms, etc.	(150,000)	(150,000)
c. Food Products & Services	(9,000)	(9,000)
d. Fuels and Lubricants	(141,374)	(153,794)
e. Tires and Tubes	(30,000)	(30,000)
f. Parts and Labor	(30,000)	(30,000)
g. Office Materials & Supplies	(10,000)	(10,000)
h. Other Materials & Supplies	(30,000)	(30,000)
i. Other Materials & Supplies - MVO	(10,000)	(10,000)
j. Other Materials & Supplies - Radio	(10,000)	(10,000)
k. Telephone Service	(10,000)	(10,000)
l. Repairs and Maintenance	(50,000)	(50,000)
m. Data Processing Equipment Rent	(10,000)	(10,000)
n. Other Expenses	(40,000)	(40,000)
o. Office Furniture & Equipment	(20,000)	(20,000)
p. Data Processing Equipment	(52,476)	(51,360)
q. Communications Equipment	(100,000)	(100,000)
r. Other Equipment	(30,000)	(30,000)
s. Other Equipment - MVO	(20,000)	(20,000)
t. Automobiles	(144,420)	(148,480)
TOTAL CONTINUATION BUDGET CHANGES - HIGHWAY FUND	**($900,270)**	**($915,634)**
REVISED CONTINUATION BUDGET - HIGHWAY FUND	**$89,126,731**	**$90,647,752**

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S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (Continued)	1993-94 Highway Fund	1994-95 Highway Fund
EXPANSION BUDGET		
1. **Funding Operational Costs For New Headquarters for Troop H** - Appropriate funds for telecommunication, garage and radio personnel for the new Troop H headquarters in monroe to be completed by November, 1993. Telecommunication and radio positions effective September 1, 1993 and mechanic positions effective November 1, 1993.	$1,004,672 (30)	$799,198 (30)
2. Additional Highway Patrol Troopers - Provide funds for additional Highway Patrol troopers, effective September 1, 1993.	2,539,922 (50)	2,154,624 (50)
TOTAL EXPANSION BUDGET - HIGHWAY FUND	**$3,544,594**	**$2,953,822**
TOTAL NEW POSITIONS	**(80)**	**(80)**
TOTAL OPERATING BUDGET - HIGHWAY FUND	**$92,671,325**	**$93,601,574**

(Pages 54-57)

DEPARTMENT OF AGRICULTURE	1993-94	1994-95
RECOMMENDED CONTINUATION	**$42,614,251**	**$42,803,376**
Continuation Budget Changes:		
Plant Industry Division		
1. Eliminate State Aid for Multiflora Rose Program.	(65,000)	(67,014)
2. **Fertilizer Registration Penalty** - Adjust underbudgeted receipts.	(50,000)	(50,000)
3. **Operating Reserve for Biological Control Facility** - Reduce reserve due to delay of 6 months in renovation.	(32,500)	0
Food and Drug Division		
4a. **Drug Registration Fee** - Adjust underbudgeted receipts.	(15,000)	(15,000)
4b. **Drug Registration Fee** - Further adjust receipts.	(30,000)	(30,000)
5. **Pesticide Program** - Reduce funding after 1/1/95 for interagency (Agriculture/EHNR) study of effect of pesticides on groundwater due to projected study completion.	0	(87,685) (-3)
State Farms/Research Stations Division		
6. **State Farms** - Adjust underbudgeted receipts for sale of farm products.	(50,000)	(50,000)
Marketing Division		
7. **Close Morehead City Seafood Office** - Close and eliminate 2 positions (Retain 1 position and support).	(98,928) (-2)	(98,928) (-2)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF AGRICULTURE (Continued)	1993-94	1994-95
Marketing Division		
8. Adjust underbudgeted receipts for (a) Farmers Market admissions (25,000); (b) Charlotte Farmers Market (15,000); (c) Western Agricultural Center for horse facility rental (50,000).	($90,000)	($90,000)
Department-wide		
9. Defer funds for motor vehicles purchase.	(467,094)	(541,153)
10. Reduce inventory.	(92,235)	(92,235)
11. **Vacant Positions Reduction** - Reduce to first step.	(17,891)	(17,891)
12. Reduce Salary Reserve.	(209)	(208)
TOTAL CONTINUATION BUDGET CHANGES (GENERAL FUND)	**($1,008,857)**	**($1,140,114)**
	(-2)	**(-5)**
TOTAL CONTINUATION BUDGET (GENERAL FUND)	**$41,605,394**	**$41,663,262**
HIGHWAY FUND REDUCTIONS		
13. **Standards Division** - Eliminate two positions for oxygenated gasoline program - increased availability in Highway Fund.	(69,251)	(69,251)
	(-2)	(-2)
TOTAL CONTINUATION BUDGET CHANGES (HIGHWAY FUND)	**($69,251)**	**($69,251)**
	(-2)	**(-2)**

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EXPANSION BUDGET

Food and Drug Division		
1. **Food Inspection** - Increase food inspection in retail food stores as well as carry out mandates of the federal Nutritional Labeling and Education Act.	$445,000	$509,415
	(10)	(10)
Marketing Division		
2. **Domestic Marketing** - Expand assistance to local and state farmers' markets and media promotion of North Carolina products.	164,597	155,408
	(3)	(3)
3. **Domestic Marketing** - Establish Southeastern Agriculture Marketing Office in Sampson County to provide assistance to farmers and agricultural processors.	151,978	121,402
	(2)	(2)
4. **Western North Carolina Farmers Market** - Add security guard and a maintenance mechanic position.	53,752	53,752
	(2)	(2)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF AGRICULTURE EXPANSION BUDGET (Continued)	1993-94	1994-95
Grassroots Science Program		
5. Grant-in-Aid to nine areas of the State for regional science museums to promote outreach science projects for unserved communities.	450,000	450,000
Administration		
6. Expand office automation network.	126,940 NR	0
Grant-in-Aid		
7. **N.C. Tobacco Museum, Kenly** - Provide support funds.	$15,000 NR	$ 0
TOTAL AGRICULTURE EXPANSION RECURRING	**$1,265,327**	**$1,289,977**
TOTAL AGRICULTURE EXPANSION NON-RECURRING	**$141,940**	**0**
TOTAL AGRICULTURE EXPANSION BUDGET	**$1,407,267** (17)	**$1,289,977** (17)
TOTAL AGRICULTURE OPERATING BUDGET	**$43,012,661**	**$42,953,239**
(Pages 58-60) **DEPARTMENT OF LABOR**		
RECOMMENDED CONTINUATION	**$12,705,854**	**$12,714,621**
Continuation Budget Changes:		
Elevator Division		
1. **Inspection Fees** - Adjust underbudgeted receipts.	(27,812)	(27,900)
2. **Inspection Fees** - Increase inspection fees.	(135,000)	(135,000)
Occupational Safety and Health Division		
3. **OSHA Indirect Receipts** - Increase estimate of amount of overhead receipts to be received from federal OSHA.	(100,000)	(100,000)
4. **OSHA Director Position** - Eliminate vacant Director position and support. (Deputy Commissioner is performing duties.)	(28,000) (-1)	(28,000) (-1)
Apprenticeship Division		
5. **Apprenticeship Management and Supervision** - Reduce management by eliminating vacant field supervisor position and support.	(30,000) (-1)	(30,000) (-1)
Department-wide		
6. **Vacant Positions Reduction** - Reduce to first step (OSHA and Apprenticeship).	(74,989)	(74,989)
7. **Inventory Reduction** (OSHA only).	(1,881)	(1,881)
TOTAL CONTINUATION BUDGET CHANGES	**($397,682)** (-2)	**($397,770)** (-2)
TOTAL CONTINUATION BUDGET	**$12,308,172**	**$12,316,851**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF LABOR (Continued)	1993-94	1994-95
EXPANSION BUDGET		
Occupational Safety and Health Division		
1. **Consultation/Education and Training** - Provide 100% state funding for positions and support to expand safety and health consultative servicesand education and training programs to industry and government.	$575,000	$606,620
	(11)	(11)
2. **Staff Expansion** - Expand staff and support in all programs in N.C. OSHA Program — Education and Training; Consultative Services; Compliance; Management Information and Evaluation; and OSHA Review Board.	364,000	364,000
	(8)	(8)
Workers Discrimination Division		
3. **Staff Expansion** - Provide funding to carry out 1992-93 statutory change that prohibits "retaliatory discrimination" against employees who make good faith claims against an employer.	266,643	275,815
	(6)	(6)
Administration		
4. **Toll Free Hotline** - Provide funding for staff to handle citizen inquiries on labor regulations by operating a toll-free hotline.	40,000	40,000
	(2)	(2)
5. **Assistant Deputy Director of Administration** - Establish position and provide support funds.	65,000	70,000
	(1)	(1)
6. **Research and Statistics** - Fund increased data processing needs and expenses.	$ 157,000	$ 157,000
	(1)	(1)
TOTAL EXPANSION BUDGET	**$1,467,643**	**$1,513,435**
	(29)	**(29)**
TOTAL OPERATING BUDGET	**$13,775,815**	**$13,830,286**

(Pages 61-70)

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

RECOMMENDED CONTINUATION	**$198,874,660**	**$202,809,288**
Continuation Budget Changes:		
Albemarle/Pamlico Estuarine Study		
1. Reduce aid to counties, other contracts/grants, transfers to Environmental Management.	(6,249)	(6,364)
Office of Waste Reduction		
2. Reduce contracts & grants.	(18,871)	(19,217)
Division of Coastal Management		
3. Reduce supplies, telephone, postage, photo services, and legal advertising.	(29,362)	(29,900)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	1993-94	1994-95
Division of Environmental Management		
4. **Administration** - Reduce contracted personal services, travel, and service & maintenance contracts.	(12,623)	(12,854)
5. **Lab** - Increase under-budgeted receipts for DEM Lab Certification fees.	(75,000)	(75,000)
6. **Lab** - Reduce equipment.	(25,245)	(25,708)
7. **Air Quality** - Reduce supplies, travel, printing, lease purchases, and service contracts.	(26,823)	(27,315)
8. **Groundwater** - Reduce construction and repair.	(37,868)	(38,562)
9. **Water Quality** - Shift one position including benefits to federal funds.	(55,224) (-1)	(56,237) (-1)
10. **Agriculture and EHNR Interagency Pesticide Study** - Reduce funding after 1/1/95 for interagency (Agriculture/EHNR) study of effect of pesticides on groundwater due to projected study completion.	$ 0	($66,731) (-2)
Division of Land Resources		
11. **Administration** - Reduce supplies, travel, lease purchases, service contracts, and subscriptions.	(5,354)	(5,453)
12. **Geological Survey** - Reduce supplies, travel, telephone, printing, repairs, property rental, equipment, and subscriptions.	(17,206)	(17,517)
13. **Land Quality** - Reduce supplies, travel, telephone, printing, repairs, subscriptions, and equipment.	(39,322)	(40,035)
14. **Geodetic Survey** - Reduce travel, fuel purchases, motor vehicle parts, and supplies.	(17,305)	(17,634)
Division of Radiation Protection		
15. Reduce personal services, printing, and supplies.	(16,947)	(17,929)
Division of Solid Waste Management		
16. Reduce supplies, travel, telephone, equipment, grants, etc.	(109,385)	(111,391)
Division of Forestry		
17. Reduce Supplies and Tires in Field Organization.	(6,654)	(6,658)
18. Eliminate rental of 1 air tanker used for Fire Suppression in Field Organization.	(90,000)	(90,000)
19. Reduce Equipment in Field Organization.	(94,500)	(98,000)
Division of Marine Fisheries		
20. **Research** - Reduce contracted personal services.	($2,970)	($4,563)
21. **Development** - Reduce motor vehicles.	(17,860)	0
22. **Development** - Reduce boats and trailers.	0	(17,052)
23. **Administration** - Reduce contracted personnel services.	(7,000)	(7,000)

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	1993-94	1994-95
Executive Offices		
24. Eliminate 2 clerical positions in Executive Offices.	(80,653) (-2)	(80,653) (-2)
Administrative Services		
24. Reduce supplies.	(303)	(2,400)
26. Reduce contracts/grants.	(33,448)	(33,448)
Department-Wide		
27. Reduce salary reserve.	(234,118)	(234,118)
28. Reduce inventory.	(84,472)	(84,472)
29. Reduction in SIPS rates.	(80,000)	(80,000)
30. Reduce vacant positions to 1st step.	(305,577)	(305,577)
Division of Maternal and Child Health		
31. **WIC Program** - Reduce appropriation for food supplements as federal government pays for food supplements.	(1,392,889)	0
Division of Adult Health		
32. **Migrant Health** - Eliminate 1 contract administrator position since federal contract funds have been transferred to DHR.	($55,562) (-1)	($55,562) (-1)
33. **Kidney Dialysis** - Reduce funding for Medicare copayments.	(114,986)	(117,726)
Public Health Laboratory		
34. Reduce Educational, Medical & Agricultural Supplies line.	(31,984)	(31,984)
Epidemiology Division		
35. **Injury Control** - Reduce equipment funding for purchase of intoxilizer machines used as part of the statewide chemical alcohol testing program.	(350,860)	(355,850)
Office of Environmental Education		
36. Reduce salary and benefits of vacant Director's position.	(54,356)	(54,528)
Jordan-Adams		
37. Eliminate non-salary inflationary increases.	(290,008)	(583,786)
TOTAL CONTINUATION BUDGET CHANGES	**($3,820,984)** **(-4)**	**($2,811,224)** **(-6)**
TOTAL EHNR CONTINUATION BUDGET	**$195,053,676**	**$199,998,064**

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S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	1993-94	1994-95
EXPANSION BUDGET		
Division of Radiation Protection		
1. **Low-Level Radioactive Waste Site Assessment and Permitting** - Expand consultant services in the Division of Radiation Protection to evaluate site assessment data.	$100,000 NR	$200,000
Solid Waste Management Division		
2. **Permitting Staff** - Expand staff and support to implement and enforce municipal solid waste landfill requirements.	505,397 (10)	603,400 (10)
Office of Waste Reduction		
3. **Technical Assistance** - Expand staff and support for providing waste reduction assistance to private industry and local government.	500,000 (10)	500,000 (10)
Epidemiology Division		
4a. **Immunization** - Funding for positions and support and pharmaceuticals to fully immunize all children in North Carolina. Includes eight year phase-in of recommended second dose of Measles, Mumps, Rubella (MMR) vaccine for children aged 8-18.	3,200,000 (7)	7,200,000 (7)
4b. **Immunization** - One-time purchase of data processing and other equipment.	300,000 NR	0
5. **Communicable Disease** - Expand HIV/AIDS, TB, and STD services and programs.	$250,000 (3)	$250,000 (3)
6. **Environmental Epidemiology** - Provide aid-to-counties for human rabies shots for the medically indigent.	25,000	25,000
Soil and Water Division		
7. **District Supervisors** - Increase funding for travel expenses of Soil and Water district supervisors to ensure adequate funding for all required travel.	75,000	75,000
8. **Soil Survey** - Fund three soil survey specialist positions that are currently federally funded.	100,354 (3)	0
Division of Forest Resources		
9. **Forest Development Act** - Restore funding (after 1-time 1991 reduction) to fully match forest products assessments.	700,000	700,000
10. **Regional Staff** - Fund 2 positions, support and program costs for helicopter fire fighting and prevention program in Region 3 (western third of State).	132,728 (2)	132,728 (2)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES EXPANSION BUDGET (Continued)	1993-94	1994-95
Division of Parks and Recreation		
11. **Architect** - Fund position and support.	42,000 (1)	42,000 (1)
12. **Operations Staff** - Complete staffing of Clerk positions at all State parks.	$343,132 (23)	$525,860 (23)
13. **Lumber River State Park** - Fund positions at the park which currently has no staff.	151,000 (3)	165,000 (3)
Division of Coastal Management		
14. **Coastal Futures Committee** - Provide staff and support for year-long efforts of the Committee.	50,000 NR	0
Division of Maternal and Child Health		
15. **Rural Obstetrical Care Incentive Program** - Expand program by increasing payments, number of counties served and maximum amount a county may receive.	400,000	400,000
16. **Infant Mortality** - Replace Maternal and Child Health federal funds.	1,392,889 NR	0
17. **Infant Mortality** - Fund additional grants for comprehensive adolescent health care projects (six month funding in 1993-94).	375,000	750,000
18. **Infant Mortality** - Expand Women's Preventive Health Services Program to increase funding for contraceptive services.	300,000	300,000
19. **N.C. Coalition on Adolescent Pregnancy** - Increase grant-in-aid.	$75,000	$75,000
20. **Governors Commission on Reduction of Infant Mortality** - Fund study of the extent that each county's health and social services systems meet the needs of pregnant women, infants, and young children.	50,000 NR	0
21. **Child Fatality Prevention System** - Establish the multi-disciplinary child fatality review and prevention system in ten counties.	112,685 (1)	146,987 (1)
22. **Western N.C. Genetics Center** - Establish the Center as the provider of regional genetic services for the western counties.	120,000	120,000
23. **Early Intervention** - Add nutritionists at some Developmental Evaluation Centers to complete multi-disciplinary teams statewide (six month funding for 1993-94).	100,000 (5)	200,000 (5)
Center for Health and Environmental Statistics		
24. **Environmental Index** - Fund preparation and printing of report.	50,000 (1)	50,000 (1)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES EXPANSION BUDGET (Continued)	1993-94	1994-95
Environmental Health Division		
25. **Milk Sanitation** - Consolidate milk inspection at State level and provide funding to meet federal requirements for local and industry labs.	$183,608 (1)	$183,608 (1)
26. **On-Site Wastewater** - Fund county alternative on-site sewage system demonstration project in eastern N.C. established prior to 1990.	25,000	25,000
Administration		
27. **Cancer Advisory Committee** - Fund support of new board.	75,000 (1)	75,000 (1)
Adult Health Division		
28. **Cancer Control** - Fund diagnosis and treatment component of program to fully cover annual costs of program.	100,000	100,000
29. **Cancer Control** - Expand eligibility for diagnosis and treatment of people at or below 100% of the Federal poverty level (1994-95 is 12 months funding).	1,450,000	1,664,000
30. **Home Health Care** - Provide medications for medically indigent, non-Medicaid eligible people infected with HIV.	350,000	350,000
Division of Water Resources		
31. **Water Supply Planning** - Expand local and state water supply planning and regional water supply and water management studies.	$363,034 (6)	$315,881 (6)
32. **Water Supply Planning** - Match federal funds for collection of water resource data through the U.S. Geological Survey Cooperative Program and other efforts.	135,000	158,800
Division of Land Resources		
33. **Geodetic Survey** - Provide additional support for surveying and mapping.	50,000	50,000
Dental Health		
34. **Dental Services** - Provide funds and support for state dental hygienist position to serve Franklin, Vance, and Granville Counties.	44,081 (1)	44,081 (1)
35. **Dental Services** - Provide funds and support for state dental hygienist position to serve Alexander and Caldwell Counties.	44,081 (1)	44,081 (1)
TOTAL EHNR EXPANSION RECURRING	**$10,377,100**	**$15,471,426**
TOTAL EHNR EXPANSION NON-RECURRING	**$1,892,889**	**0**
TOTAL EHNR EXPANSION BUDGET	**$12,269,989** **(79)**	**$15,471,426** **(76)**
TOTAL EHNR OPERATING BUDGET	**$207,323,665**	**$215,469,490**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

(Pages 71-77)

DEPARTMENT OF COMMERCE	1993-94	1994-95
RECOMMENDED CONTINUATION	**$27,135,913**	**$27,160,918**
Continuation Budget Changes:		
Industrial Commission		
1. **Ombudsman Position** - Eliminate vacant position, as duties will be assigned to Executive Secretary position.	(51,123)	(51,187)
	(-1)	(-1)
International Trade		
2. Rent of real property (Hong Kong office).	(10,000)	(10,000)
Division of Community Assistance		
3. Transfer housing programs including HOME and its appropriated match to Housing Finance Agency. Positions will be receipt supported in Agency.	(562,916)	(564,378)
	(-12)	(-12)
Department-Wide		
4. Reduce salary reserve.	(42,018)	(42,018)
5. Reduce inventory.	(25,300)	(25,300)
6. Reduce vacant positions to 1st step.	(76,364)	(76,364)
7. Reduce positions as part of GPAC recommendation on coordination and reorganization of Commerce.	(189,079)	(189,079)
	(-4)	(-4)
8. Reduce regional offices and staffing as part of GPAC recommendation.	(176,084)	(176,084)
	(-4)	(-4)
TOTAL CONTINUATION BUDGET CHANGES	**($1,132,884)**	**($1,134,410)**
	(-21)	**(-21)**
TOTAL COMMERCE CONTINUATION BUDGET	**$26,003,029**	**$26,026,508**
EXPANSION BUDGET		
Economic Development Programs		
1. **Entrepreneurial Development Board** - Provide staff, staff support and Board support for new board.	$205,919	$205,919
	(3)	(3)
2. **Technology Extension Project** - Fund planning for development of Technology Extension Project.	250,000 NR	0
3. **Economic Development Planning** - Fund new positions and associated cost of new economic development planning effort.	300,000	200,000
	(3)	(3)
Business and Industry Development		
4. **West Coast Office** - Fund new office.	155,030	161,396
5. **Western N.C. Economic Development** - Increase funding.	120,000	120,000
	(2)	(2)
6. **Industrial Building Renovation Fund** - Increase funding.	1,000,000 NR	0

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

DEPARTMENT OF COMMERCE	1993-94	1994-95
EXPANSION BUDGET (Continued)		
Business and Industry Development (Continued)		
7. **Industrial Recruitment Competitive Fund** - Creation of new fund to aid in recruitment of vital and significant businesses/ industries as determined by the Governor.	5,000,000 NR	0
Division of Travel and Tourism		
8. **Tourism Promotion** - Fund second shift supervisor for Toll-Free Operation at Women's Prison and increase funding for postage, printing and advertising.	500,000 (1)	500,000 (1)
9. Fund one-time special travel advertising.	$500,000 NR	$ 0
International Division		
10. **Mexico Office** - Establish new office.	150,000	150,000
11. **World Trade Center** - Fund grant-in-aid.	100,000 NR	0
12. Establish new Furniture Export Program.	200,000 (2)	250,000 (2)
Film Office		
13. **Film Industry Council** - Fund support for Council.	50,000 (1)	50,000 (1)
Grants-in-Aid		
14. **Center for Community Self-Help** - Funds to increase statewide lending program for small businesses and other economic development projects.	1,500,000 NR	0
15. **Land Loss Prevention Project** - Funds to provide free legal representation to low income, financially distressed small farmers.	300,000 NR	0
16. **N.C. Coalition of Farm and Rural Families** - Funds to foster economic development within the state's rural farm communities.	250,000 NR	0
17. **N.C. Institute for Minority Economic Development** - Funds to foster minority economic development within the state.	$200,000 NR	$ 0
18. **Western N.C. Regional Economic Development Commission** - Fund the activities of new commission.	600,000	1,250,000
19. **Northeastern N.C. Regional Economic Development Commission** - Fund the activities of new commission.	600,000	1,250,000
20. **Southeastern N.C. Regional Economic Development Commission** - Fund the activities of new commission.	600,000	1,250,000
Air Cargo Marketing		
21. **Air Cargo Marketing** - Continue 2 positions, promotional advertising and program support costs.	500,000 (2)	500,000 (2)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF COMMERCE (Continued)	1993-94	1994-95
TOTAL COMMERCE RECURRING EXPANSION	$3,980,949	$5,887,315
TOTAL COMMERCE NON-RECURRING EXPANSION	$9,100,000	0
TOTAL COMMERCE EXPANSION BUDGET	$13,080,949	$5,887,315
	(14)	(14)
TOTAL COMMERCE OPERATING BUDGET	$39,083,978	$31,913,823
DEPARTMENT OF COMMERCE - MCNC (MICROELECTRONICS CENTER OF NORTH CAROLINA) RECOMMENDED CONTINUATION	$16,000,000	$16,000,000
Continuation Budget Changes:		
1. Grant-in-Aid - Reduce state appropriation by 2%.	(320,000)	(320,000)
TOTAL CONTINUATION BUDGET CHANGES	($320,000)	($320,000)
TOTAL MCNC OPERATING BUDGET	$15,680,000	$15,680,000
DEPARTMENT OF COMMERCE - N.C. BIOTECHNOLOGY CENTER RECOMMENDED CONTINUATION	$7,157,547	$7,157,547
Continuation Budget Changes:		
1. Grant-in-Aid - Reduce state appropriation by 2%.	(143,151)	(143,151)
TOTAL CONTINUATION BUDGET CHANGES	($143,151)	($143,151)
TOTAL BIOTECHNOLOGY OPERATING BUDGET	$7,014,396	$7,014,396
DEPARTMENT OF COMMERCE - RURAL ECONOMIC DEVELOPMENT CENTER RECOMMENDED CONTINUATION	$1,500,000	$1,500,000
Continuation Budget Changes:		
1. Grant-in-Aid - Reduce state appropriation by 2%.	(30,000)	(30,000)
TOTAL CONTINUATION BUDGET CHANGES	($30,000)	($30,000)
TOTAL RURAL ECONOMIC DEVELOPMENT CENTER OPERATING BUDGET	$1,470,000	$1,470,000

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

(Pages 78-93)

DEPARTMENT OF ADMINISTRATION	1993-94	1994-95
RECOMMENDED CONTINUATION	**$53,249,273**	**$54,119,528**
Continuation Budget Changes:		
1111 - Office of the Secretary		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(2,000)	(2,000)
2. Other materials and supplies	(500)	(500)
3. Travel and subsistence	(5,500)	(5,500)
4. Registration fees	(2,000)	(2,000)
5. Telephone	(7,000)	(7,000)
6. Telecommunication service	(2,000)	(2,000)
7. Postage	(1,000)	(1,000)
8. Repairs and maintenance	(2,000)	(2,000)
9. Data processing services	(1,000)	(1,000)
10. Transportation services	(780)	(780)
11. Other expenses	(920)	(978)
12. Aid to other governmental units	(2,828)	(2,828)
13. Salaries and fringes (first step)	(5,741)	(5,741)
14. Communications (inventory)	(2,089)	(2,089)
B. Legislative Adjustments		
Adjust objects of expenditure as follows:		
1. Other services	(38,220)	(38,220)
1121 - Office of Fiscal Management		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(500)	(500)
2. Travel and subsistence	(300)	(300)
3. Postage	(500)	(500)
4. Repairs and maintenance	(200)	(200)
5. Employee training expense	(3,000)	(3,000)
6. Service/maintenance contracts	(6,000)	(6,000)
7. Office furniture and equipment	(4,000)	(4,000)
8. Data processing equipment	(2,488)	(2,524)
9. Salaries and fringes (first step)	(3,282)	(3,282)
B. Legislative Adjustments:		
1. Other services	($10,000)	($10,000)
1122 - DOA Personnel Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringe benefits	(5,372)	(5,372)
	(-1/4)	(-1/4)
2. Reproduction cost	(1,782)	(1,782)
3. Office furniture and equipment	(1,500)	(1,500)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Office furniture and equipment	(500)	(500)
1126 - Executive and Organizational Development		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Executive development	(750)	(750)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ADMINISTRATION

	1993-94	1994-95
1126 - Executive and Organizational Development (Continued)		
B. Legislative Adjustments:		
1. Eliminate General Fund support for program (Note GF 37,530)	(36,780)	(36,780)
1241 - Information Services Division		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(2,975)	(2,975)
2. Other materials and supplies	(1,000)	(1,000)
3. Data processing services	(2,000)	(2,000)
1264 - Agency for Public Telecommunications		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Telecommunications services	($13,572)	($13,600)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
(NONE)		
1311 - Office of State Personnel		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes (first step)	(29,690)	(29,690)
2. Salaries and fringes	(97,911)	(97,911)
	(-2)	(-2)
3. Office supplies and materials	(2,000)	(2,000)
4. Travel	(3,000)	(3,000)
5. Printing	(5,795)	(5,795)
6. Reproduction	(2,000)	(2,000)
7. Repairs and maintenance	(1,000)	(1,000)
8. Advertising	(1,000)	(1,000)
9. Data processing	(5,000)	(5,000)
10. Data processing (rate)	(80,000)	(80,000)
11. Subscriptions and dues	(2,000)	(2,000)
12. Books and publications	(2,000)	(2,000)
1411 - State Construction		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salary and fringes	(47,358)	(47,358)
	(-1)	(-1)
2. Data processing services	(3,780)	(3,780)
3. Service/maintenance contracts	(3,000)	(3,000)
4. Salaries and fringes (first step)	(13,823)	(13,823)
5. Office supplies and materials (inventory)	(500)	(500)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Data processing services	($6,220)	($6,220)
2. Communications	(2,500)	(2,500)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ADMINISTRATION
(Continued)

	1993-94	1994-95
1412 - State Property Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries (Bailey-Tucker House)	(18,268)	(18,276)
	(-1)	(-1)
2. Office supplies and materials (inventory)	(300)	(300)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Repairs and maintenance	(2,000)	(2,000)
2. Other fixed charges/expenditures	(400)	(400)
1416 - State Building Commission		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Reduce other contracted services	(5,200)	(5,200)
1421 - Facility Management		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(3,000)	(3,500)
2. Other materials and supplies	(3,000)	(3,000)
3. Travel	(3,000)	(3,000)
4. Telephone	(3,000)	(3,000)
5. Electricity	($426,000)	($436,000)
6. Reproduction cost	(5,000)	(5,000)
7. Repairs and maintenance	(16,000)	(16,000)
8. Repairs - Air conditioning	(10,000)	(10,000)
9. Repairs - Plumbing	(5,000)	(5,000)
10. Janitorial Services	(54,758)	(59,824)
11. Miscellaneous services	(3,000)	(3,000)
12. Rental of other equipment	(3,498)	(4,580)
13. Salaries and fringes (first step)	(29,772)	(29,772)
14. Utilities (inventory)	(27,309)	(27,309)
15. Salary reserve	(21,729)	(21,729)
16. Repair supplies (inventory)	(8,031)	(8,031)
B. Legislative Adjustments:		
Increase receipts	(8,000)	(8,000)
Increase receipts (transfer from equipment reserve)	(72,673)	—
Adjust objects of expenditure as follows:		
1. Other supplies and materials	(2,000)	(2,000)
2. Service/maintenance contracts	(45,600)	(45,600)
3. Vehicle operating supplies	(10,000)	(10,000)
4. Utilities	(271,602)	(261,602)
1423 - Landscape Services		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contracted services	(6,000)	(6,000)
2. Repairs and maintenance	(10,342)	(10,346)
3. Salaries and fringes (first step)	(864)	(864)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ADMINISTRATION

	1993-94	1994-95
1423 - Landscape Services (Continued)		
B. Legislative Adjustments:		
Increase receipts (transfer from equipment reserve)	(40,117)	—
1431 - James Knox Polk Building		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contracted services	($1,612)	($1,624)
B. Legislative Adjustments:		
Increase receipts	(40,368)	(40,368)
1511 - Purchase and Contract		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Data processing supplies	(6,000)	(6,000)
2. Registration fees	(1,000)	(1,000)
3. Telephone	(5,000)	(5,000)
4. Printing	(10,000)	(10,020)
5. Reproduction cost	(3,000)	(3,000)
6. Data processing services	(22,879)	(22,000)
7. Executive development	(1,000)	(1,000)
8. Employee training expense	(6,000)	(6,000)
9. Office furniture and equipment	(4,000)	(12,000)
10. Communications equipment	(22,000)	—
11. Other equipment	—	(15,000)
12. Salaries and fringes (first step)	(2,832)	(2,832)
13. Office supplies and materials (inventory)	(300)	(300)
B. Legislative Adjustments:		
Increase receipts (transfer from equipment reserve)	(23,000)	—
Adjust objects of expenditure as follows:		
1. Data processing	(30,000)	(20,000)
2. Office furniture and equipment	(9,000)	(3,000)
1521 - State Surplus Property		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	($450)	($450)
2. Other materials and supplies	(1,100)	(1,100)
3. Travel	(650)	(650)
4. Telephone	(650)	(650)
5. Postage	(850)	(850)
6. Reproduction cost	(1,100)	(1,100)
7. Repairs and maintenance	(600)	(600)
8. Data processing services	(50)	(50)
9. Legal advertising	(550)	(550)
10. Service/maintenance contracts	(500)	(500)
11. Office furniture and equipment	(475)	(480)
B. Legislative Adjustments:		
Replace General Fund appropriation with receipts	(330,722)	(331,018)
Adjust objects of expenditure as follows:		
1. Other contracted services	(10,000)	(10,000)
2. Reduce office furniture and equipment	(1,075)	(1,070)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ADMINISTRATION (Continued)

1611 - General Services Administration	1993-94	1994-95
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(750)	(750)
2. Flag purchases	(300)	(300)
3. Other materials and supplies	(200)	(200)
4. Data processing supplies	(100)	(115)
5. Travel	(754)	(854)
6. Transportation	(50)	(50)
7. Reproduction cost	(502)	(500)
8. Employee education	(25)	—
9. Employee training expense	(475)	(475)
10. Miscellaneous services	(150)	(75)
11. Office furniture and equipment	(1,475)	(1,475)
12. Subscription and dues	(75)	(75)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	($2,579)	($2,579)
2. Office furniture and equipment	(3,025)	(4,525)
1623 - State Capitol Police		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(37,298)	(37,298)
(property guards)	(-2)	(-2)
B. Legislative Adjustments:		
(NONE)		
1711 - Office of Marine Affairs		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. GPAC: Eliminate program	(167,961)	(169,541)
	(-3)	(-3)
1712 - North Carolina Aquariums		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Increase receipts		
(transfer from equipment reserve)	(38,460)	—
Adjust objects of expenditure as follows:		
1. Office furniture	(5,000)	(2,000)
2. DP equipment and software (Expansion)	($24,628)	($10,272)
1731 - Council on the Status of Women		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Temporary pay	(1,000)	(1,000)
2. Board member per diem	(300)	(300)
3. Other contracted services	(3,000)	(3,000)
4. Travel	(3,793)	(3,793)
5. Advertising	(100)	(100)
6. Employee training expense	(500)	(500)
7. Miscellaneous services	(200)	(200)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ADMINISTRATION (Continued)

1731 - Council on the Status of Women

	1993-94	1994-95
A. Governor's Adjustments: (Continued)		
8. Rent/other equipment	(100)	(100)
9. Subscriptions/dues	(500)	(500)
10. Books and publications	(300)	(300)
11. Other expenses	(100)	(100)
B. Legislative Adjustments:		
(NONE)		

1734 - Rape Crisis Program

A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Ed/med/agri supplies	(100)	(100)
2. Office materials and supplies	(200)	(200)
3. Travel	(2,300)	(2,300)
4. Registration fees	(400)	(400)
5. Printing	(100)	(100)
B. Legislative Adjustments:		
(NONE)		

1741 - Human Relations Commission

A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials/supplies	(450)	(450)
2. Data processing supplies	($350)	($350)
3. Travel	(3,500)	(3,500)
4. Printing	(500)	(500)
5. Reproduction	(1,000)	(1,000)
6. Service/maintenance contracts	(1,000)	(1,000)
7. Subscriptions and dues	(500)	(500)
8. Office furniture and equipment	(742)	(742)
9. Data processing equipment	(5,000)	(5,000)
B. Legislative Adjustments:		
(NONE)		

1761 - Youth Involvement Office

A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Wages - interns	(8,000)	(8,000)
2. Social security contributions	(612)	(612)
B. Legislative Adjustments:		
(NONE)		

1763 - Governor's Advocacy Council (C&Y)

A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. SPA temporary pay	(2,500)	(2,500)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(2,000)	(2,000)
2. Printing and binding	(3,000)	(3,000)
3. Workers' compensation	(86)	(86)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ADMINISTRATION
(Continued)

	1993-94	1994-95
1771 - Veterans Affairs - Administration		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(26,850)	(26,850)
	(-1)	(-1)
2. Vehicle operating supplies	($2,000)	($2,000)
3. Office materials and supplies	(500)	(500)
(inventory)	(271)	(271)
4. Travel and subsistence	(5,500)	(5,500)
5. Transportation	(200)	(200)
6. Registration fees	(200)	(200)
7. Telephone	(1,000)	(1,000)
8. Data processing services	(2,000)	(2,000)
9. Employee training expense	(1,000)	(1,000)
10. Subscriptions and dues	(500)	(500)
11. Books and publications	(3,000)	(3,000)
12. Other equipment	(4,000)	(4,000)
13. Salaries and fringes (first step)	(20,628)	(20,628)
B. Legislative Adjustments:		
Increase receipts (transfer from equipment reserve)	(7,006)	—
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(2,709)	(2,709)
2. Temporary pay	(5,500)	(5,500)
3. Workers' compensation	(2,547)	(2,576)
4. Printing and binding	(2,000)	(2,000)
5. Data processing services	(3,000)	(3,000)
6. Data processing equipment and software	(2,000)	—
1781 - Domestic Violence		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other grants	(23,247)	(23,247)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Service and maintenance contracts	(578)	(578)
2. Other fixed charges	(945)	(945)
1803 - Juvenile Law Study Commission		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contracted services	($160)	($160)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Temporary pay	(1,340)	(1,340)
2. Social Security contribution	(103)	(103)
3. Other contracted services	(2,795)	(2,795)
4. Office materials and supplies	(250)	(250)
5. Travel	(500)	(500)
6. Communications	(216)	(216)
7. Printing and binding	(615)	(615)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ADMINISTRATION
(Continued)

	1993-94	1994-95
1810 - Board of Ethics		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Telephone	(100)	(100)
2. Postage	(20)	(20)
3. Reproduction cost	(100)	(100)
4. Employee education expense	(51)	(51)
5. Employee training expense	(300)	(300)
6. Insurance and bonding	(17)	(17)
7. Subscription and dues	(200)	(200)
8. Books and publications	(100)	(100)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Office materials and supplies	(100)	(100)
2. Travel	(200)	(200)
3. Communications	(659)	(659)
1811 - Governor's Advocacy Council - Disabilities		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(4,000)	(3,700)
2. Registration fees	($700)	($640)
3. Printing	(187)	(200)
4. Reproduction cost	(1,150)	(950)
5. Data processing services	(4,460)	(4,460)
6. Other expenses	(250)	(250)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Temporary pay	(2,070)	(2,070)
2. Printing and binding	(1,303)	(1,490)
3. Repairs and maintenance	(300)	(300)
4. Advertising	(350)	(350)
5. Other fixed charges	(900)	(900)
1857 - Students Against Driving Drunk		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(2,000)	(2,000)
2. Registration fees	(652)	(666)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(1,000)	(1,000)
2. Printing and binding	(500)	(500)
3. Other fixed charges	(1,000)	(1,000)
4. Communications	(1,000)	(1,000)
1861 - Commission of Indian Affairs		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(6,000)	(6,000)
2. Registration fees	(400)	(400)
3. Reproduction	(500)	(500)
4. Office furniture and equipment	(928)	(934)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ADMINISTRATION

	1993-94	1994-95
1861 - Commission of Indian Affairs (Continued)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	($300)	($300)
2. Travel	(7,695)	(7,695)
3. Freight, express, delivery	(100)	(100)
4. Repairs and maintenance	(300)	(300)
5. Advertising	(100)	(100)
6. Data processing services	(50)	(50)
7. Office furniture and equipment	(1,572)	(1,572)
1871 - Board of Science and Technology		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contracted services	(1,000)	(1,000)
2. Office materials and supplies	(1,500)	(1,500)
3. Data processing supplies	(1,250)	(1,250)
4. Travel	(5,000)	(5,000)
5. Telephone	(1,500)	(1,500)
6. Postage	(500)	(500)
7. Reproduction cost	(500)	(500)
8. Repairs and maintenance	(1,500)	(1,500)
9. Advertising	(100)	(100)
10. Miscellaneous services	(250)	(250)
11. Subscriptions and dues	(300)	(300)
12. Office furniture and equipment	(1,221)	(1,230)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Overtime pay	(500)	(500)
2. Temporary pay	(2,308)	(2,308)
3. Other materials and supplies	(1,750)	(1,750)
4. Travel	(7,361)	(7,361)
5. Printing and binding	(3,450)	(3,450)
6. Repairs and maintenance	(500)	(500)
7. Other fixed charges	(359)	(359)
8. Office furniture and equipment	(779)	(5,270)
9. DP equipment/software	(8,000)	(3,500)
1872 - N.C. Low-Level Radioactive Waste Management Authority		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Per diem	($7,155)	($7,169)
2. Travel	(7,155)	(7,169)
3. Salaries and fringes (first step)	(1,309)	(1,309)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Board per diem	(52,845)	(52,831)
2. Other contracted service	(46,067)	(46,067)
3. Office materials and supplies	(3,167)	(3,167)
4. Travel	(2,845)	(2,831)
5. Communication	(7,634)	(7,634)
6. Printing and binding	(5,000)	(5,000)
7. Advertising	(5,000)	(5,000)
8. Data processing services	(1,326)	(1,326)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF ADMINISTRATION		
1872 - N.C. Low-Level Radioactive Waste Management Authority (Continued)	1993-94	1994-95
B. Legislative Adjustments: (Continued)		
9. Other fixed charges	(2,000)	(2,000)
10. Office furniture and equipment	—	(3,300)
Continuation Budget Changes	**($2,802,827)**	**($2,599,528)**
Position Changes	**(-10.25)**	**(-10.25)**
REVISED CONTINUATION BUDGET	**$50,446,446**	**$51,520,000**

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EXPANSION BUDGET		
1. **State Personnel Study** - Review current practices and policies, addressing issues of equity, flexible compensation, and family-supportive programs.	$25,000 NR	
2. **Employee Survey** - Establish ongoing survey to track morale, attitudes, and perceptions of state workforce.	5,000	5,000
3. **North Carolina Aquarium Operating Support** - Provide for increased maintenance and enhanced education services at the three aquariums.	$450,000	$450,000
4. **Veterans Cemetery** - Provide support to open cemetery at Ft. Bragg.	—	240,060 (4)
5. **Martin Luther King, Jr. Commission** - Provide staff and support for the establishment of this commission	75,000 (1/2)	75,000 (1/2)
6. **Surplus Property** - Computer equipment upgrade.	60,000 NR	—
7. **State Building Commission** - Increase operating budget to defray additional meeting costs.	15,000	15,000
8. **Facilities Condition Assessment** - Add one three person team in the Office of State Construction to evaluate repair and renovationneeds.	225,000 (3)	225,000 (3)
EXPANSION RECURRING	**$770,000** **(3.5)**	**$1,010,060** **(7.5)**
EXPANSION NON-RECURRING	**$85,000**	
TOTAL EXPANSION BUDGET	**$855,000** **(3.5)**	**$1,010,060** **(7.5)**
TOTAL OPERATING BUDGET	**$51,301,446**	**$52,530,060**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

(Pages 94-103)

DEPARTMENT OF CULTURAL RESOURCES

RECOMMENDED CONTINUATION	**$41,400,998**	**$42,086,042**
Continuation Budget Changes:		
1110 - Office of the Secretary		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salary reserve	(4,758)	(4,758)
2. Office supplies (inventory)	(100)	(100)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Contracted personal services	(600)	(600)
2. Temporary salaries	(342)	(342)
3. Unemployment compensation	(500)	(500)
1120 - Administrative Services		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies (inventory)	(30)	(30)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Defer motor vehicles	—	(14,500)
2. Travel	(788)	(788)
3. Data processing	(1,000)	(1,000)
1130 - Public Affairs		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(1,000)	(1,000)
2. Office furniture/equip	(150)	(150)
3. Office materials/supplies	(740)	(740)
1210 - Archives and History - Administration		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Insurance and bonding	($12,000)	($12,000)
2. Salary reserve	(2,836)	(2,836)
3. Office supplies	(400)	(400)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Printing and binding	(1,000)	(1,000)
1211 - Unconditional Grants		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Eliminate program of grants to Confederate Museum ($200), Confederate Cemetery ($350), and Moore's Creek Battleground ($468)	(1,018)	(1,018)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF CULTURAL RESOURCES (Continued)	1993-94	1994-95
1220 - Historical Publications		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Contracted personal services	(1,000)	(1,000)
2. Travel	(850)	(850)
3. Postage	(1,000)	(1,000)
4. Printing and binding	(7,259)	(7,534)
5. Service/maintenance contracts	(309)	(309)
6. Office furniture and equipment	—	(275)
7. Data processing equipment	(1,500)	(1,500)
8. Data processing software	(1,000)	(1,000)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Increase receipts	($6,000)	($6,000)
1230 - Archives and Records		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(48,440)	(47,136)
	(-2)	(-2)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. LEO retirement (civilianize guard positions)	—	(1,891)
2. Unemployment compensation	(750)	(750)
3. Worker's compensation	(4,000)	(4,000)
4. Motor vehicles (shift to MFM)	(13,025)	—
1241 - State Historic Sites		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Motor vehicle supplies	(9,600)	(10,100)
(inventory)	(1,000)	(1,000)
2. Office supplies and materials	—	(1,000)
(inventory)	(1,000)	(1,000)
3. Other supplies and materials	(14,000)	(14,000)
(inventory)	(7,322)	(7,322)
4. Travel and subsistence	(12,468)	(13,200)
5. Postage	—	(3,100)
(inventory)	(250)	(250)
6. Utilities (inventory)	(1,300)	(1,300)
7. Other services	(9,800)	(9,800)
8. Insurance and bonding	—	(8,600)
9. Office furniture and equipment	(2,640)	(1,800)
10. Education equipment - exhibits	(7,400)	(7,400)
11. Other equipment	(11,750)	(11,732)
12. Other repairs and maintenance (inventory)	(8,900)	(8,900)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Motor vehicles (shift to MFM)	($30,000)	($80,000)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF CULTURAL RESOURCES

(Continued)	1993-94	1994-95
1242 - Tryon Palace Restoration Complex		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Temporary salaries	(929)	(1,207)
2. Social Security contribution	(71)	(93)
3. Telephone	(500)	(500)
4. Printing and binding	(200)	(200)
5. Other repairs and maintenance	(1,102)	(1,484)
6. Employee training	(100)	(100)
7. Rent of buildings	(4,200)	(3,900)
8. Office furniture and equipment	(200)	(300)
9. Other equipment	(4,000)	(4,000)
10. Office supplies (inventory)	(200)	(200)
11. Postage (inventory)	(140)	(140)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Tort claim	(2,745)	(2,745)
2. Unemployment compensation	(1,200)	(1,200)
3. Worker's compensation	(10,800)	(10,800)
4. Travel	(2,000)	(2,000)
5. Book purchases	(1,000)	(1,000)
6. Motor vehicle (shift to MFM)	(10,000)	—
1250 - Archaeology and Historic Preservation		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Motor vehicle supplies	(2,745)	(2,745)
2. Other supplies and materials	(9,077)	(7,453)
3. Travel and subsistence	(5,190)	(3,893)
4. Postage	(1,000)	(1,000)
5. Printing and binding	(725)	(725)
6. Other repairs and maintenance	(2,231)	(2,231)
7. Service/maintenance contracts	($1,071)	($1,303)
8. Office furniture/equipment	(1,185)	(1,485)
9. Other equipment	(380)	(367)
10. Office supplies (inventory)	(200)	(200)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Disability benefits	(2,250)	(2,250)
2. Motor vehicles (shift to MFM)	(22,000)	—
1270 - Museum of History		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(31,480)	(31,480)
2. Office supplies (inventory)	(1,300)	(1,300)
3. Postage (inventory)	(700)	(700)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Worker's compensation	(1,419)	(1,419)
2. Disability benefits	(1,000)	(1,000)
3. Office supplies/materials	(4,100)	(4,100)
4. Rental of real property	(13,670)	(13,670)
5. Motor vehicles (shift to MFM)	—	(28,500)

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

DEPARTMENT OF CULTURAL RESOURCES
(Continued)

	1993-94	1994-95
1280 - Eastern Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other supplies and materials	(400)	(400)
2. Travel and subsistence	(430)	(566)
3. Telephone	(200)	(200)
4. Printing and binding	(200)	(200)
5. Office furniture/equipment	(800)	(800)
6. Data processing equipment	(200)	(200)
7. Data processing software	(200)	(200)
8. Other equipment	(800)	(800)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Worker's compensation	($55)	($55)
2. Contracted personal services	(500)	(500)
1290 - Western Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies and materials	(1,000)	(1,000)
2. Travel	(1,000)	(1,276)
3. Telephone	(1,500)	(1,500)
4. Postage	(300)	(300)
5. Printing and binding	(50)	(50)
6. Other repairs and maintenance	(200)	(200)
7. Subscriptions and memberships	(300)	(300)
8. Office furniture/equipment	(1,029)	(1,029)
9. Other equipment	(1,079)	(1,079)
B. Legislative Adjustments:		
(NONE)		
1320 - Museum of Art		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Construction	(3,261)	(3,261)
2. Office supplies and materials (inventory)	(2,000) (600)	(2,000) (600)
3. Other supplies and materials	(2,000)	(2,000)
4. Travel and subsistence	—	(617)
5. Printing and binding	(1,000)	(1,000)
6. Advertising	(3,000)	(3,000)
7. Other services	(3,000)	(3,000)
8. Service/maintenance contracts	(5,000)	(5,000)
9. Insurance and bonding	(7,000)	(7,000)
10. Books	(1,000)	(1,000)
11. Postage (inventory)	(390)	(390)
12. Salaries and fringes (first step)	(11,200)	(11,200)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. LEO retirement (civilianize guard positions)	—	($10,713)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF CULTURAL RESOURCES

(Continued)	1993-94	1994-95
1330 - North Carolina Arts Council		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Grants program	($13,265)	(13,265)
2. Grassroots Arts program	(6,633)	(6,633)
3. Office supplies (inventory)	(700)	(700)
4. Salaries and fringes (first step)	(635)	(635)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(1,000)	(1,000)
2. Worker's compensation	(100)	(100)
1340 - North Carolina Symphony		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Postage (inventory)	(20)	(20)
B. Legislative Adjustments:		
(NONE)		
1410 - State Library - Administration		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies and materials	(500)	(500)
2. Telephone	(2,000)	(2,000)
3. Subscriptions and memberships	(1,000)	—
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies/materials	($3,701)	($2,901)
2. Travel	(15,000)	(15,000)
1420 - State Library - Information Services		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Telephone	(7,560)	(7,560)
2. Postage	(7,560)	(7,560)
B. Legislative Adjustments:		
(NONE)		
1430 - State Library - Technical Services		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Printing and binding	(4,250)	(4,250)
2. Employee training	(1,077)	(1,077)
3. Other services	(5,013)	(5,013)
4. SOLINET	(5,000)	(5,000)
5. Office supplies/materials (inventory)	(400)	(400)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies/materials	(1,000)	(1,000)
1460 - State Library - Services to Blind, Handicapped, and Institutions		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Postage	(5,000)	(5,000)
(Inventory)	(770)	(770)
2. Other equipment	($4,500)	($4,500)
3. Books	(5,125)	(5,125)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF CULTURAL RESOURCES		
1460 - State Library - Services to Blind, Handicapped, and Institutions (Continued)	1993-94	1994-95
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Reduce unemployment compensation	(500)	(500)
2. Motor vehicles (shift to MFM)	—	(9,500)
1470 - Services to Public Libraries		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies (inventory)	(100)	(100)
2. Salaries and fringes (first step)	(6,201)	(6,201)
B. Legislative Adjustments:		
(NONE)		
1992 - Continuation Reserve		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Reserve - History Museum	(11,037)	(16,365)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Reserve - History Museum (to accommodate delayed opening and shift expansion items out of continuation budget)	(48,700)	(144,306)
2. Reserve - Historic Sites (to correspond with projected site operations and shift expansion items out of continuation budget)	(68,677)	(179,524)
3. Reserve - Art Museum (to shift operating expansion to expansion budget	($68,259)	($117,675)
Continuation Budget Changes	**($715,912)**	**(1,056,817)**
Position Changes	**(-2)**	**(-2)**
REVISED CONTINUATION BUDGET	**$40,685,086**	**$41,029,225**

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EXPANSION BUDGET		
1. **Electronic Records Program** - Extend current records management activity to include electronic records.	$100,000	$100,000
	(2)	(3)
2. **N.C. Symphony** - Increase grant to N.C. Symphony.	650,000	650,000
3. **North Carolina Arts Council/Education Outreach** - Provide funding for education outreach; increase Grassroots Art program.	600,000	600,000
	(2)	(2)
4. **Aid to Libraries** - Add support for grants to local libraries.	250,000	250,000
5. **Somerset Place** - Add staff at Somerset Place historic site.	70,545	70,545
	(2)	(2)
EXPANSION RECURRING	**$1,670,545**	**$1,670,545**
	(6)	**(7)**
EXPANSION NON-RECURRING	**—**	**—**
TOTAL EXPANSION BUDGET	**$1,670,545**	**$1,670,545**
	(6)	**(7)**
TOTAL OPERATING BUDGET	**$42,355,631**	**$42,699,770**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

(Page 104)

GENERAL ASSEMBLY	1993-94	1994-95
RECOMMENDED CONTINUATION	**$21,385,599**	**$24,982,877**
Continuation Budget Changes:		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Reduce operating budget by 1%.	(250,000)	(250,000)
Continuation Budget Changes	**($250,000)**	**($250,000)**
Position Changes		
REVISED CONTINUATION BUDGET	**$21,135,599**	**$24,732,877**

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EXPANSION BUDGET		
1. Study Commission on Status of Education at University of North Carolina - Fund		
Study Commission activities.	$100,000 NR	-0-
EXPANSION RECURRING	**-0-**	**-0-**
EXPANSION NON-RECURRING	**$100,000**	**-0-**
TOTAL EXPANSION BUDGET	**$100,000**	**-0-**
TOTAL OPERATING BUDGET	**$21,235,599**	**$24,732,877**

(Pages 105-108)

OFFICE OF THE GOVERNOR		
RECOMMENDED CONTINUATION	**$4,475,772**	**$4,495,442**
Continuation Budget Changes:		
1110 - Administration		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies	(2,500)	(2,500)
2. Telephone	(35,000)	(35,394)
3. Data processing	(500)	(500)
4. Misc services	(3,000)	(3,000)
5. Rent of reproduction equipment	(3,600)	(3,600)
6. Subscriptions	(1,200)	(1,200)
7. Data processing equipment	(11,405)	(11,405)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Utilities	(600)	(600)
2. Repairs and maintenance	(1,000)	(1,000)
1120 - Dues to National Organizations		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Advisory Council on Intergovernmental Relations	(3,000)	(3,000)
B. Legislative Adjustments:		
(NONE)		

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

OFFICE OF THE GOVERNOR (Continued)	1993-94	1994-95
1130 - Western Governor's Office		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Rent of other equipment	(2,672)	(2,672)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	($1,500)	($1,500)
2. Repairs and maintenance	(200)	(200)
3. Rent of other equipment	(3,889)	(3,889)
4. Office furniture and equipment	(1,190)	(1,190)
1210 - Office of Citizen Affairs		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Postage	(5,000)	(5,000)
2. Printing	(1,200)	(1,200)
3. Reproduction	(433)	(433)
4. Data processing	(1,061)	(1,061)
5. Volunteer recognition	(1,500)	(1,500)
6. Misc services	(1,934)	(1,934)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contracted service	(5,000)	(5,000)
2. Office supplies	(775)	(775)
3. Communication	(5,000)	(5,000)
1220 - Office of Local Government Advocacy		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Board travel	(2,431)	(2,431)
2. Board subsistence	(760)	(760)
B. Legislative Adjustments:		
(NONE)		
1230 - Division of Non-Public Education		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(1,138)	(1,138)
2. Printing	($1,000)	($1,000)
3. Data processing equipment	(1,509)	(1,509)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(3,862)	(3,862)
2. Data processing	(300)	(300)
3. Service/maintenance contracts	(440)	(440)
1631 - Raleigh Executive Residence		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Household cleaning supplies	(1,215)	(1,215)
2. Repairs and maintenance	(2,500)	(2,500)
3. Misc. services	(3,000)	(3,000)
4. Home furnishings	(2,325)	(2,325)
B. Legislative Adjustments:		
(NONE)		

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

OFFICE OF THE GOVERNOR (Continued)	1993-94	1994-95
1632 - Western Executive Residence		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Repairs and maintenance:	(1,000)	(1,000)
B. Legislative Adjustments:		
(NONE)		
Continuation Budget Changes	**($114,639)**	**($115,033)**
Position Changes		
REVISED CONTINUATION BUDGET	**$4,361,133**	**$4,380,409**

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EXPANSION BUDGET		
1. **Workforce Preparedness** - Establish an office to coordinate workforce preparedness activities.	$200,000	$200,000
2. **Ombudsman** - Establish an office to provide communications between Governor and state employees.	$80,000	$80,000
	(1)	(1)
3. **Cities in Schools** - Contribute state funds to non-profit organization that addresses needs of high-risk youth.	200,000	200,000
4. **Standards Commission** - Funds for the Education Standards and Accountability Commission.	500,000	500,000
5. **Center for World Languages and Cultures** - Create a Center to provide foreign language training.	250,000	500,000
EXPANSION RECURRING	**$1,230,000**	**$1,480,000**
EXPANSION NON-RECURRING	—	—
TOTAL EXPANSION BUDGET	**$1,230,000**	**$1,480,000**
	(1)	(1)
TOTAL OPERATING BUDGET	**$5,591,133**	**$5,860,409**

(Page 109)

OFFICE OF STATE BUDGET AND MANAGEMENT		
RECOMMENDED CONTINUATION	**$3,405,824**	**$3,530,825**
Continuation Budget Changes:		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Office supplies	(4,000)	(4,000)
2. Other supplies and materials	(2,000)	(2,000)
3. Computer supplies	(1,500)	(1,500)
4. Travel and subsistence	(19,500)	(22,000)
5. Telephone	(1,200)	(1,200)
6. Postage	(3,000)	(3,000)
7. Printing	(5,000)	(5,000)
8. Reproduction	(100)	(100)
9. Repairs and maintenance	(1,031)	(1,031)
10. Data processing	(8,000)	(8,000)

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

OFFICE OF STATE BUDGET AND MANAGEMENT		
A. Governor's Adjustments: (Continued)	1993-94	1994-95
11. Employee education	(1,347)	(1,347)
12. Misc services	(3,800)	(3,800)
13. Service/maintenance contracts	(7,000)	(7,000)
14. Subscriptions	(1,500)	(1,500)
15. Office furniture and equipment	(9,138)	(9,138)
16. Salaries and fringes (first step)	(1,287)	(1,287)
17. Salary reserve	(24,439)	(24,439)
B. Legislative Adjustments:		
(NONE)		
Continuation Budget Changes	**($93,842)**	**($96,342)**
Position Changes		
REVISED CONTINUATION BUDGET	**$3,311,982**	**$3,434,483**

(Page 110)

OFFICE OF STATE PLANNING		
RECOMMENDED CONTINUATION	**$1,537,714**	**$1,538,034**
Continuation Budget Changes:		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Postage	(2,000)	(2,000)
2. Printing	(3,806)	(3,812)
3. Data Processing	(7,762)	(7,762)
4. Salary reserves	(7,423)	(7,423)
B. Legislative Adjustments:		
(NONE)		
Continuation Budget Changes	**($20,991)**	**($20,997)**
Position Changes		
REVISED CONTINUATION BUDGET	**$1,516,723**	**$1,517,037**

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EXPANSION BUDGET		
1. **Replace ARC Funds** - Replace federal funds now used to support staff in Office of State Planning.	$63,396	$87,196
EXPANSION RECURRING	**$63,396**	**$87,196**
EXPANSION NON-RECURRING	**-0-**	**-0-**
TOTAL EXPANSION	**$63,396**	**$87,196**
TOTAL OPERATING BUDGET	**$1,580,119**	**$1,604,233**

(Pages 111-112)

DEPARTMENT OF INSURANCE		
RECOMMENDED CONTINUATION	**$14,114,720**	**$14,130,127**
Continuation Budget Changes:		
A. Governor's Adjustments:		
(NONE)		
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF INSURANCE (Continued)	1993-94	1994-95
1110 - Administration		
1. Supplies	(5,000)	(5,000)
2. Travel	(5,000)	(5,000)
1123 - Medical Database Commission		
1. Travel	(4,000)	(4,000)
2. Data processing	(33,000)	(39,586)
1220 - Company Services		
1. Eliminate 15 receipted vacancies, reduce requirements $676,468		
2. Eliminate 1 vacant appropriated position	(34,137)	(34,137)
3. Travel	(17,390)	(17,390)
4. Communication/data transmission	(2,000)	(2,000)
5. Office furniture/equipment	(3,000)	(3,000)
6. Data processing equipment	(3,000)	(3,000)
1230 - Agent Services		
1. Contracted temporary services	(15,000)	(15,000)
2. Office furniture/equip	(2,000)	(2,000)
1240 - Consumer Services		
1. Communication	(15,000)	(15,000)
2. Data processing	(15,000)	(15,000)
1260 - Field Services		
1. Vacant Insurance Investigator positions	(177,270)	(177,270)
	(-4)	(-4)
2. Travel	($617)	($617)
1311 - Engineering		
1. Other fixed charges	(2,000)	(2,000)
2. Office furniture/equip	(5,000)	(5,000)
1320 - Fire and Rescue Services		
1. Communication		(2,000)
2. Other fixed charges		(13,600)
3. Equipment		(5,400)
1900 - Reserves and Transfers		
1. Reduce appropriation to Consumer Protection Fund per G.S. 58-2-215	(327,586)	(1,000,000)
Continuation Budget Changes	**($666,000)**	**($1,366,000)**
Position Changes (Appropriated)	**(-5)**	**(-5)**
Position Changes (Receipted)	**(-15)**	**(-15)**
REVISED CONTINUATION BUDGET	**$13,448,720**	**$12,764,127**

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S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF INSURANCE (Continued)	1993-94	1994-95
EXPANSION BUDGET		
1. **Field Service Operations -**		
Add staff and computer support.	$148,427	$187,317
	(3)	(3)
2. **Company Services** - Add staff and support.	42,993	46,695
	(1)	(1)
EXPANSION RECURRING	**$191,420**	**$234,012**
	(4)	(4)
EXPANSION NON-RECURRING	—	—
TOTAL EXPANSION	**$191,420**	**$234,012**
	(4)	(4)
TOTAL OPERATING BUDGET	**$13,640,140**	**$12,998,139**

(Page 113)

OFFICE OF LIEUTENANT GOVERNOR		
RECOMMENDED CONTINUATION	**$551,423**	**$553,302**
Continuation Budget Changes:		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other contractual services	(2,434)	(2,453)
2. Travel	(5,514)	(5,533)
3. Communications	(1,080)	(1,080)
4. Service/maintenance contracts	(2,000)	(2,000)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(773)	(773)
2. Other materials and supplies	(600)	(600)
3. Communications expense	(3,920)	(3,920)
4. Repair and maintenance	(1,000)	(1,000)
5. Data processing expense	(600)	(600)
6. Other services	(500)	(500)
Continuation Budget Changes	**($18,421)**	**($18,459)**
Position Changes		
REVISED CONTINUATION BUDGET	**$533,002**	**$534,843**

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EXPANSION BUDGET		
1. **Intergovernmental Relations Coordinator - Legislative Liaison** - Establish a position.	$65,000	$65,000
	(1)	(1)
EXPANSION RECURRING	**$65,000**	**$65,000**
	(1)	(1)
EXPANSION NON-RECURRING	**-0-**	**-0-**
TOTAL EXPANSION BUDGET	**$65,000**	**$65,000**
	(1)	(1)
TOTAL OPERATING BUDGET	**$598,002**	**$599,843**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

(Page 114)

OFFICE OF ADMINISTRATIVE HEARINGS	1993-94	1994-95
RECOMMENDED CONTINUATION	**$1,950,197**	**$1,954,545**
Continuation Budget Changes:		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1110 - Administration		
1. Salary Reserve	(3,954)	(3,954)
2. Office Supplies and Equip	(3,000)	(3,000)
3. Other Supplies and Material	(1,000)	(1,000)
4. Printing	(2,904)	(2,991)
5. Employee EDU Expense	(500)	(500)
6. Service and Maintenance Contracts	(8,000)	(8,000)
7. Office Furniture and Equipment	(1,600)	(1,600)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
(NONE)		
Continuation Budget Changes	**($20,958)**	**($21,045)**
Position Changes		
REVISED CONTINUATION BUDGET	**$1,929,239**	**$1,933,500**

(Pages 115-119)

DEPARTMENT OF REVENUE		
RECOMMENDED CONTINUATION	**$55,043,269**	**$55,103,203**
Continuation Budget Changes:		
1110 - Administration		
A. Governor's Adjustments:		
1. Salaries and fringes (first step)	(1,778)	(1,778)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Collection fees	30,000	30,000
1115 - Internal Audit		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Supplies and materials	(200)	(200)
2. Other supplies and materials	(200)	(200)
3. Other services	(2,500)	(2,500)
4. Publications/subscriptions	(350)	(350)
5. Equipment	(750)	(750)
B. Legislative Adjustments:		
(NONE)		
1211 - Accounting		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(21,766)	(21,766)
	(-1)	(-1)
2. Salaries and fringes (first step)	(460)	(460)
B. Legislative Adjustments:		
(NONE)		

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF REVENUE (Continued)	1993-94	1994-95
1212 - Management Information Service		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	($88,555)	($88,555)
	(-1)	(-1)
2. Communications	(50,000)	(50,000)
3. Rent of DP equipment	(30,000)	(30,000)
4. Service/maintenance contracts	(16,556)	(16,556)
5. Data processing services	(8,000)	(8,000)
6. Salaries and fringes (first step)	(21,511)	(21,511)
7. Supplies and materials (inventory)	(5,000)	(5,000)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Advertising	(4,000)	(4,000)
2. Data processing services	(12,000)	(12,000)
1213 - General Services		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Other supplies and materials	(28,264)	(28,264)
2. Postage	(112,864)	(114,063)
3. Rent of offices	(25,000)	(25,000)
4. Supplies and materials (inventory)	(13,827)	(13,827)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Printing and binding	(20,000)	(20,000)
2. Repairs and maintenance	(26,000)	(26,000)
3. Service/maintenance contracts	(40,000)	(40,000)
4. Office furniture and equipment	(20,661)	(20,661)
1222 - License and Gift Tax		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	($24,593)	($24,593)
	(-1)	(-1)
B. Legislative Adjustments:		
(NONE)		
1223 - Corporate Income and Franchise Tax		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(78,097)	(78,097)
	(-1)	(-1)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
(NONE)		
1224 - Individual Income, Inheritance, and Gift Tax		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	(135,049)	(135,049)
	(-3)	(-3)
2. Salaries and fringes (first step)	(5,278)	(5,278)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(1,604)	(1,604)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF REVENUE (Continued)	1993-94	1994-95
1225 - Sales and Use Tax		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and fringes	($60,461)	($60,461)
	(-2)	(-2)
B. Legislative Adjustments:		
(NONE)		
1233 - Field Operations		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Travel	(20,000)	(20,000)
2. Salaries and fringes	(336,410)	(336,410)
	(-8)	(-8)
3. Salaries and fringes (first step)	(1,832)	(1,832)
4. Salary reserve	(41,038)	(41,038)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. GPAC: Salaries and fringes	37,351	74,702
(tax technicians)	(1)	(2)
2. GPAC: Salaries and fringes		
(field office personnel)	—	(336,410)
	—	(-8)
1311 - Property Tax Division		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Collection fees	(1,000)	(1,000)
2. Other supplies and materials	(2,000)	(2,000)
3. Communications	(3,000)	(3,000)
B. Legislative Adjustments:		
(NONE)		
1400 - Tax Research		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salaries and wages (first step)	($2,521)	($2,521)
B. Legislative Adjustments:		
(NONE)		
1500 - Controlled Substance Tax		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Communications	(3,000)	(3,000)
B. Legislative Adjustments:		
(NONE)		
Continuation Budget Changes	**($1,198,774)**	**($1,499,032)**
Position Changes	**(-16)**	**(-23)**
REVISED CONTINUATION BUDGET	**$53,844,495**	**$53,604,171**

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S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF REVENUE (Continued)	1993-94	1994-95
EXPANSION BUDGET		
1. **Electronic Funds Transfer** - Implement electronic funds transfer to expedite collections.	$400,000	$310,000
	(5)	(5)
2. **Integrated Tax Administration System** - Integrate data processing systems to increase efficiency and provide better taxpayer service.	3,009,800 NR	
EXPANSION RECURRING	**$400,000**	**$310,000**
	(5)	(5)
EXPANSION NON-RECURRING	**$3,009,800**	
TOTAL EXPANSION BUDGET	**$3,409,800**	**$310,000**
	(5)	(5)
TOTAL OPERATING BUDGET	**$57,254,295**	**$53,914,171**

(Page 120)
ADMINISTRATIVE RULES REVIEW COMMISSION

RECOMMENDED CONTINUATION	**$263,792**	**$263,871**
Continuation Budget Changes:		
1110 - Administration		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Rent on Real Property	(3,395)	(3,395)
2. Subscriptions and Dues	(600)	(600)
3. Office Equipment	(1,281)	(1,283)
B. Legislative Adjustments		
(NONE)		
Continuation Budget Changes	**($5,276)**	**($5,278)**
Position Changes		
REVISED CONTINUATION BUDGET	**$258,516**	**$258,593**

(Pages 121-123)
SECRETARY OF STATE

RECOMMENDED CONTINUATION	**$4,962,766**	**$4,925,984**
Continuation Budget Changes:		
1110 - General Administration		
A. Governor's Adjustments		
Adjust objects of expenditures as follows:		
1. Data processing	(4,000)	(4,000)
B. Legislative Adjustments		
Increase receipts	(500)	(500)
Adjust objects of expenditures as follows:		
1. Repairs and Maintenance	(500)	(500)
1120 - Publications		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Printing and Binding	(15,000)	(15,000)
2. Data processing	(1,000)	(1,000)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
1. Other Services	(1,000)	(1,000)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

SECRETARY OF STATE (Continued)	1993-94	1994-95
1210 - Corporations		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Communications (Inventory)	(263)	(263)
2. Data processing	(67,000)	(67,000)
B. Legislative Adjustments		
Adjust objects of expenditure as follows:		
1. Repairs and Maintenance	(400)	(400)
1220 - Uniform Commercial Code		
A. Governor's Adjustments		
Adjust objects of expenditures as follows:		
1. Data processing	($15,000)	($15,000)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
1. Repairs and Maintenance	(400)	(400)
1230 - Securities Registration		
A. Governor's Adjustments		
1. Data processing	(5,000)	(5,000)
B. Legislative Adjustments		
(NONE)		
1240 - Business License Office		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Utilities	(2,824)	(3,108)
2. Data processing	(4,000)	(4,000)
B. Legislative Adjustments		
(NONE)		
1300 - Notary Public Commission		
A. Governor's Adjustments		
1. Data processing	(4,000)	(4,000)
B. Legislative Adjustments		
(NONE)		
1400 - Land Records Management		
A. Governor's Adjustments		
Adjust objects of expenditures as follows:		
1. Rent of Real Property	($19,879)	($19,879)
2. Land Records Management	(61,552)	(60,533)
B. Legislative Adjustments		
(NONE)		
Continuation Budget Changes	**($202,318)**	**($201,583)**
Position Changes		
REVISED CONTINUATION BUDGET	**$4,760,448**	**$4,724,401**

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S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

SECRETARY OF STATE (Continued)	1993-94	1994-95
EXPANSION BUDGET		
1. **Corporations Division** - Increase staff to meet growing workload.	$117,702	$113,500
	(4)	(4)
EXPANSION RECURRING	**$117,702**	**$113,500**
	(4)	**(4)**
EXPANSION NON-RECURRING	**—**	**—**
TOTAL EXPANSION BUDGET	**$117,702**	**$113,500**
	(4)	**(4)**
TOTAL OPERATING BUDGET	**$4,878,150**	**$4,837,901**
(Pages 124-125)		
STATE AUDITOR'S OFFICE		
RECOMMENDED CONTINUATION	**$7,393,837**	**$7,430,882**
Continuation Budget Changes:		
1110 - Administration		
A. Governor's Adjustments		
(NONE)		
B. Legislative Adjustments		
Adjust objects of expenditure as follows:		
1. Travel	(6,000)	(6,000)
1210 - Field Audit		
A. Governor's Adjustments		
Adjust objects of expenditures as follows:		
1. Transfer 2 ASA positions from appropriations to receipt	(72,968)	(72,968)
2. Salaries and Fringes	(10,633)	(10,633)
3. Travel	(24,440)	(24,440)
B. Legislative Adjustments		
(NONE)		
1120 - General Services		
A. Governor's Adjustments		
1. Supplies and Materials (inventory)	(1,850)	(1,850)
2. Postage (inventory)	(550)	(550)
Continuation Budget Changes	**($116,441)**	**($116,441)**
Position Changes		
REVISED CONTINUATION BUDGET	**$7,277,396**	**$7,314,441**
EXPANSION BUDGET		
1. **Hotline Support** - Provide toll-free access and add positions to reduce investigations backlog.	$88,116	$105,935
	12,800 NR	—
	(2)	(2)
2. **Performance Audit Capability** - Add performance auditors to meet expanding responsibilities.	227,928	249,248
	(5)	(5)
	32,000 NR	—

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

STATE AUDITOR'S OFFICE **EXPANSION BUDGET** (Continued)	1993-94	1994-95
3. **Financial Audit Capability** - Add financial auditors to meet expanding responsibilities.	162,246	176,077
	(4)	(4)
4. **DP Equipment** - Purchase Local Area Network and other equipment.	601,091 NR	—
EXPANSION RECURRING	**$478,290**	**$531,260**
	(11)	**(11)**
EXPANSION NON-RECURRING	**$645,891**	**-0-**
TOTAL EXPANSION	**$1,124,181**	**$531,260**
	(11)	**(11)**
TOTAL OPERATING BUDGET	**$8,401,577**	**$7,845,701**
(Pages 127-128) **STATE CONTROLLER'S OFFICE**		
RECOMMENDED CONTINUATION	**$6,681,992**	**$6,687,578**
Continuation Budget Changes:		
1100 - State Controller		
A. Governor's Adjustments:		
Adjust objects of expenditure as follows:		
1. Salary reserve	(57,584)	(57,584)
2. Salaries and fringes (first step)	(22,840)	(22,840)
3. Supplies and materials (inventory)	(800)	(800)
4. Data processing services	(500,000)	(500,000)
B. Legislative Adjustments:		
Adjust objects of expenditure as follows:		
1. Unemployment compensation	(1,337)	(1,337)
2. Office supplies	(8,000)	(8,000)
3. Communications	(15,000)	(15,000)
4. Printing and binding	(4,000)	(4,000)
5. Other current services/obligations	(7,000)	(7,000)
6. Office furniture/equipment	(10,000)	(10,000)
Continuation Budget Changes	**($626,561)**	**($626,561)**
Position Changes		
REVISED CONTINUATION BUDGET	**$6,055,431**	**$6,061,017**
EXPANSION BUDGET		
1. **Technical Staff for State Accounting System** - Add staff to support accounting system implementation.	$350,000	$350,000
	(6)	(6)
EXPANSION RECURRING	**$350,000**	**$350,000**
	(6)	**(6)**
EXPANSION NON-RECURRING	**—**	**—**
TOTAL EXPANSION BUDGET	**$350,000**	**$350,000**
	(6)	**(6)**
TOTAL OPERATING BUDGET	**$6,405,431**	**$6,411,017**

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

(Pages 128-129)

OFFICE OF THE STATE TREASURER	1993-94	1994-95
RECOMMENDED CONTINUATION	**$10,930,121**	**$10,935,983**
Continuation Budget Changes:		
1110 - General Administration		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Office Supplies and Materials (inventory)	(111)	(111)
2. Salaries and fringes (first step)	(370)	(370)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
1. Office Supplies and Material	(2,000)	(2,000)
2. Other Supplies	(1,000)	(1,000)
1210 - Investment Management		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Data Processing Supplies (Inventory)	(125)	(125)
2. Salaries and fringes (first step)	(7,169)	(7,169)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
1. Printing and Binding	(400)	(400)
1220 - Banking Operations		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Office Supplies and Materials (Inventory)	(134)	(134)
2. Salaries and fringes (first step)	(370)	(370)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
(NONE)		
1310 - Local Government Operations		
A. Governor's Adjustments		
Adjust objects of expenditure as follows:		
1. Data Processing Supplies (Inventory)	($210)	($210)
2. Salary Reserve	(83)	(83)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
1. Other Materials and Supp	(5,000)	(5,000)
2. Travel	(7,000)	(7,000)
3. Service and Maintenance	(1,200)	(1,200)
4. Office Furniture and Equip	(1,000)	(1,000)
1420 - Adm Fire/Rescue Pension		
A. Governor's Adjustments		
Increase Receipts	(233,318)	(233,727)
B. Legislative Adjustments		
Adjust objects of expenditures as follows:		
(NONE)		
Continuation Budget Changes	**($259,490)**	**($259,899)**
Position Changes		
REVISED CONTINUATION BUDGET	**$10,670,631**	**$10,676,084**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

OFFICE OF THE STATE TREASURER EXPANSION BUDGET (Continued)	1993-94	1994-95
1. **Local Government Operations** - Increase staff to meet growing workload (funded with non-tax revenues).	$144,670 (3)	$182,859 (3)
2. **Retirement Systems** - Improve record storage and retrieval in retirement system management.	2,050,000 NR (Receipts)	100,000 (Receipts)
3. **Investment Management** - Increase effectiveness of investment management operations (funded with non-tax revenues).	489,636 (1)	923,059 (1)
4. **Escheat Fund Administration** - Add clerical position to assist with tangible property received	50,357 (1) (Receipts)	55,493 (1) (Receipts)
EXPANSION RECURRING - Appropriation	**$634,306** **(4)**	**$1,105,918** **(4)**
EXPANSION RECURRING - Receipts	**50,357** **(1)**	**155,493** **(1)**
EXPANSION NON-RECURRING - Receipts	**$2,050,000**	**-0-**
TOTAL OPERATING BUDGET - Appropriation	**$11,304,937**	**$11,782,002**

OTHER BUDGET RECOMMENDATIONS

I.A. **Reserve for Compensation Increase - 2%**		
Public Education		
Teacher Salary Schedule	$42,443,217	$42,443,217
Non-Teaching	15,031,955	15,031,955
	$57,475,172	$57,475,172
Community Colleges EPA	6,980,471	7,615,059
University System		
EPA	12,842,338	14,009,823
SPA	6,230,732	6,797,163
State Employees SPA	19,208,391	20,954,608
Judicial EPA	3,485,693	3,802,574
Other EPA	92,260	100,648
General Assembly EPA	155,417	212,845
Locally Operated Programs	5,581,668	5,581,668
TOTAL	**$112,052,142**	**$116,549,560**
I.B. **Reserve for Wage Floor for Lowest Paid Employees**	$135,500	$135,500
II. **Reserve for Incentive Compensation Bonus - 1%**		
Public Education	$7,515,977	-
Community Colleges	3,807,529	-
Board of Governors	7,004,912	-
All Other State Employees	15,916,042	-
TOTAL	**$34,244,460 NR**	

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

OTHER BUDGET RECOMMENDATIONS (Continued)	1993-94	1994-95
III. **Reserve to Support Costs Related to Establishing Sick Leave Banks for Public School Employees, Effective January 1, 1994**	$1,000,000	$1,000,000
IV. **Reserve for Restoration of Pay Dates - June 1994**		
Community Colleges and SPA/EPA State Employees	$214,200,000 NR	-
V. **Local Government Shared Revenue**		
Continuation Recommendation	$236,824,154	$236,824,154
Restore Earmarking	-	-
Revised Continuation Budget	$236,824,154	$236,824,154
VI. **Health Care Initiatives**	$2,000,000	$2,000,000
	$3,500,000 NR	-
VII. **Retirement Rate Change**		
Fund State Matching Rate Change from 10.93 to 10.96%	$1,316,400	$1,316,400
VIII. **Debt Service**		
Continuation Recommendation	$83,501,058	$80,516,283
Expansion:		
Requirements for $87.5 Million Prison Bonds	$8,762,500	$8,597,500
TOTAL	**$92,263,558**	**$89,113,783**

30% SALARY REDUCTION FOR POSITIONS VACATED BY RETIREMENT

Continuation Recommendation	**($10,000,000)**	**($10,000,000)**
1. To restore salary reductions made during 1992-93 by exempting teaching, library, and academic leadership positions during 1993-95.	2,752,702	2,752,702
Revised Continuation Recommendation	**($7,247,298)**	**($7,247,298)**

Budget Code	Total General Institution	Fund Reduction
16080	ASU	$195,993
16065	ECU, AA	248,878
16066	ECU, HA	52,038
16086	ECSU	92,835
16088	FSU	104,700
16070	NC A&T	124,027
16090	NCCU	52,954
16092	NCSA	13,585
16030	NCSU	571,015
16802	PSU	97,914
16055	UNC-A	13,271
16020	UNC-CH, AA	261,611
16021	UNC-CH, HA	185,939
16022	UNC-CH, AHEC	0
16050	UNC-C	78,848

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

Budget Code	Total General Institution	Fund Reduction
16040	UNC-G	207,378
16060	UNC-W	31,587
16075	WCU	164,196
16084	WSSU	30,342
16010	GA Ops	0
16011	GA Inst Prog	0
TOTAL UNIV. OPS.		**$2,527,111**
16031	Ag. Research	$143,314
16032	Coop Extension	82,277
TOTAL AG.		**$225,591**
16095	UNC-H	0
16012	Related Ed	0
16094	NCSSM	0
TOTAL UNC		**$2,752,702**

(Pages 134-148)

DEPARTMENT OF TRANSPORTATION	Highway Fund 1993-94	Highway Fund 1994-95
REVISED CONTINUATION	**$922,873,731**	**$916,556,999**
Continuation Budget Changes:		
Transportation Administration		
1. **Public Affairs** - Abolish Information and Communications Specialist I position (0120-various)	(38,264) (-1)	(38,264) (-1)
2. **Personnel** - Abolish vacant Agency Safety Program Director III position (0130-various)	(49,402) (-1)	(49,402) (-1)
3. **Adopt-A-Highway** - Reduce purchases of litter bags and vests (0140-2352)	(33,000)	(33,000)
4. **Secretary's Office** - Eliminate the following positions (0190-various) Special Assistant - Operations Secretary IV (3) Special Assistant - Regional Affairs Agency General Counsel Director Citizen Affairs Public Information Asst. V	(443,744) (-8)	(443,744) (-8)
5. **Fiscal** - Abolish vacant Clerk III position (0210-various)	(22,619) (-1)	(22,619) (-1)
6. **Management Information Systems** - Reduce SIPS payments due to lower utilization and lower SIPS rates (0220-2354)	(600,000)	(600,000)
7. **General Services** - Reduce Water, Heat, Power (0240-2336)	(50,000)	(50,000)
Reduce Janitorial Services (0240-2344)	($100,000)	($100,000)
Budget receipts - reimbursement by others (0240-0953)	(5,000)	(5,000)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF TRANSPORTATION	Highway Fund	
Transportation Administration (Continued)	1993-94	1994-95
8. **Asst. Secretary for Administration** -		
Abolish Admin. Asst. I (Travel	(31,882)	(31,882)
Coordinator) (0290-various)	(-1)	(-1)
Increase administrative allotment from Highway Trust Fund for costs of Century Center Complex (0290-0914)	(33,550)	(33,550)
9. **Transportation Planning Office** - Abolish Assistant Secretary - Planning position (0390 - various)	(79,799)	(79,999)
	(-1)	(1)
Abolish Secretary IV position	(28,824)	(28,824)
(0390-various)	(-1)	(-1)
Total - Transportation Administration	**($1,516,084)**	**($1,516,084)**
	(-14)	**(-14)**
Transportation Operations		
10. **State Highway Administrator** -		
Reduce professional fees (1020-2310)	(1,000)	(1,000)
11. **Chief Engineer - Operations** -		
Eliminate Operations Reserve (1030-2699)	(125,000)	(125,000)
12. **Asst. Highway Administrator - Preconstruction** - Abolish vacant Staff		
Highway Engineer	(75,567)	(75,567)
position (1080-various)	(-1)	(-1)
13. **Highway Design** -		
Reduce educational expenses (2210-2233)	(3,000)	(3,000)
Reduce travel Expenses (2210,2236-3340)	(20,000)	(20,000)
Budget receipts for sale of maps, plans, specs (2210-0943)	(10,000)	(10,000)
14. **Maintenance** - Reduce building supplies		
(2230-2428)	($5,000)	($5,000)
Reduce rental of equipment (2230-2522)	(5,000)	(5,000)
Eliminate vacant Transportation		
Engineer II position (2230-various)	(64,119)	(64,119)
	(-1)	(-1)
15. **Construction** - Reduce temporary labor		
(2240-1030)	(5,467)	(5,467)
Reduce repairs and service (2240-2342)	(25,000)	(25,000)
16. **Traffic Engineering** -		
Eliminate rental of land (2320-2330)	(500)	(500)
17. **Right of Way** -		
Reduce temporary labor (2330-1030)	(5,000)	(5,000)
18. **Support Services** - Abolish State Highway		
Safety Engineer (2350-various)	(52,495)	(52,495)
	(-1)	(-1)
19. **Division of Highways** - Reduce building supplies	(37,112)	(37,112)
Reduce repairs and service to equipment	(5,000)	(5,000)
Total - Transportation Operations	**($439,260)**	**($439,260)**
	(-3)	**(-3)**

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

DEPARTMENT OF TRANSPORTATION (Continued)	Highway Fund 1993-94	Highway Fund 1994-95
Transportation Construction and Maintenance		
20. **Ferry Division - Operations** - (Fund 5300): Reduce overtime pay ($75,000), temporary labor (300,000) and the cost of the Cedar Island-Ocracoke route ($125,000)	(500,000)	(500,000)
21. **Special Appropriation for Highways** - Eliminate reserve (5161)	(5,000)	(5,000)
Governor's Highway Safety Program		
22. **Planning and Administration** - Reduce travel (0410)	(2,940)	(2,940)
Division of Motor Vehicles		
23. **Commissioner's Office** - Abolish Chief Deputy II position (0510-various)	($83,358) (-1)	($83,358) (-1)
Abolish Asst. Commissioner position (0510-various)	(84,029) (-1)	(84,029) (-1)
Reduce temporary labor (0510-1030)	(6,197)	(6,197)
Reduce printing (0510-2411)	(50,000)	(50,000)
Budget receipts for sale of N.C. law books (0510-0990)	(30,000)	—
24. **Vehicle Registration** - Abolish 6 vacant positions (0520-various)	(143,257) (-6)	(143,257) (-6)
Reduce temporary labor (0520-1030)	(50,000)	(50,000)
Reduce photographic supplies (0520-2473)	(25,000)	(25,000)
25. **Driver Licensing** - Abolish vacant Clerk Typist III position (0530-various)	(21,802) (-1)	(21,802) (-1)
Eliminate 2 Driver License positions (0530-various)	(86,486) (-2)	(86,486) (-2)
Reduce Uniform Fund (0530-2412)	-	(5,000)
26. **Traffic Records** - Abolish 4 vacant positions (0550-various)	(86,362) (-4)	(86,362) (-4)
27. **International Reg. Plan** - Reduce overtime pay (0560-1080)	(2,825)	(2,825)
Total - Division of Motor Vehicles	**($669,316)** **(-15)**	**($644,316)** **(-15)**
Transportation Reserves		
28. **Driver Education** - Reduce spending to the 1992-93 authorized level (6310)	(1,316,229)	(1,316,229)
29. **State Treasurer** - Reduce payment for sales tax exemption due to adjustment in sales tax growth rate (6320)	($200,000)	($200,000)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF TRANSPORTATION	Highway Fund	
Transportation Reserves (Continued)	1993-94	1994-95
30. **Unforeseen Events** - Reduce reserve for asphalt plant cleanup due to slow pace of spending existing funds	(500,000)	—
Total - Reserves	**($2,016,229)**	**($1,516,229)**
HIGHWAY FUND REDUCTIONS	**($5,148,829)**	**($4,623,829)**
	(-32)	**(-32)**

	Equipment Fund	
	1993-94	1994-95
1. **Equipment Unit** - Abolish 2 vacant Mechanic II positions (4040 & 4090)	($56,989)	($56,989)
	(-2)	(-2)
Reduce Motor Fuel and lubricant (4000-4250)	(500,000)	(500,000)
EQUIPMENT FUND REDUCTIONS	**($556,989)**	**($556,989)**
	(-2)	**(-2)**

Note: These funds will remain in the Equipment Fund and may be used for equipment purchase.

	General Fund	
	1993-94	1994-95
1. **Aid to Railroads** - Reduce aid based on previous year's dividends (5945)	($3,695)	—
2. **Aid to Airports** - Reduce aid based on new provision on aviation appropriation	(2,266,666)	($1,766,666)
GENERAL FUND REDUCTIONS	**($2,270,361)**	**($1,766,666)**

	Highway Trust Fund	
	1993-94	1994-95
1. **Public Affairs** -		
* Eliminate the following positions:		
- Information and Communications Specialist I (0120-various)	0	0
	(-1)	(-1)
- Artist Illustrator II (0120-various)	0	0
	(-1)	(-1)
2. **Management Assessment** -		
Reduce educational expenses (0160-2233)	($4,000)	($4,000)
Reduce subsistence (0160-2236)	(5,000)	(5,000)
Reduce travel (0160-2237)	(4,000)	(4,000)
3. **Civil Rights** - Eliminate professional fees (0320-2310)	(15,000)	(15,000)
4. **Chief Engineer - Programs** -		
Eliminate water, heat, power (1040-2336)	(11,794)	(11,794)
HIGHWAY TRUST FUND REDUCTIONS	**($39,794)**	**($39,794)**
	(-2)	**(-2)**

Note: These funds are returned to the Highway Trust Fund allotment for administration.

* These positions were created after the Governor submitted his budget to the General Assembly; thus, no funding is in the base budget. DOT has agreed to abolish the positions and return the funds to the Highway Trust Fund.

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF TRANSPORTATION (Continued)	Highway Fund 1993-94	Highway Fund 1994-95
ADDITIONAL BASE BUDGET ADJUSTMENTS		
1. Reduce Federal Aid Matching Funds (5601)	$10,971,734	($10,971,734)
2. **GPAC Savings -**		
- Eliminate one Accounting Manager position in the Fiscal Section by July 1, 1993	(80,517) (-1)	(80,517) (-1)
- Eliminate four positions in Management Assessment and Compliance by December 31, 1993	(68,574) (-4)	(137,149) (-4)
- Eliminate four positions in the Division of Highways- 2000 series by July 1, 1993	(191,211) (-4)	(191,211) (-4)
TOTAL HIGHWAY FUND SAVINGS	**($340,302)** **(-9)**	**($408,877)** **(-9)**
* -Eliminate 149 permanent positions in the Division of Highways - 3000 series by July 1, 1993.	(3,210,943) (-149)	(3,210,943) (-149)
* -Eliminate 30 permanent hourly positions in the Division of Highways - 3000 series by July 1, 1993. Permanent hourly jobs are not included in position totals in the budget.	(438,400)	(438,400)
** -Eliminate 8 positions in the Division of Highways - Equipment Unit by July 1, 1993	(218,897) (-8)	(218,897) (-8)
** -Eliminate 14 Equipment Operations Supervisors in the Equipment Unit on June 30, 1994	—	(589,456) (-14)

* Because these are work order positions, there will be no direct savings to the Highway Fund. However, money will become available in the maintenance and construction accounts. Since fringe benefits are not budgeted for 3000 series positions, only salaries are subtracted.

** Because these positions are funded by the Equipment Fund, there will be no savings to the Highway Fund. Savings in this account can be used for the purchase of new equipment.

****

EXPANSION BUDGET

<u>Transportation Administration</u>		
1. Provide travel and office expenses for the new Safety Director in the Office of the Secretary	$14,800	$14,800
2. Expand the imaging processing system in the Fiscal Section to enable the scanning of payroll forms.	168,957	33,000
3. Increase the Management Information Systems staff and pay the expenses to service new and existing systems.	1,055,181 (10)	881,591 (10)

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF TRANSPORTATION

EXPANSION BUDGET	Highway Fund	
Transportation Administration (Continued)	1993-94	1994-95
4. Provide funding to develop a new Vehicle Registration System.	3,701,000	2,059,000
5. Provide supplemental funding to purchase additional computer hardware for the Driver License System.		
- Data Processing Equipment	310,486	—
- Operations Reserve	640,000	—
6. Expand Planning capacity for Public Transit and Rail.	87,229	86,629
	(2)	(2)
7. Increase project management capacity for public transit and rail.	88,739	88,739
	(2)	(2)
Total - Transportation Administration	**$6,066,392**	**$3,163,759**
	(14)	**(14)**
Transportation Operations		
8. Pay the expenses for additional safety personnel in the Occupational Safety and Emergency Planning Unit.	$47,150	$42,800
9. Fund special traffic engineering equipment for the Traffic Engineering Unit.	52,400	4,500
Total - Transportation Operations	**$99,550**	**$47,300**
10. Restore the reduction in Spot Safety required to balance the budget for the 1992-93 fiscal year	2,000,000	2,000,000
11. Increase funding for highway maintenance in the various highway systems as follows:		
- Primary System	4,215,907	6,279,766
- Secondary System	7,409,776	11,037,164
- Urban System	1,149,793	1,712,663
Total - Maintenance	**$12,775,476**	**$19,029,593**
Division of Motor Vehicles		
12. Replace microfilm equipment in the Traffic Records Section.	—	17,640
13. Conform with OSHA standards to provide protection from bloodborne pathogens for the Enforcement Unit.	82,278	13,454
- 520 officers to be vaccinated for Hepatitis B in 1993-94		
14. Acquire imaging and optical disk storage filing for the Enforcement Unit	164,000	11,000
15. Replace data processing equipment for the Enforcement Unit.	$48,000	—
16. Computerize weigh station functions - Enforcement unit.	241,945	$32,617
17. Acquire data processing equipment for additional counties for the Motor Vehicle Exhaust Emission Inspection Unit.	19,900	3,500
Total - Division of Motor Vehicles	**$556,123**	**$78,211**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Report

DEPARTMENT OF TRANSPORTATION EXPANSION BUDGET (Continued)	Highway Fund 1993-94	1994-95
18. Fund a Transportation Study in the Piedmont-Triad area in order to accelerate the regional transportation planning efforts underway in the Triad involving the High Point, Greensboro, and Winston-Salem MPOs.	222,750	346,500
Transfers to the Department of Crime Control and Public Safety		
19. Fund the operating cost and new equipment for the new Troop "H" headquarters.	1,004,672	799,198
20. Fund 50 new trooper positions in 1993-94.	2,539,922	2,154,624
Total - Crime Control and Public Safety	**$3,544,594**	**$2,953,822**
21. Reserve for Compensation Increase to reflect a two percent increase for positions supported from the Highway Fund in 1993-94. This number includes Compensation Increase for Driver Ed. (145,710)	7,109,156	7,109,156
22. Reserve for a one percent Incentive Compensation Bonus for 1993-94.	3,481,723	—
23. Reserve for Retirement formula change.	$113,000	$113,000
Rail Program		
24. Provide supplemental funds for the Rail Program:		
- Rail Safety Inspection Program for one rail safety supervisor and two rail safety inspectors as called for in HB 155 and SB 62	190,000	190,000
- State funds to rehabilitate short line railroads and funding for a rail industrial access program.	210,000	210,000
Total - Rail Program	**$400,000**	**$400,000**
25. Fund formula assistance for urban public transit maintenance. Thirteen cities and one regional transit authority are included.	3,000,000	3,000,000
26. **Rural Public Transportation** - Expand state participation in the funding of vehicles to allow a 70-20-10 federal-state-local funding ratio. Capital equipment is currently funded at 70-15-15. Additional funds would allow for the purchase of additional vehicles to meet the increased transportation demands placed on systems by programs serving the transportation disadvantaged, such as the JOBS Program.	300,000	300,000
27. Purchase of vehicles for Rural Human Service (Section 16) transportation systems. Standard vans for FY 94 are estimated to cost $18,000. Increased funding would allow for the purchase of 24 additional vehicles. Forty-six (46) North Carolina counties are eligible for this program.	400,000	400,000

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Report**

DEPARTMENT OF TRANSPORTATION
EXPANSION BUDGET

Rail Program (Continued)	1993-94	1994-95
28. Introduce state maintenance of service assistance to small urban fixed route systems including AppalCART (Town of Boone), City of Salisbury, and City of Wilson, comparable to funding percentages provided to urban transit systems.	$100,000	$100,000
29. Increase funding available for the Elderly and Disabled Transportation Assistance Program, which provides assistance to local governments for transportation services to the elderly and disabled. Services provided include transportation to regional medical facilities, employment, and training. Currently ninety-seven (97) counties receive funding from this program.	500,000	500,000
30. Expand general public transportation provided to citizens in rural areas (under 50,000 population). The provision of state funds will enable citizens in rural areas to have better access to employment, medical facilities, and education and training opportunities. There are currently twenty-two (22) rural general public transportation systems serving thirty-eight (38) counties.	300,000	300,000
31. Public Transportation Grant Program: - Increase total available to match federal and local public transportation capital and planning projects.	500,000	500,000
TOTAL - PUBLIC TRANSPORTATION	**$5,100,000**	**$5,100,000**
32. Air Cargo Authority: Pay the continuing cost for promotion of the Global Transpark and other administrative cost of the Authority.	$750,000	$750,000
33. Fund Small Urban Construction projects (see special provision).	10,971,734	10,971,734
GRAND TOTAL - HIGHWAY FUND	**$53,190,498**	**$52,063,075**
	(14)	**(14)**

Highway Trust Fund

	1993-94	1994-95
1. Increase the capacity of the Purchasing Section. The need for this increase is a result of the creation of the Highway Trust Fund.	$58,328	$58,328
	(2)	(2)

Equipment Fund

	1993-94	1994-95
1. Transfer from the Equipment Fund to the Highway Fund.	($10,000,000)	—

S.B. 27 (Proposed Conference Committee Substitute PCCS-5708A)
July 9, 1993 — see page 1000

JOINT APPROPRIATIONS COMMITTEE
SENATE/HOUSE
BASE AND EXPANSION BUDGET
CONFERENCE REPORT
JULY 8, 1993

AGREED NON-RECURRING AMOUNTS
IN BOTH HOUSE AND SENATE PACKAGE

	1993-94	1994-95*
1% Bonus	$26,728,483	—
Public Ed.		
1. School Buses	24,015,485	$26,439,042
University		
1. Priorities/Library	4,794,323	1,567,068
Administration		
1. OSP - Personnel Study	25,000	25,000
Revenue		
1. Integrated Tax System	3,009,800	6,209,800
Human Resources		
1. Group Homes - DD	1,058,000	—
2. Group Homes - Mentally Ill	300,000	40,000
3. United Cerebral Palsy	290,000	0
Correction		
1. Boot Camps	390,000	496,894
2. Inmate Construction	1,193,826	96,796
Crime Control		
1. Emergency Management - Response Team	2,467,400	—
Judicial		
1. Replace office equipment/copiers, etc.	3,061,628	2,853,540
Justice		
1. Legal training to local law enforcement	1,730	—
2. SBI Lab	278,099	—
Commerce		
1. Technology Extension Program	250,000	—
2. Land Loss Prevention Project	300,000	—
3. N.C. Coalition of Farm and Rural Families, Inc.	250,000	—
4. N.C. Institute for Minority Economic Development	200,000	—
	$68,613,774	**$37,728,140**

*House and Senate Conference Committee voted to delete funding.

S.B. 27 (PCCS-5708A) Base and Expansion Budget Conference Report

Like Items - Differing Funding Source*

	1993-94
University	
1. Educational Leadership Task Force	~~(S) 15,000 R~~
	(H) 15,000 NR
Human Resources	
2. Early Childhood Initiatives	~~(S) 20,000,000 R~~
	(H) 15,330,000 R
	(H) 4,670,000 NR
3. Uplift, Inc. Grant	~~(S) 200,000 R~~
	(H) 300,000 NR
4. Willie M	~~(S) 2,400,000 R~~
	(H) 2,127,671 R
	(H) 272,329 NR
Correction	
5. Summit House Satellite Program	~~(S) 150,000 R~~
	(H) 150,000 NR
Crime Control	
6. Victims Compensation Fund	~~(S) 500,000 R~~
	(H) 500,000 NR
Commerce	
7. Research Triangle Park World Trade Center	~~(S) 100,000 R~~
	(H) 100,000 NR
8. Industrial Development Fund	~~(S) 1,500,000 NR~~
	(S) 1,000,000 NR
	~~(H) 1,000,000 R~~
EHNR	
9. Low Level Waste Site Assessment and Permitting	(S) 100,000 NR
	~~(H) 100,000 R~~

* House and Senate conference committee voted to agree on funding source.

REVISED 1994-95 EXPANSION AMOUNTS

Item		1993-94		1994-95	Continuation Costs Without Expansion 1994-95
Willie M	H	2,127,671		5,100,000	4,500,000
	H	272,329 NR			
	S	2,400,000		5,100,000	4,500,000
Thomas S	H	10,760,000		18,300,000	16,248,842
	S	11,760,000		18,300,000	16,248,842
Residential	H	136,256		381,518	181,675
Subsidy	S	0		0	0
Early Childhood	H	15,330,000	H	27,640,000	27,640,000
Initiatives	H	4,670,000 NR	H	800,000 NR	
	S	20,000,000	S	40,000,000	
Day Care	H	300,000	H	704,000	H 438,672
Monitoring Staff	S	0	S	0	S 0
Hearing	H	238,563		350,000	350,000
Impaired	S	238,563		350,000	350,000
PL 99-457	H	4,886,667		6,288,320	4,886,667
	S	4,886,667		6,288,320	4,886,667

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Conference Report**

BASE BUDGET REDUCTIONS

DEPT	ITEM	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Comm Colleges	Transfer to DHR-Support for Sheltered Workshops (MHDDSA)	-1,059,002	-512,925	-1,059,002	-1,059,002	-512,925	-1,059,002
Comm Colleges		-1,059,002	-512,925	-1,059,002	-1,059,002	-512,925	-1,059,002
Public Ed-PSF	Extended Services - various line-items combined and reduced	0	-2,500,000	0	0	-2,500,000	0
Public Ed-PSF		0	-2,500,000	0	0	-2,500,000	0
University	ECU Medical School-Medicaid Reimb. to Pitt Hospital	-10,508,157	-10,602,697	-10,508,157	-11,214,829	-11,316,202	-11,214,829
University		-10,508,157	-10,602,697	-10,508,157	-11,214,829	-11,316,202	-11,214,829
Administration	Advocacy on Children & Youth—printing & Binding	-5,086	-7,586	-5,086	-5,086	-7,586	-5,086
Administration	Auxiliary Services-Delete position	0	-72,952	0	0	-72,952	0
Administration	State Surplus Property-Receipt Increase	-5,000	-330,722	-330,722	-5,000	-331,018	-331,018
Administration		-10,086	-411,260	-335,808	-10,086	-411,556	-336,104
General Assembly	Admin Svcs-reduce contract svcs/ consultant fees	0	-8,440	0	0	-8,440	0
General Assembly	Bldg Maintenance-reduce repairs/ other svcs/worker's comp.	0	-30,500	0	0	-30,500	0
General Assembly	Food Svcs-reduce repairs/eq rental/ other eq/reserve	0	-12,000	0	0	-12,000	0
General Assembly	Reserve-Reduce salary adj, contingency/other reserves	0	-748,300	0	0	-738,300	0
General Assembly		0	-799,240	0	0	-789,240	0
Insurance	Admin-reduce operating line-items	-10,000	-61,487	-10,000	-10,000	-61,487	-10,000
Insurance	Agent Svcs-reduce supplies/travel/dp/ fixed charges	-17,000	-107,225	-17,000	-17,000	-107,225	-17,000
Insurance	Company Svcs-delete 1 Vacant position	-34,137	0	-34,137	-34,137	0	-34,137
Insurance	Company Svcs-reduce contracted svcs/dp/ fixed charges	-25,390	-57,000	-25,390	-25,390	-57,000	-25,390
Insurance	Consumer Svcs-reduce DP supplies & Communications	-30,000	-2,200	-30,000	-30,000	-2,200	-30,000
Insurance	Engineering-reduce Bd Compensation/ supplies/dp supplies	-7,000	-3,900	-7,000	-7,000	-3,900	-7,000
Insurance	Field Svcs-Reduce 4 vacant pos/ reduce travel/repair funds	-177,887	-178,150	-177,887	-177,887	-178,150	-177,887

S.B. 27 (PCCS-5708A) Base and Expansion Budget Conference Report
Base Budget Reductions (Continued)

DEPT	ITEM	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Insurance	Fire & Rescue Svcs-reduce operating line-items	0	-27,834	0	-21,000	-27,834	-21,000
Insurance	Manufactured Housing-reduce travel	0	-10,000	0	0	-10,000	0
Insurance	Medical Database Comm—reduce travel and supplies	-37,000	-5,611	-37,000	-43,586	-5,611	-43,586
Insurance	Reduce Consumer Protection Fund per GS 58-2-215	-327,586	-350,000	-327,586	-1,000,000	-1,000,000	-1,000,000
Insurance	State Property Fire Ins-reduce temp help/ svc contracts	0	-33,081	0	0	-33,081	0
Insurance		-666,000	-836,488	-666,000	-1,366,000	-1,486,488	-1,366,000
State Auditor	Savings due to lower SIPS rates (30% reduction)	0	-40,000	0	0	-40,000	0
State Auditor		0	-40,000	0	0	-40,000	0
Human Res-Med A	Medicaid Reimb. of Outpatient Hospital Services	0	-300,000	0	0	-700,000	0
Human Res-Med A	Medical Assistance-Eliminate Return on equity payments	0	-200,000	0	0	-1,000,000	0
Human Res-Med A	Reduce inflationary Increases for medical care providers	-6,200,000	-5,200,000	-6,200,000	-6,200,000	-5,200,000	-6,200,000
Human Res-Med A		-6,200,000	-5,700,000	-6,200,000	-6,200,000	-6,900,000	-6,200,000
Human Res-MHDDSA	Transfer from CC-Support for Sheltered Workshops	1,059,002	512,925	1,059,002	1,059,002	512,925	1,059,002
Human Res-MHDDSA		1,059,002	512,925	1,059,002	1,059,002	512,925	1,059,002
Correction	Savings due to transfer of Community Service Programs	0	-275,000	0	0	-553,608	0
Correction	Transfer Community Svc Program from Crime Control	0	6,195,363	0	0	6,195,534	0
Correction		0	5,920,363	0	0	5,641,926	0
Crime Control	Transfer Community Svc Program to Correction	0	-6,195,363	0	0	-6,195,534	0
Crime Control	Victim & Justice Svcs-Reduce staff costs and line-items	-148,356	0	-148,356	-146,851	0	-146,851
Crime Control		-148,356	-6,195,363	-148,356	-146,851	-6,195,534	-146,851
Judicial	Adjust retirement rates to Judicial Retirement System	-352,800	0	-352,800	-352,800	0	-352,800
Judicial		-352,800	0	-352,800	-352,800	0	-352,800

S.B. 27 (PCCS-5708A) Base and Expansion Budget Conference Report
Base Budget Reductions (Continued)

DEPT	ITEM	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
En/Health/Nat Res	Children's Special Health Svcs-reduce funding	0	-400,000	0	0	-400,000	0
En/Health/Nat Res	Env. Education-reduce salary/benefits of vacant Dir.'s pos.	-54,356	0	-54,356	-54,528	0	-54,528
En/Health/Nat Res	Env. Health-reduce aid in Mosquito control program	0	-80,000	0	0	-80,000	0
En/Health/Nat Res	Forestry-Reduce Equipment in Field Organization	-94,500	0	-94,500	-98,000	0	-98,000
En/Health/Nat Res	Marine Fisheries-Adm-reduce contracted svcs	0	-7,000	-7,000	0	-7,000	-7,000
En/Health/Nat Res	Reduce inflationary increases for Jordan-Adams	-290,008	-5,800	-290,008	-583,786	-11,676	-583,786
En/Health/Nat Res		**-438,800**	**-492,800**	**-445,864**	**-736,314**	**-498,676**	**-743,314**
Local Governments	Restore earmarking of shared revenues to local governments	-236,824,154	0	0	-236,824,154	0	0
Local Governments		**-236,824,154**	**0**	**0**	**-236,824,154**	**0**	**0**
Retirement Savings	Reinstate amount for teaching/library positions-Univ System	2,909,385	2,926,060	2,752,702	2,909,385	2,926,060	2,752,702
Retirement Savings		**2,909,384**	**2,926,060**	**2,752,702**	**2,909,385**	**2,926,060**	**2,752,702**

EXPANSION BUDGET DIFFERENCES

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Comm Colleges	Cytotechnology Funds-Need Based Scholarships		0	6,000	0	0	6,000	0
Comm Colleges	Faculty Upgrade-Allow professional growth		0	0	0	0	1,000,000	0
Comm Colleges	Hospital Nursing Diploma Program-Subsidy for 5 programs		0	200,000	200,000	0	300,000	200,000
Comm Colleges	Human Resources Development Extension to remaining 14 units		0	0	0	0	1,400,000	0
Comm Colleges	Leadership Development for future of Comm. College System		0	0	0	0	300,000	0
Comm Colleges	Small Business Centers for last 5 units		0	0	0	0	273,750	0
Comm Colleges	Specialized Tehcnology Centers for Manufacturing Assistance		200,000	0	200,000	200,000	1,200,000	200,000
Comm Colleges	Work Force Preparedness-Child Care Grants		1,700,000	0	1,500,000	1,700,000	2,000,000	1,500,000

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Conference Report**
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Comm Colleges	Work Force Preparedness-Competitive Salary Levels		6,000,000	7,000,000	6,000,000	6,000,000	14,400,000	6,000,000
Comm Colleges	Work Force Preparedness-Competitiveness Exam		0	0	0	0	500,000	0
Comm Colleges	Work Force Preparedness-Counselor positions		1,000,000	0	1,000,000	1,000,000	0	1,000,000
Comm Colleges	Work Force Preparedness-Equipment/Books Increase	NR	8,400,000	8,400,000	8,400,000	8,400,000	13,400,000	0
Comm Colleges	Work Force Preparedness-Instructional Personnel Increases		0	0	0	0	5,000,000	0
Comm Colleges	Work Force Preparedness-Literacy Education: add'l teachers		0	0	0	0	3,000,000	0
Comm Colleges			**17,300,000**	**15,606,000**	**17,300,000**	**17,300,000**	**42,779,750**	**8,900,000**
Public Ed	Basic Ed Program-Counselors; class size reduction (2nd Yr)		0	10,268,657	0	0	37,000,000	0
Public Ed	BEP-Counselors		10,000,000	0	10,000,000	10,000,000	0	10,000,000
Public Ed	Exceptional Children-Remove LEA cap; maintain state cap)		4,000,000	5,583,598	4,583,598	4,000,000	5,583,598	4,583,598
Public Ed	Exceptional Children-Remove LEA cap; maintain state cap)	NR	0	0	1,000,000	0	0	0
Public Ed	Governor's School Funding Supplement for Existing Activities		100,000	50,000	100,000	100,000	50,000	100,000
Public Ed	Low-Wealth School Systems		9,000,000	8,000,000	9,000,000	9,000,000	14,150,000	9,000,000
Public Ed	Mobile Preschool Pilot Program (McDowell County)	NR	50,000	0	50,000	50,000	0	0
Public Ed	Model Teacher Consortium in Northeastern NC		15,000	0	15,000	15,000	0	15,000
Public Ed	Parents as Teachers Program Pilot in 2 counties	NR	100,000	0	100,000	100,000	0	0
Public Ed	Public School Technology Commission	NR	0	300,000	300,000	0	0	0
Public Ed	Senate Bill 2-2% level for participating units		0	0	0	0	0	38,827,392
Public Ed	Senate Bill 2-2% level for participating units	NR	38,827,392	38,827,392	38,827,392	38,827,392	0	0
Public Ed	Small School Systems		2,000,000	4,000,000	4,000,000	2,000,000	5,000,000	4,000,000
Public Ed	Staff Development funds	NR	2,000,000	0	2,000,000	0	0	0
Public Ed	Supplement for supplies/materials	NR	2,500,000	0	2,500,000	2,500,000	0	0
Public Ed	Task Force on Teacher Staff Development	NR	200,000	0	300,000	0	0	0
Public Ed	Teaching Fellows Program Adm/Public School Forum of NC		0	75,000	75,000	0	75,000	75,000

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Conference Report**
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Public Ed	TIMS-State assume support in 2nd yr (1st Yr through receipts		0	0	0	0	500,000	0
Public Ed	Violence in Schools Act (HB 834)		2,500,000	0	2,500,000	2,500,000	0	2,500,000
Public Ed			**71,292,392**	**67,104,647**	**75,350,990**	**69,092,392**	**62,358,598**	**69,100,990**
University	Additional Degree Programs Funding Levels/Child Development		2,043,472	0	0	2,043,472	0	0
University	Ag Program-Research Staff for Tidewater RS (HB 65)		500,000	0	500,000	500,000	0	500,000
University	AHEC Primary Care Training Initiatives		0	2,100,000	0	0	2,100,000	0
University	Bring Shellfish Enhancement Project to requested level	NR	0	8,000	8,000	0	0	0
University	Conifer Integrated Pest Management (HB 1277)		64,000	0	64,000	64,000	0	64,000
University	Cytotechnology Scholarship Program (SB 224)		0	29,000	0	0	29,000	0
University	Diabetes Program (HB 1349)		225,000	0	225,000	225,000	0	225,000
University	Distinguished Prof Endowments/Library Acquisitions	NR	0	0	6,000,000	0	0	0
University	Education Consortia at 4 Add'l Campuses: Business/Public Sch		0	600,000	600,000	0	600,000	600,000
University	Educational Leadership Task Force-School Leadership Academy		0	15,000	0	0	15,000	0
University	Educational Leadership Task Force-School Leadership Academy	NR	15,000	0	15,000	0	0	0
University	Enrollment/Sch of Priorities		32,689,874	34,603,874	36,703,874	43,435,834	60,566,939	47,449,834
University	Funds for 4-H Youth Development Program (HB 422)	NR	250,000	0	250,000	0	0	0
University	Increase Contractual Grants (need-based at $475 per FTE)		0	0	0	0	620,000	0
University	Learning Link (HB 1308)		100,000	0	100,000	100,000	0	100,000
University	Mountain Aquaculture (HB 119/S 156)		200,000	0	200,000	200,000	0	200,000
University	NC A & T-Match Transportation Grant (HB 662)	NR	250,000	0	250,000	0	0	0
University	NCSMHS-Campus Security		70,743	0	70,743	70,743	0	70,743
University	NCSMHS-Funds for salary Schedule		125,000	0	125,000	125,000	0	125,000
University	NCSU-Match third and fourth year grant (Non-Wovens)	NR	250,000	0	250,000	250,000	0	0
University	NCSU-Textbooks Preparation		204,000	0	204,000	174,000	0	174,000
University	Need-Based Financial Aid for in-state students		0	500,000	0	0	1,000,000	0
University	Nurse Anesthetists (HB 438)		50,000	0	50,000	50,000	0	50,000

S.B. 27 (PCCS-5708A) Base and Expansion Budget Conference Report
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
University	Project TEACCH (HB 333)		150,000	0	150,000	150,000	0	150,000
University	Seafood Laboratory Funds (HB 259/SB 420)		125,000	0	125,000	125,000	0	125,000
University	Teacher Academy-NC Center for Advancement of Teaching		200,000	0	200,000	200,000	0	200,000
University	Tuition Increase: In-State 3/3.3%; Out-of-state 6.5/6.5%		-8,253,955	-10,055,976	-9,944,127	-17,295,041	-20,865,007	-20,882,836
University			**117,850,526**	**110,510,545**	**128,797,480**	**116,810,400**	**149,204,280**	**107,151,731**
Administration	Facilities Condition Assessment-Support for 3 person team		0	225,000	225,000	0	225,000	225,000
Administration	Martin Luther King, Jr. Commission (HB 1260)		75,000	0	75,000	75,000	0	75,000
Administration	NC Aquariums-Maintenance Supplement/ enhanced ed'l services		150,000	450,000	450,000	150,000	450,000	450,000
Administration	State Building Commission-defray add'l meeting costs		0	15,000	15,000	0	15,000	15,000
Administration	Surplus Property Computer Equipment Upgrade	NR	60,000	0	60,000	0	0	0
Administration	Veterans Cemetery (Fort Bragg) operating cost		0	0	0	240,060	0	240,060
Administration			**285,000**	**690,000**	**825,000**	**465,060**	**690,000**	**1,005,060**
Cul Resources	Aid to Public Libraries Supplement		250,000	0	250,000	250,000	0	250,000
Cul Resources	NC Arts Council-Education Outreach Program (2/2)		500,000	600,000	600,000	500,000	600,000	600,000
Cul Resources	NC Symphony Grant (non-recurring)	NR	120,000	0	0	0	0	0
Cul Resources	NC Symphony Grant-in-aid increase		530,000	650,000	650,000	530,000	650,000	650,000
Cul Resources	Somerset Place Historic Site Staff (HB 1223)		70,545	0	70,545	70,545	0	70,545
Cul Resources			**1,470,545**	**1,250,000**	**1,570,545**	**1,350,545**	**1,250,000**	**1,570,545**
General Assembly	Study of the University System-Salaries/ Financial Aid/Etc.	NR	0	0	100,000	0	0	0
General Assembly			**0**	**0**	**100,000**	**0**	**0**	**0**
Governor's Office	Education Standards & Accountability Commission		250,000	500,000	500,000	250,000	500,000	500,000
Governor's Office	NC Center for World Languages & Culture (new center) (5/5)		0	250,000	250,000	0	500,000	500,000
Governor's Office	Workforce Office to Coordinating Efforts		100,000	200,000	200,000	100,000	200,000	200,000
Governor's Office			**350,000**	**950,000**	**950,000**	**350,000**	**1,200,000**	**1,200,000**

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Conference Report**
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Insurance	Company Services-Add 1 staff position		42,993	0	42,993	46,695	0	46,695
Insurance	Field Service Operations-Add Staff and computer support		148,427	0	148,427	187,317	0	187,317
Insurance			**191,420**	**0**	**191,420**	**234,012**	**0**	**234,012**
Lt. Governor	Add position to coordinate drug/ alcohol abuse program		0	65,000	0	0	65,000	0
Lt. Governor	Intergovernmental Relations Coordinator-add 1 position		65,000	0	65,000	65,000	0	65,000
Lt. Governor			**65,000**	**65,000**	**65,000**	**65,000**	**65,000**	**65,000**
Revenue	Electronic Funds Transfer Program Implemented (5/6)		300,000	465,104	400,000	310,000	321,772	310,000
Revenue			**300,000**	**465,104**	**400,000**	**310,000**	**321,772**	**310,000**
Sec of State	Corporations Div-Increase of 4 positions		117,702	126,950	117,702	113,500	113,500	113,500
Sec of State			**117,702**	**126,950**	**117,702**	**113,500**	**113,500**	**113,500**
State Auditor	DP Equipment-Purchase local area network and other equipment	NR	601,091	0	601,091	0	0	0
State Auditor	Financial Auditors (8/17) H 4/4		162,246	0	162,246	176,077	0	176,077
State Auditor	Hotline Support-add'l positions 2/2		88,116	105,935	88,116	105,935	199,370	105,935
State Auditor	Hotline Support-nonrecurring cost	NR	12,800	0	12,800	0	0	0
State Auditor	Performance Audit staff addition (5 positions)		227,928	281,473	227,928	249,248	249,248	249,248
State Auditor	Performance Audit-nonrecurring cost	NR	32,000	0	32,000	0	0	0
State Auditor			**1,124,181**	**387,408**	**1,124,181**	**531,260**	**448,618**	**531,260**
State Controller	Continue Implementation of State Accounting System	NR	0	4,200,000	0	0	5,000,000	0
State Controller	Increased DP Cost Related to New State Accounting System		0	0	0	0	1,000,000	0
State Controller	Technical Staff for new Accounting System (8/12) H 6/6		350,000	451,418	350,000	350,000	598,102	350,000
State Controller			**350,000**	**4,641,418**	**350,000**	**350,000**	**6,598,102**	**350,000**
Human Res-Aging	In-Home Funds (Aide/Care-giver Services)—Aging (SB 32)		0	1,000,000	1,000,000	0	1,000,000	1,000,000
Human Res-Aging	Ombudsmen Funds for Long-Term Care Program—Aging (SB 33)		0	256,493	256,493	0	318,275	318,275
Human Res-Aging			**0**	**1,256,493**	**1,256,493**	**0**	**1,318,275**	**1,318,275**

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Conference Report**
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Human Res-D/HH	Deaf Funds-Early Intervention (HB 722/SB 64)		250,000	0	250,000	274,000	0	274,000
Human Res-D/HH	Deaf/HH-Extended Year Program (HB 1331)		200,000	0	200,000	300,000	0	300,000
Human Res-D/HH			**450,000**	**0**	**450,000**	**574,000**	**0**	**574,000**
Human Res-Fac Sv	Day Care Staff Ratios Lowered (SB 256)		1,715,206	1,400,000	1,400,000	2,216,293	2,823,000	2,216,293
Human Res-Fac Sv	Early Childhood Education & Development Initiatives		15,330,000	20,000,000	15,330,000	27,640,000	40,000,000	27,640,000
Human Res-Fac Sv	Early Childhood Education & Development Initiatives	NR	4,670,000	0	4,670,000	800,000	0	0
Human Res-Fac Sv	Monitoring Compliance Staff-Child Day Care Providers (10/20)		300,000	0	300,000	704,000	0	438,672
Human Res-Fac Sv	Quality Day Care Incentives for AA level of care providers		0	0	0	0	0	0
Human Res-Fac Sv	Teacher Education and Compensation Helps (TEACH)		0	0	0	0	0	0
Human Res-Fac Sv			**22,136,206**	**21,400,000**	**21,821,000**	**31,481,293**	**42,823,000**	**30,415,965**
Human Res-Med A	Infant Mortality-Medicaid Hot Line (SB 1029/HB 534)		75,000	0	75,000	100,000	0	100,000
Human Res-Med A	Infant Mortality-Parenting Education (SB 1029/HB 534)		378,000	0	378,000	504,000	0	504,000
Human Res-Med A			**453,000**	**0**	**453,000**	**604,000**	**0**	**604,000**
Human Res-MHDDSA	Life Guardianship Program for DD Persons (HB 223/SB 469)		35,000	0	35,000	35,000	0	35,000
Human Res-MHDDSA	MH Study-Core Services for Adult DD		500,000	900,000	700,000	500,000	900,000	700,000
Human Res-MHDDSA	MH Study-Core Services for Adult Mentally Ill		1,300,000	1,380,000	1,300,000	1,300,000	1,380,000	1,300,000
Human Res-MHDDSA	MH Study-Core Services for Child Mentally Ill		1,300,000	1,380,000	1,300,000	1,300,000	1,380,000	1,300,000
Human Res-MHDDSA	MH Study-Core Services for Children who are DD		0	200,000	0	0	200,000	0
Human Res-MHDDSA	MH Study-DD Training Funds (HB 535/SB 1109)		200,000	0	200,000	200,000	0	200,000
Human Res-MHDDSA	MH Study-Funds for Head Injury Projects (HB 1279)		300,000	0	300,000	300,000	0	300,000
Human Res-MHDDSA	MH Study-Supported Living Projects for DD		0	0	0	0	409,500	0
Human Res-MHDDSA	MH Study-Supported Living Projects for DD	NR	0	0	0	0	520,000	0

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Conference Report**
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Human Res-MHDDSA	MH Study-United Cerebral Palsy Fund		300,000	400,000	400,000	300,000	400,000	400,000
Human Res-MHDDSA	Nurses Pay Adjustment (HB 381/SB 614)		892,196	0	892,196	892,196	0	892,196
Human Res-MHDDSA	Residential Subsidy for DD Clients		136,256	0	136,256	381,518	0	181,675
Human Res-MHDDSA	Single Portal Entry for MH Programs		1,076,250	0	1,076,250	1,435,000	0	1,435,000
Human Res-MHDDSA	Thomas S		10,760,000	11,760,000	10,760,000	18,300,000	18,300,000	16,248,842
Human Res-MHDDSA	Willie M (41/41)		2,127,671	2,400,000	2,127,671	5,100,000	5,100,000	4,500,000
Human Res-MHDDSA	Willie M Services	NR	272,329	0	272,329	0	0	0
Human Res-MHDDSA			**19,199,702**	**18,420,000**	**19,499,701**	**30,043,714**	**28,589,500**	**27,492,713**
Human Res-Sec.	Health Centers (54) Support (SB 6)		500,000	800,000	800,000	500,000	800,000	800,000
Human Res-Sec.	Rural Health Financial Incentives-loan repayments/bonuses/et		250,000	500,000	500,000	250,000	500,000	500,000
Human Res-Sec.	Rural Health Recruitment of Stipends (SB 6)		300,000	450,000	450,000	300,000	450,000	450,000
Human Res-Sec.			**1,050,000**	**1,750,000**	**1,750,000**	**1,050,000**	**1,750,000**	**1,750,000**
Human Res-Soc Svc	Emergency Assistance Funds (HB 350/SB 423)		500,000	0	500,000	500,000	0	500,000
Human Res-Soc Svc	Abortion Fund Increase		1,000,000	576,000	788,000	1,000,000	576,000	788,000
Human Res-Soc Svc	Adoption Subsidy (HB 626) Rate equal to Foster Care Rate		648,540	0	648,540	670,303	0	670,303
Human Res-Soc Svc	Child Protective Services (Add;1 social worker positions)		2,000,000	0	2,000,000	2,000,000	0	2,000,000
Human Res-Soc Svc	Infant Mortality/Adolescent Parenting (HB 534/SB 1029)		300,000	0	300,000	300,000	0	300,000
Human Res-Soc Svc	Personal Needs Increase for Rest Home Patients (H 596/S 1133		200,000	0	200,000	200,000	0	200,000
Human Res-Soc Svc			**4,648,540**	**576,000**	**4,436,540**	**4,670,303**	**576,000**	**4,458,303**
Human Res-State A	Autism Camp (HB 334)		49,000	0	49,000	49,000	0	49,000
Human Res-State A	Caring Program for Children, Inc. (Health Insurance) (SB 3)		0	500,000	500,000	0	500,000	500,000
Human Res-State A	Grant in aid to UPLIFT, INC (Greensboro based organization)		0	200,000	0	0	300,000	0
Human Res-State A	Grant in aid to UPLIFT, INC (Greensboro based organization)	NR	300,000	0	300,000	0	0	0
Human Res-State A			**349,000**	**700,000**	**849,000**	**49,000**	**800,000**	**549,000**
Human Res-VR	Independent Living (HB 9/SB 1131 & 80)		554,000	0	554,000	1,243,392	0	1,243,392
Human Res-VR			**554,000**	**0**	**554,000**	**1,243,392**	**0**	**1,243,392**

S.B. 27 (PCCS-5708A) Base and Expansion Budget Conference Report
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Human Res-YS	Community Based Funds Increase-Youth Services (HB 725/S 964)		500,000	0	500,000	500,000	0	500,000
Human Res-YS	Juvenile Sex Offender Program (HB 1237)		500,000	0	500,000	500,000	0	500,000
Human Res-YS			**1,000,000**	**0**	**1,000,000**	**1,000,000**	**0**	**1,000,000**
Correction	Harriet House Operating Expenses		54,000	200,000	0	54,000	200,000	0
Correction	Harriet House Operating Expenses	NR	0	0	200,000	0	0	0
Correction	Pilot Community-based treatment program for alco/drug abuser		0	200,000	0	0	0	0
Correction	Pilot Community-based treatment program for alco/drug abuser	NR	0	0	200,000	0	0	0
Correction	Summit House-Satellite Programs in Mecklenburg/Wake Counties		0	150,000	0	0	0	0
Correction	Summit House-Satellite Programs in Mecklenburg/Wake Counties	NR	150,000	0	150,000	0	0	0
Correction			**204,000**	**550,000**	**550,000**	**54,000**	**200,000**	**0**
Crime Control	Crime Victims Compensation Fund increased	NR	500,000	0	500,000	0	0	0
Crime Control	Crime Victims Compensation Fund increased		0	500,000	0	0	500,000	0
Crime Control			**500,000**	**500,000**	**500,000**	**0**	**500,000**	**0**
Judicial	Access to Civil Justice for Indigents Expanded		250,000	0	250,000	250,000	0	250,000
Judicial	Clerks' Salaries Increase		0	0	80,000	0	0	80,000
Judicial	Continue expansion of child custody/ visitation mediation pr.		104,873	154,873	154,873	104,873	154,873	154,873
Judicial	Cost for Division of Judicial Districts 9 and 17A	NR	0	0	44,718	0	0	0
Judicial	Cost for Division of Judicial Districts 9 and 17A		0	0	216,468	0	0	322,883
Judicial	Cost to divide Prosecutorial District 19A (SB 895)		0	0	0	0	13,592	0
Judicial	Costs to establish District 9A (SB 810)		0	57,980	0	0	55,631	0
Judicial	Emergency Judges' per diem increase		0	0	77,722	0	0	81,598
Judicial	General Court of Justice's Court Info. System Expansion		1,078,979	1,434,513	1,078,979	1,258,955	1,516,963	1,258,955
Judicial	General Court of Justice's Court Info. System Expansion	NR	67,812	0	67,812	0	0	0
Judicial	Pitt County Mediation Pilot		0	0	40,000	0	0	40,000

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Conference Report**
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Judicial	Support for new Personnel (257 Positions)		6,668,563	9,667,894	7,395,582	8,697,110	9,830,210	9,348,641
Judicial	Support for new Personnel (257 Positions)	NR	409,855	0	535,500	149,927	0	0
Judicial			**8,580,082**	**11,315,260**	**9,941,654**	**10,460,865**	**11,571,269**	**11,536,950**
Justice	Citizens Rights Unit (5 pos.)	NR	0	31,741	0	0	0	0
Justice	Citizens Rights Unit (5 pos.)		0	233,104	0	0	249,362	0
Justice	Civil Division's Labor Section (Workplace Safety Legislation		0	237,165	0	0	252,000	0
Justice	Civil Division's Labor Section (Workplace Safety Legislation	NR	0	31,835	0	0	0	0
Justice	Competitive Salary Upgrade for Attorneys in Legal Svcs		0	500,000	0	0	500,000	0
Justice	Criminal Div-Provide Attorney II position		0	59,093	0	0	63,287	0
Justice	Criminal Div-Provide Attorney II position	NR	0	4,682	0	0	0	0
Justice	NC Legal Education Assistance Foundation		0	25,000	0	0	25,000	0
Justice	NC Legal Education Assistance Foundation	NR	0	0	25,000	0	0	0
Justice	New Attorney Positions/legal staff salary upgrade		750,000	0	936,000	750,000	0	936,000
Justice	SBI Laboratory Services (6/8)		488,230	488,230	488,230	684,980	787,035	684,980
Justice	SBI-Match requirement for DNA Databank		113,197	0	113,197	34,000	0	34,000
Justice	SBI-Upgrade Automated Fingerprint Identification Syst.	NR	0	0	0	0	3,867,675	0
Justice	SBI-Upgrade Automated Fingerprint Identification Syst.		0	0	0	0	45,831	0
Justice	Trade & Commerce Div-fund Attorney III Position		0	59,093	0	0	63,287	0
Justice	Trade & Commerce Div-fund Attorney III Position	NR	0	4,682	0	0	0	0
Justice			**1,351,427**	**1,674,625**	**1,562,427**	**1,468,980**	**5,853,477**	**1,654,980**
Agriculture	Administration-Expand office automation Network	NR	0	126,940	126,940	0	0	0
Agriculture	Domestic Marketing Expansion (3/5) H 3/3		164,597	164,597	164,597	155,408	225,521	155,408
Agriculture	Domestic Marketing-Establish Southeastern Ag Marketing Off		151,978	0	151,978	121,402	0	121,402

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Conference Report**
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Agriculture	Food Inspection Program Staff eff 10/1/93 (10/13) H 10/10		445,000	445,000	445,000	509,415	650,000	509,415
Agriculture	Grassroots Science Program ($50,000 grant for 9 units)		0	450,000	450,000	0	450,000	450,000
Agriculture	Marketing-Add Security guard/ mechanic at WNCFM		53,752	0	53,752	53,752	0	53,752
Agriculture	Plant Industry-Expand staff/support Biological Pest Control		0	0	0	0	493,276	0
Agriculture	Tobacco Museum of Kenly Grant-in-Aid	NR	0	15,000	15,000	0	0	0
Agriculture	Veterinary Div-Pseudorabies Swine Program-Add'l support		0	0	0	0	386,345	0
Agriculture			**815,327**	**1,201,537**	**1,407,267**	**839,977**	**2,205,142**	**1,289,977**
Commerce	Air Cargo Direct Funding in this Dept.		500,000	0	500,000	500,000	0	500,000
Commerce	Center for Community Self-Help	NR	2,000,000	1,000,000	1,500,000	0	0	0
Commerce	Economic Development Planning		200,000	300,000	300,000	200,000	300,000	200,000
Commerce	Entrepreneurial Development Board (3/3)		205,919	250,000	205,919	205,919	250,000	205,919
Commerce	Establish Furniture Export Program (2/2)		0	200,000	200,000	0	250,000	250,000
Commerce	Industrial Development Fund Expansion	NR	0	1,500,000	1,000,000	0	2,000,000	0
Commerce	Industrial Development Fund Expansion		1,000,000	0	0	1,000,000	0	0
Commerce	Industrial Recruitment Competitive Fund-Gov's Discretion	NR	0	5,000,000	5,000,000	0	10,000,000	0
Commerce	Regional Ec Development Grant-Northeastern NC		0	0	600,000	0	0	1,250,000
Commerce	Regional Ec Development Grant-Southeastern NC		0	0	600,000	0	0	1,250,000
Commerce	Regional Ec Development Grant-Western NC (HB 1466)		600,000	0	600,000	1,250,000	0	1,250,000
Commerce	Research Triangle Park World Trade Center		0	100,000	0	0	0	0
Commerce	Research Triangle Park World Trade Center	NR	100,000	0	100,000	0	0	0
Commerce	Travel & Tourism Funding		500,000	500,000	500,000	500,000	1,250,000	500,000
Commerce	Travel & Tourism One-time special travel advertising funds	NR	0	850,000	500,000	0	0	0
Commerce			**5,105,919**	**9,700,000**	**11,605,919**	**3,655,919**	**14,050,000**	**5,405,919**

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Conference Report**
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
En/Health/Nat Res	Administration-Support for Cancer Advisory Committee		50,000	100,000	75,000	50,000	100,000	75,000
En/Health/Nat Res	Adult Health-Cancer Control-Expand eligibility		0	1,450,000	1,450,000	0	1,664,000	1,664,000
En/Health/Nat Res	Adult Health-Hemophilia Assistance Plan-5 Grants		0	0	0	0	2,000,000	0
En/Health/Nat Res	Adult Health-Home Health Care for non-medicaid HIV infection		350,000	150,000	350,000	350,000	250,000	350,000
En/Health/Nat Res	Child Fatality prevention System in 10 counties		112,685	0	112,685	146,987	0	146,987
En/Health/Nat Res	Child Fatality Studies—1 position		31,242	0	0	45,514	0	0
En/Health/Nat Res	Coastal Mgnt-Coastal Futures Committee	NR	50,000	0	50,000	0	0	0
En/Health/Nat Res	Communicable Disease-Expand HIV/AIDS/TB/STD Services/Prog		250,000	0	250,000	250,000	0	250,000
En/Health/Nat Res	Dental Health-Add position to serve Alexander & Caldwell Co.		44,081	0	44,081	44,081	0	44,081
En/Health/Nat Res	Env Health-On-site Wastewater project in Eastern NC		25,000	0	25,000	25,000	0	25,000
En/Health/Nat Res	Env. Epidemiology-Human Rabies Shots for medically indigent		25,000	0	25,000	25,000	0	25,000
En/Health/Nat Res	State Parks-Env. Specialist position and support		35,000	0	0	35,000	0	0
En/Health/Nat Res	Environmental Index preparation and printing		50,000	0	50,000	50,000	0	50,000
En/Health/Nat Res	Forest Resources-New Assistant county ranger Cumberland Co.		0	14,202	0	0	14,202	0
En/Health/Nat Res	Forest Resources-Regional Staff (western third of state)		132,728	0	132,728	132,728	0	132,728
En/Health/Nat Res	Infant Mortality-Comprehensive Adolescent Health Care Proj.		375,000	475,000	375,000	750,000	1,445,000	750,000
En/Health/Nat Res	Infant Mortality-Expand Women's Preventive Health Services		500,000	0	300,000	500,000	0	300,000
En/Health/Nat Res	Infant Mortality-Governors Commisssion on IM Reduction	NR	100,000	0	50,000	0	0	0
En/Health/Nat Res	Infant Mortality-NC Coalition on Adolescent Pregnancy Grant		75,000	0	75,000	75,000	0	75,000
En/Health/Nat Res	Infant Mortality-UNC Center Early Adolescence Contract		0	0	0	50,000	0	0
En/Health/Nat Res	Land Resources-Geodetic Survey Mapping Increase		0	50,000	50,000	0	50,000	50,000

S.B. 27 (PCCS-5708A) Base and Expansion Budget Conference Report
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
En/Health/Nat Res	Low-Level Radioactive Waste Site Assessment & Permitting	NR	0	100,000	100,000	0	0	0
En/Health/Nat Res	Low-Level Radioactive Waste Site Assessment & Permitting		100,000	0	0	200,000	200,000	200,000
En/Health/Nat Res	NC Soil and Water Conservation District Supervisors Travel		50,000	75,000	75,000	50,000	75,000	75,000
En/Health/Nat Res	Oyster Management Advisory Council support		25,000	0	0	25,000	0	0
En/Health/Nat Res	PL 99-457 Early Intervention-Add'l Positions at DEC's		0	0	0	0	810,000	0
En/Health/Nat Res	PL 99-457 Early Intervention-Aid to Counties		0	0	0	0	750,000	0
En/Health/Nat Res	PL 99-457 Early Intervention-Nutritioinsts added at DEC's		0	200,000	100,000	0	400,000	200,000
En/Health/Nat Res	Replace Maternal and Child Health Federal Funds	NR	1,392,889	1,392,889	1,392,889	1,392,889	0	0
En/Health/Nat Res	Soil Survey-3 soil survey specialist positions		100,354	0	100,354	100,354	0	0
En/Health/Nat Res	State Parks-Complete clerk staffing at all state parks		343,132	0	343,132	525,860	0	525,860
En/Health/Nat Res	State Parks-fund architect position and support		42,000	0	42,000	42,000	0	42,000
En/Health/Nat Res	State Parks-Lumber River Park Staff-3 positions (HB 460)		151,000	0	151,000	165,000	0	165,000
En/Health/Nat Res	Waste Reduction Staffing (14 pos. -Gov; S 10 pos)		500,000	600,000	500,000	500,000	600,000	500,000
En/Health/Nat Res	Western NC Genetics Center Established (HB 1437)		150,000	0	120,000	150,000	0	120,000
En/Health/Nat Res			**5,060,111**	**4,607,091**	**6,338,869**	**5,680,413**	**8,358,202**	**5,765,656**
Labor	Administation-Add'l Assistant Deputy position		65,000	75,000	65,000	70,000	75,000	70,000
Labor	OSHA Staff Expansion-16 pos.		728,000	0	364,000	728,000	0	364,000
Labor	Research & Statistics-increased dp Staff/ needs		157,000	0	157,000	157,000	0	157,000
Labor			**11,931,357**	**15,583,628**	**19,938,055**	**11,131,309**	**24,688,344**	**13,052,552**
Bonus	1% Incentive Compensation Bonus-Public School Employees	NR	5,822,645	7,515,977	7,515,977	0	0	0
Bonus			**5,822,645**	**7,515,977**	**7,515,977**	**0**	**0**	**0**

S.B. 27 (PCCS-5708A) **Base and Expansion Budget Conference Report**
Expansion Budget Differences (Continued)

DEPT	ITEM	NR	HOUSE YR_1	SENATE YR_1	AGREED YR_1	HOUSE YR_2	SENATE YR_2	AGREED YR_2
Health Care	Health Care Initiatives	NR	3,500,000	0	3,500,000	0	0	0
Health Care	Health Care Initiatives		500,000	0	2,000,000	500,000	0	2,000,000
Health Care			**4,000,000**	**0**	**5,500,000**	**500,000**	**0**	**2,000,000**
Pay Day Restored	Pay Day Restored to June 30, 1994; SPA/EPA Employees & CC		28,200,000	327,800,000	214,200,000	0	0	0
Pay Day Restored			**28,200,000**	**327,800,000**	**214,200,000**	**0**	**0**	**0**
Retirement Rate	Increase rate from 10.93% to 10.96%		0	0	1,316,400	0	0	1,316,400
Retirement Rate			**0**	**0**	**1,316,400**	**0**	**0**	**1,316,400**
Salary Inc	Teacher Salary Schedule-Third Yr Phase-in		42,443,217	42,588,927	42,443,217	42,443,217	42,588,927	42,443,217
Salary Inc			**42,443,217**	**42,588,927**	**42,443,217**	**42,443,217**	**42,588,927**	**42,443,217**
Sick Leave Bank	Sick Leave Bank for Public School Personnel		2,000,000	0	1,000,000	2,000,000	0	1,000,000
Sick Leave Bank			**2,000,000**	**0**	**1,000,000**	**2,000,000**	**0**	**1,000,000**
Transportation	Shift Air Cargo Authroity Support from Hwy Fund to GF		0	1,250,000	0	0	1,250,000	0
Transportation			**0**	**1,250,000**	**0**	**0**	**1,250,000**	**0**
Wage Floor	Establish a wage floor for lowest paid employees		135,500	0	135,500	135,500	0	135,500
Wage Floor			**135,500**	**0**	**135,500**	**135,500**	**0**	**135,500**
TOTAL			**277,113,050**	**571,977,335**	**491,164,293**	**259,489,350**	**322,400,064**	**255,076,355**

HOUSE VERSUS SENATE - SB 27
DEPARTMENT OF TRANSPORTATION

Highway Fund	House 1993-94	House 1994-95	Senate 1993-94	Senate 1994-95	Agreed 1993-94	Agreed 1994-95
1% Reduction in Highway Patrol	—	—	($900,270)	($915,634)	($900,270)	($915,634)
GPAC - Eliminate one Accounting Managers positions in Fiscal by July 1, 1993	($159,156)	($159,517)	—	—	(80,517)	(80,517)
Reduce Federal-Aid Matching Funds	—	—	(10,971,734)	(10,971,734)	(10,971,734)	(10,971,734)
Maintenance - (difference is expansion amount)						
Primary	—	—	726,694	150,945	436,350	993,610
Secondary	—	—	1,277,221	265,295	766,919	1,746,342
Urban	—	—	198,190	41,167	119,005	270,984
	—	—	2,202,105	457,407	1,322,274	3,010,936
Highway Patrol Equipment cost of Troop H headquarters	—	—	352,694	—	304,333	-
Air Cargo Authority	750,000	750,000	—	—	750,000	750,000
Driver Education - ADM Increase	917,975	2,286,941	—	—	—	—
Reserve for 2% Increase						
Increase for Driver Ed	145,710	145,710	—	—	145,710	145,710
Fund Small Urban Construction Projects	—	—	10,971,734	10,971,734	10,971,734	10,971,734
Unallocated Reserve	—	—	—	3,481,723	—	—
Retirement formula change	—	—	—	—	113,000	113,000
	$1,654,529	$3,023,495	$1,654,529	$3,023,495	$1,654,530	$3,023,495
General Fund						
Air Cargo Authority (Commerce)			$1,250,000	$1,250,000	500,000	500,000
Highway Trust Fund						
Loss of investment income to General Fund		(7,000,000)	(7,000,000)		(7,000,000)	(7,000,000)

S.B. 26 (Proposed House Committee Substitute PCS 5721A)
July 21, 1993 — see page 1114

TABLE OF CONTENTS
PROPOSED HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL 26
THE CAPITAL IMPROVEMENTS APPROPRIATIONS
ACT

PART 1.	INTRODUCTION	1
PART 2.	TITLE	1
PART 3.	PROCEDURES FOR DISBURSEMENTS	1
PART 4.	CAPITAL IMPROVEMENTS/GENERAL FUND	2
PART 5.	CAPITAL IMPROVEMENTS/HIGHWAY FUND	5
PART 6.	NONRECURRING APPROPRIATIONS/GENERAL FUND	6
PART 7.	GENERAL PROVISIONS	10
	HIGHWAY FUND AVAILABILITY INCREASE	11
	BUDGET REFORM STATEMENTS	11
	CASWELL COUNTY COMMUNICATIONS TOWER FUNDS SHALL BE USED FOR AN EMERGENCY MANAGEMENT BUILDING	12
PART 8.	TECHNICAL CORRECTIONS	13
	TECHNICAL CORRECTIONS/CHAPTER 321-CURRENT OPERATIONS APPROPRIATIONS ACT OF 1993	13
PART 9.	GENERAL ASSEMBLY	16
	GPAC RECOMMENDATIONS	16
	FISCAL NOTE REQUIREMENT AMENDED	16
PART 10.	OFFICE OF STATE BUDGET AND MANAGEMENT	16
	EXPENDITURE OF FUNDS FROM RESERVE FOR REPAIRS AND RENOVATIONS	16
	LOCAL WATER/SEWER FUNDS	17
	CONTINGENCY FUND FOR BOND ELECTION EXPENSES ONLY	18
PART 10.1.	OFFICE OF THE GOVERNOR	18
	AUTOMOBILE MANUFACTURING FACILITY FUNDS	18
PART 11.	DEPARTMENT OF ADMINISTRATION	19
	EVALUATION OF DESIGN AND CONTRACT WORK FOR COMMUNITY COLLEGE BUILDINGS	19
	DOMESTIC VIOLENCE CENTER FUNDS	19
	STATE VETERANS HOME	20
	INDIAN CULTURAL CENTER FUNDS	20
PART 12.	DEPARTMENT OF CULTURAL RESOURCES	21
	LOCAL HISTORICAL ORGANIZATIONS GRANTS	21
	LOCAL CULTURAL ORGANIZATIONS	22
	SOMERSET PLACE FUNDS/MEMORIAL TO REPRESENTATIVE RAYMOND M. THOMPSON	22
PART 13.	DEPARTMENT OF INSURANCE	22
	MINORITY BOND STUDY	22
	SAFETY GRANTS COORDINATOR	22
PART 13.1	SECRETARY OF STATE	22
	BUSINESS LICENSE OFFICE/MASTER APPLICATION SYSTEM	23
PART 14.	SALARIES AND BENEFITS	24
	STATE FICA SAVINGS USE EXTENSION	24

PART 15. COLLEGES AND UNIVERSITIES 24
UNC-CHAPEL HILL EDUCATIONAL CONSORTIUM 24
UNC EDUCATIONAL CONSORTIA 24
SWINE FARM ODOR ABATEMENT STUDY 25
FRESHMEN SCHOLARS PROGRAM 26
PART 16. DEPARTMENT OF COMMUNITY COLLEGES 26
CERTAIN REFUGEES STATE RESIDENTS FOR COMMUNITY COLLEGE TUITION PURPOSES, CONTINUED 26
BOOKS AND EQUIPMENT APPROPRIATIONS/ CHANGES IN SPECIFICATIONS REGARDING REVERTING 26
PART 17. PUBLIC SCHOOLS 27
SMALL SCHOOL FORMULA/HOLD HARMLESS PROVISION 27
NEW HANOVER COUNTY SCHOOLS PAY DATES CHANGED 27
PAYMENT OF CAREER DEVELOPMENT BONUSES 27
CPR INSTRUCTION STUDY 28
DIFFERENTIATED PAY FUNDS/REVERSION 28
NONCERTIFIED SCHOOL EMPLOYEE STUDY 28
TEACHER TRAINING TASK FORCE 28
PUBLIC SCHOOL LIBRARY TECHNOLOGY FUNDS 29
NORTH CAROLINA FUTURE FARMERS OF AMERICA CENTER FUNDS 30
FLEXIBILITY IN REORGANIZING DEPARTMENT OF PUBLIC INSTRUCTION 30
ADVANCED PLACEMENT PILOT PROGRAM/ MATCHING REQUIREMENT 30
PAYROLL DEDUCTION CLARIFICATION CONTINUED 30
PART 18. DEPARTMENT OF TRANSPORTATION 30
DOT TO DEVELOP CRITERIA FOR NONBETTERMENT CONTRIBUTIONS 30
SMALL HIGHWAY FUND AND HIGHWAY TRUST FUND PROJECT BIDDING 31
MANAGEMENT ASSESSMENT AND COMPLIANCE POSITIONS RECREATED 31
RESERVE FOR PROMOTION AND DEVELOPMENT OF INTERNATIONAL AIR SERVICE 31
GLOBAL TRANSPARK ZONE INFRASTRUCTURE FUNDS ... 31
PART 19. DEPARTMENT OF CORRECTION 32
CREDIT FOR SAFEKEEPER MEDICAL EXPENSE PAYMENTS 32
REPAIR AND RENOVATION FUNDS 32
CLARIFY POLICY CONCERNING CORRECTION ENTERPRISES 32
RENOVATION OF POLK YOUTH INSTITUTION 33
CLARIFY POLICY CONCERNING CORRECTION ENTERPRISES 32
PART 20. JUDICIAL DEPARTMENT 33
COMMUNITY PENALTIES PROGRAMS 33
INDIGENT ATTORNEY CONTRACTS 33
JUVENILE JUSTICE PILOT PROGRAM 34

PART 21. DEPARTMENT OF JUSTICE 35
CENTRALIZED UTILIZATION OF LEGAL PUBLICATIONS .. 35
LAW ENFORCEMENT HALL OF HONOR FUNDS 35
BANKING COMMISSION LEGAL COUNSEL TECHNICAL CORRECTION 35
PART 22. DEPARTMENT OF HUMAN RESOURCES 35
MEDICAID PLANNING FUNDS 36
CHILDREN'S GRANTS FUNDS 36
COMMITMENT OF FOREIGN NATIONAL/ CONSULAR NOTICE 36
JUVENILE SECURE CUSTODY STUDY 36
CERTAIN ICF/MR FACILITIES' CERTIFICATE OF NEED BED LIMITATION EXEMPTION EXTENDED 37
COMMISSION FOR BLIND CHANGES 37
AREA AUTHORITY PLAN 39
CONSENT JUDGEMENT/FOCUS CLASS AGREEMENT/THOMAS S. 40
CAROLINA ACCESS CHANGE REPEALED 40
PART 23. DEPARTMENT OF AGRICULTURE 40
REALLOCATION OF 1988 FUNDS FOR ROCKY MOUNT'S FARMER'S MARKET FOR ROCKY MOUNT BUSINESS DEVELOPMENT 40
WAREHOUSE ACT FUNDS 40
REALLOCATE FUNDS APPROPRIATED FOR AGRICULTURAL FACILITIES 41
AUTHORIZE THE AGRICULTURAL FINANCE AUTHORITY TO USE THE INTEREST FROM THE RESERVE FOR FARM LOANS FOR ADMINISTRATIVE EXPENSES 42
PART 24. DEPARTMENT OF COMMERCE 42
RURAL TOURISM DEVELOPMENT FUNDS 42
BIOTECHNOLOGY FUNDS FOR MINORITY UNIVERSITIES .. 42
PROMOTE TOURISM THROUGHOUT THE STATE 43
MCNC CAPITAL EQUIPMENT 43
STUDY EXPANSION OF ECONOMIC DEVELOPMENT COMMISSIONS 43
STUDY ON ECONOMIC INCENTIVES TO LURE INDUSTRY . 44
ECONOMIC DEVELOPMENT FUNDS 45
PART 25. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES 47
AGRICULTURE COST SHARE PROGRAM FUNDS 47
TECHNICAL ASSISTANCE GRANTS 48
WATER RESOURCES DEVELOPMENT PROJECTS FUNDS ... 48
BOARDS OF HEALTH FUNDS 49
IMMUNIZATION PROGRAM FUNDING 49
EXPAND/EXTEND BEAVER CONTROL PROGRAM 49
PARKS CAPITAL IMPROVEMENTS 50
FORESTRY HEADQUARTERS 50
FIRE TOWER TRANSFER 50
TRANSFER MUSEUM OF NATURAL SCIENCES 51

PART 26. MISCELLANEOUS PROVISIONS 53
RESERVE FOR ADVANCE PLANNING 54
ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND 54
PROJECT COST INCREASE 54
NEW PROJECT AUTHORIZATION 54
ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS 55
APPROPRIATIONS LIMITS/REVERSION OR LAPSE 55
1993-94 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY 55
EFFECTIVE DATE 55

APPENDIX

APPENDIX

NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G.S. 120-1)

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
1st	(1)	**BEAUFORT** (Townships: Long Acre, Pantego, Washington: **Tract 9905:** Block Group 5 [522A, 528A]); **BERTIE** (Whites, Windsor 2); **CAMDEN; CHOWAN; CURRITUCK; DARE; HYDE; PASQUOTANK; PERQUIMANS; TYRRELL; WASHINGTON** (Plymouth 3, Scuppernong, Skinnersville).
2nd	(1)	**BERTIE** (Colerain 1, 2, Indian Woods, Merry Hill, Mitchells 1, 2, Roxobel, Snakebite, Windsor 1, Woodville); **GATES; HALIFAX** (Butterwood, Conoconnara, Enfield 1, 2, 3, Halifax, Hobgood, Hollister, Littleton 1, 2, Palmyra, Roseneath, Scotland Neck 1, 2, Weldon 1, 2, 3); **HERTFORD; NORTHAMPTON; VANCE** (Dabney, Middleburg, Townsville, Williamsboro); **WARREN.**
3rd	(1)	**CARTERET** (Townships: Atlantic, Beaufort, Cedar Island, Davis, Harkers Island, Harlowe, Marshallberg, Merrimon, Morehead: **Tract 9703:** Block Group 4 [437], **Tracts 9704, 9705, 9706:** Block Group 1, Block Group 2, Block Group 3 [301A, 302-359], Block Group 4, **Tract 9707,** Block Group 6 [601, 602, 621A, 621B, 624A, 625A, 626A, 627A, 628A, 629A, 630-648, 649A, 650-663], **Tract 9708:** Block Group 4: [401A, 459A, 460-463], Newport, Portsmouth, Sea Level, Smyrna, Stacy, Straits, White Oak: **Tract 9708:** Block Group 1 [101B, 102, 103C, 105-126, 130B, 139B], Block Group 2 [201, 203, 204], Block Group 4 [401C, 403-409, 410A, 410B, 410C, 411A, 411B, 411C, 412-414, 415A, 415B, 416, 417A, 417B, 418, 419A, 419B, 420A, 420B, 420C, 421-423, 424A, 424B, 425-444, 445A, 445B, 446-447, 448A, 448B, 449, 450A, 450B, 451-454, 455A, 455B, 456-457, 458B]); **CRAVEN; PAMLICO.**
4th	(1)	**CARTERET** (Townships: Morehead: **Tract 9709**: Block Group 1 [108-124, 125A, 125B, 126-140], Block Group 2 [201A, 201C, 201D, 202-212], **Tracts 9710, 9711, 9711.99, 9712,** White Oak: **Tract 9708**: Block Group 2 [202, 205-256], Block Groups 3, 5, 6, 7, **Tract: 9709**: Block Group 1 [101-107, 141-154], Block Group 2 [201B], Block Groups 3, 4, 5, 6 [601-665]); **NEW HANOVER** (Cape Fear 2, 3, Federal Point 1, 2, 3, Harnett 2, 3, 4, 5, 6, 7, Masonboro 2, 3, 4, 5, Wilmington 8, 11, 12, 13, 14, 16, 17, 18, Wrightsville Beach); **ONSLOW** (Bear Creek, Catherine Lake, Cross Roads, Folkstone: **Tract 4**: Block Group 3 [301A, 301B, 302A, 302B, 303A, 303B, 304, 305A, 305B, 306A, 306B, 307, 308, 309A, 309B, 310, 311A, 311B, 312-318, 320-330, 340-347, 352-354, 362, 363], Holly Ridge: **Tract 4**: Block Group 4 [401A, 401B], Hubert, Mortons, Sneads Ferry: **Tract 4**: Block Group 3 [319], Swansboro, Tar Landing, Verona: **Tract 3**: Block Group 2 [216], Block Group 3: [301A, 301B, 302, 303A, 303B, 304A, 304B, 305, 306, 307A, 307B, 308, 309A, 309B, 310A, 310B, 313A, 313C, 314-325], Block Group 4 [425-431, 433-435]; Camp Lejeune Military Base 13); **PENDER** (Scott's Hill, Surf City, Lower Topsail, Upper Topsail).

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
5th	(1)	**DUPLIN; JONES** (Chinquapin, Cypress Creek, Tuckahoe); **ONSLOW** (Brynn Marr, Harris Creek, Haw Branch, Haws Run: **Tract 4**: Block Group 4 [408], Gum Branch, Half Moon: **Tract 12**: Block Group 1 [101B, 102B, 108B, 109B, 110-118, 128-132, 136, 137], Jacksonville, East Northwoods, West Northwoods, Richlands); **PENDER** (North Burgaw, Middle Holly: **Tract 9802**: Block Group 1 [112A, 113A, 124, 129A, 130A, 131A, 132-138, 163, 164, 191-195], Upper Holly: **Tract 9803**: Block Group 1 [101A], Long Creek, Penderlea, Rocky Point, Lower Union); **SAMPSON** (Autreyville, Clement, Central Clinton, East Clinton, Northeast Clinton, Southwest Clinton, West Clinton, Garland, Harrells, Herring, Ingold, Keener, Mingo, Plainview, Rowan, Salemburg, Turkey).
6th	(1)	**EDGECOMBE** (Precincts: 1-1, 1-2, 1-3, 1-4, 2-1, 3-1, 4-1, 5-1, 6-1, 7-1, 8-1, 10-1, 11-1, 12-1, 12-2, 12-4, 12-5); **MARTIN** (Goose Nest, Hamilton, Hassell, Jamesville, Poplar Point, Robersonville 1, 2, Williams, Williamston 1, 2. **Tract: 9704**: Block Group 2 [202], **Tract 9705**: Block Group 4 [413], **Tract 9706**: Block Group 1 [168A]); **PITT** (Arthur, Belvoir, Bethel, Falkland, Farmville East, Farmville West, Fountain; Precincts: Greenville 1, 2, 2 (noncontiguous), 3, 4); **WASHINGTON** (Lees Mill, Plymouth 1, 2); **WILSON** (Gardners; Precincts: Wilson B, E, F, G, H, N, Q).
7th	(1)	**JONES** (Beaver Creek, Pollocksville, Trenton, White Oak); **LENOIR** (Kinston 1, 2, 6, 7, 8, Southwest); **NEW HANOVER** (Cape Fear 1, Wilmington 1, 2, 3, 6, 7, 9, 10, 15); **ONSLOW** (Holly Ridge: **Tract 4**: Block Group 3 [331-339, 348-351, 355-361, 364], Block Group 4 [402-407, 409-426, 427A, 427B, 428-429, 430A, 430B, 431A, 431B, 432-434, 435A, 435B, 435C, 436A, 436B, 437A, 437B, 438-490, 491A, 491B, 492, 493A, 493B, 494-497], Mills: **Tract 1**: Block Group 1 [101-103, 104B, 105-112, 114, 115, 119, 120, 125B, 129B, 133, 134B, 135B, 136, 137B], New River, Northeast, Verona: **Tract 3**: Block Group 4 [432]. **VTD ZZZZ: Tract 1**: Block Group 1 [104A, 125A, 126-128, 129A, 130-132, 134A, 135A, 137A, 138, 139A, 140-143, 144A, 144B, 144C, 145-168, 169A, 170, 171A, 172-176, 177A, 177B, 178, 179, 185, 186, 196A, 196B, 197A, 197B], **Tract 2**: Block Group 6 [627A, 628, 629A, 629B, 630A, 631-633, 634A, 635A, 648A, 649A], **Tract 12**: Block Group 1 [101A, 102A, 103-106, 107A, 108A, 109A], **Tract 13**: Block Group 1 [107]; Camp Lejeune Military Bases 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14); **PENDER** (South Burgaw, Canetuck, Caswell, Columbia, Grady, Upper Holly: **Tract 9802**: Block Group 1 [101-105, 106A, 107A, 114-123, 125-128, 139-162, 165-180, 181A, 182-190, 196, 197], Block Group 2 [201A, 201B, 220], Upper Union).
8th	(1)	**GREENE; LENOIR** (Neuse, Pink Hill 1, 2, Trent 1, 2, Woodlington); **WAYNE.**

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
9th	(1)	**BEAUFORT** (Townships: Bath, Chocowinity, Richland, Washington: **Tract 9902**: Block Group 1 [129B, 130B, 131-156, 157B, 158B, 159B, 160B, 175B, 176B, 185B, 186B, 187B, 189-191, 197], Block Group 2, **Tracts: 9903, 9904**); **LENOIR** (Contennea, Falling Creek, Institute, Kinston 3, 4, 5, 9, Moseley Hall, Sandhill, Vance); **MARTIN** (Beargrass, Cross Roads, Griffins); **PITT** (Ayden East, Ayden West, Carolina, Chicod, Greenville 5, 6, 7, 8, 9, 10, 11, 12, 13, Grifton, Grimesland, Pactolus, Simpson, Swift Creek, Winterville East, Winterville West).
10th	(1)	**EDGECOMBE** (Precincts: 9-1, 12-3, 13-1, 14-1); **HALIFAX** (Faucett, Ringwood, Roanoke Rapids 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11); **NASH; WILSON** (Black Creek, Saratoga, Stantonsburg, Toisnot, Wilson A, C, D, I, M).
11th	(1)	**FRANKLIN; JOHNSTON** (North Beulah, East Clayton, West Clayton, Cleveland, North O'Neals, South O'Neals, East Selma, West Selma, East Smithfield, North Smithfield, West Smithfield, Wilders, Wilson's Mills); **VANCE** (East Henderson, I, II, North Henderson I, II, South Henderson I, II, West Henderson I, IIA, IIB, Hilltop, Kittrell, Sandy Creek, Watkins); **WILSON** (Cross Roads, Old Fields, Spring Hill, Taylors, Wilson J, K, L, P).
12th	(2)	**ALLEGHANY; ASHE; GUILFORD** (North Madison, South Madison, Stokesdale, North Washington, South Washington); **ROCKINGHAM; STOKES; SURRY; WATAUGA.**
13th	(2)	**DURHAM; GRANVILLE; PERSON** (Allensville, Cunningham-Chub Lake, Holloway, Mt. Tirzah, Roxboro City #1, 1A, 2, 3, 4, Woodsdale); **WAKE** (Buckhorn, Cedar Fork, House Creek #1, Leesville #1, 3, New Light #2, White Oak #2).
14th	(2)	**JOHNSTON** (North Elevation, South Elevation, Pleasant Grove); **WAKE** (Holly Springs, Little River 1, 2, Marks Creek 1, 2, Middle Creek 1, 2, Panther Branch, Raleigh 01-01 through 01-07, 01-09 through 01-23, 01-26, 01-27, 01-27 (part), 01-28 through 01-46, St. Mary's 1, 2, 3, 4, 6, 7, St. Matthews 1, 2, 3, 4, Wake Forest 1, 2).
15th	(1)	**HARNETT; JOHNSTON** (North Banner, South Banner, West Banner, Bentonville, South Beulah, North Boon Hill, South Boon Hill, East Ingrams, West Ingrams, North Meadow, South Meadow, Micro, Pine Level); **LEE** (Cape Fear, Cumnock, Deep River, Jonesboro, East Sanford, West Sanford 1, 2, 3); **SAMPSON** (Kitty Fork, Newton Grove, Giddensville, Westbrook).
16th	(2)	**CHATHAM; LEE** (Greenwood, East Pocket, West Pocket); **MOORE; ORANGE; RANDOLPH** (Armory, North Asheboro, East Cedar Grove, West Cedar Grove, Coleridge, Deep River, Eastside, Falls, Franklinville, Grant, Liberty, Lindley Park, Loflin, McCrary, New Hope, Providence, East Ramseur, West Ramseur, East Randleman, West Randleman, Richland, South Pointe, Staley, Union, Westside, Worthville).
17th	(2)	**ANSON; HOKE** (Buchan, Fort Bragg, Puppy Creek, McCain, Rockfish); **MONTGOMERY; RICHMOND; SCOTLAND; STANLY** (For Township: Almond—see District 22); **UNION.**
18th	(1)	**BLADEN** (For Townships: Hollow, White Oak—see District 30); **BRUNSWICK; COLUMBUS; NEW HANOVER** (Wilmington 4, 5).

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
19th	(1)	**DAVIDSON** (Abbotts Creek, Thomasville 8); **GUILFORD** (Bruce, Clay, North Center Grove, South Center Grove, Deep River, Fentress 1, 2, Friendship -1, Greene, Jamestown-3, Oak Ridge, Greensboro 20, 27A, 27B, 27C, 34A, 37A, 37B, 39, 41A, High Point 8, 16, 20, 23, 24); **RANDOLPH** (East Archdale, West Archdale, Back Creek, Concord, Level Cross, North New Market, South New Market, Prospect, Tabernacle, East Trinity, West Trinity).
20th	(2)	**FORSYTH** (For Clemmonsville 2, 3—see District 38).
21st	(1)	**ALAMANCE; CASWELL; PERSON** (Bushy Fork, Flat River, Hurdle Mills, Olive Hill).
22nd	(1)	**CABARRUS; ROWAN** (Blackwelder Park, Bostian School, Bradshaw, S. China Grove, Enochville, East Kannapolis, West Kannapolis, East Landis, West Landis, Locke, Steele); **STANLY** (Township: Almond).
23rd	(1)	**DAVIDSON** (Boone, Central, Cotton, Southmont, Lexington 1, 2, 4, Ward 1, 2, 3, 4, 5, 6, Tyro, Silver Hill); **IREDELL** (Barringer, Coddle Creek 1, 2, 3, Cool Springs, Eagle Mills, New Hope, Olin, Statesville 3, 4, 5, 6, Turnersburg, Union Grove); **ROWAN** (Cleveland, Faith (noncontiguous), Franklin, Hatters Shop, Milford Hills, Mt. Ulla, West Innes, Scotch Irish, Spencer, East Spencer, Trading Ford, Trading Ford (noncontiguous A), Unity, East Ward I, II, North Ward I, II, South Ward, West Ward I, II, III).
24th	(1)	**CUMBERLAND** (Alderman, Black River, Brentwood, Cedar Creek, Cross Creek 4, 7, 8, 9, 10, 11, 12, 14, 15, 18, 20, 21, 22, 23, Cumberland 1, 2, Hope Mills 1, Judson, Linden, Long Hill, Manchester, Montclair, Pearces Mill 2, 3, 4, Seventy First 2, 3, Sherwood, Stedman, Vander, Wade).
25th	(1)	**CLEVELAND** (Falston, Lawndale, Polkville, Shelby 4); **GASTON** (Armstrong, Ashbrook, Bessemer City 1, 2, Cherryville 1, 2, 3, Crowders Mtn., Dallas 1, 2, Firestone, Flint Groves, Gardner Park, Grier, Health Center, Highland, Landers Chapel, Memorial Hall, Lowell, McAdenville, Myrtle, Ranlo, Robinson, Sherwood, Tryon, Woodhill, Victory); **LINCOLN** (Crouse, Heavners, Lincolnton/North, Lincolnton/South, Lithia, Love Memorial, Long Shoals, North Brook I/II).
26th	(1)	**CATAWBA; LINCOLN** (Asbury, Boger City, Buffalo Shoals, Daniels/Vale, Hickory Grove, North Brook III, Pumpkin Center).
27th	(2)	**ALEXANDER; AVERY; BURKE** (Drexel 1, 2, 3, Icard 1, 2, 3, 4, 5, Jonas Ridge, Linville 1, Lovelady 1, 2, 3, 4, Lower Creek, Lower Fork, Morganton 7, Smoky Creek, Upper Creek, Upper Fork); **CALDWELL; MITCHELL; WILKES; YADKIN.**
28th	(2)	**BUNCOMBE** (For Broad River, Fairview, Limestone 2—see District 42); **BURKE** (Linville 2, Morganton, 1, 3, 4, 5, 6, 8, 9, 10, Quaker Meadow 1, 2, Silver Creek 1, 2, 3, 4); **MADISON; McDOWELL; YANCEY.**

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
29th	(1)	**HAYWOOD** (For Townships: Cecil, Pigeon—see District 42); **HENDERSON** (Armory, Brickton, Brickton (noncontiguous), North Blue Ridge, Clear Creek, Hendersonville 1, 2, 3, Long John Mountain, Moores Grove, Northeast, Northwest (noncontiguous), North Mills River, South Mills River, Pisgah View); **JACKSON** (For Township: Cashiers—see District 42); **MACON** (Townships: Cowee, Franklin: **Tract 9702**: Block Group 1 [101B, 110C, 120-129, 130B, 131-140], Block Group 2 [216C], **Tract 9703**: Block Groups 1, 2, 3 [302A, 302B, 304, 307, 308, 309A, 309B, 310A, 310B, 310C, 311-314, 315A, 315B, 316, 317A, 317B, 318-321], Block Groups 4, 5, 6 [601-605, 606A, 607A, 607B, 608, 609A, 610, 611, 612A, 622, 623, 634-637], Block Groups 7, 8 [801B, 802, 804-828], **Tract 9704**: Block Group 1 [160A, 161A, 162A, 164-166], Block Group 2 [218A, 218B, 220, 221A, 221B], **Tract 9706**: Block Group 1 [101-125, 126A], Block Group 2 [201-210, 211B, 211C, 212-226, 227A, 228-238, 239A, 241, 242, 243A, 244A, 245A, 246-251, 252A, 253, 254A, 257-259], Block Group 3 [301C, 306B, 307B, 311A, 312, 313A, 314, 315, 321B], Block Group 4 [408B, 413], **Tract 9707**: Block Group 1 [111B, 112B, 113-118, 119B, 120B, 121B, 123, 136B, 139-141], Block Group 2 [205-207, 210-222], Block Group 3 [301-312, 313A, 314-318, 319A, 320, 321A], Block Group 4 [401B, 401C, 404B, 411A]); **SWAIN; TRANSYLVANIA** (Townships: Boyd, Brevard).
30th	(1)	**BLADEN** (Townships: Hollow, White Oak); **CUMBERLAND** (Beaver Dam, Hope Mills 2); **HOKE** (Allendale, Antioch, Blue Springs, Raeford 1, 2, 3, 4, 5, Stonewall); **ROBESON; SAMPSON** (Roseboro, Lakewood).
31st	(1)	**GUILFORD** (Gibsonville, Jamestown 1, 2, North Jefferson, South Jefferson, North Monroe, South Monroe, North Sumner, South Sumner, Whitsett, (GIB-G), Greensboro 3, 4, 5, 6, 7, 8, 9, 19, 25, 29, 30, 42, 44, 45, High Point 3, 5, 6, 7, 11, 12, 13, 18, 21, 22).
32nd	(1)	**GUILFORD** (Friendship-2, Greensboro 1, 2, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24A, 24B, 24C, 26A, 26B, 28, 31, 32, 33, 34B, 35A, 35B, 35C, 36, 38, 40A, 40B, 41B, 43, High Point 1, 2, 4, 9, 10, 14, 15, 17, 19).
33rd	(1)	**MECKLENBURG** (Long Creek 2, Charlotte Precincts: 11, 12, 13, 14, 16, 16 (part), 22, 25, 27, 31, 39, 41, 42, 50, 52, 54, 55, 56, 57, 58, 59, 73, 75, 76, 77, 87, 92, 93, 97, 98).
34th	(1)	**LINCOLN** (Lowesville, Triangle); **MECKLENBURG** (Berryhill, Cornelius, Crab Orchard 2, Davidson, Huntersville, Lemly, Long Creek 1-North, Long Creek 1-South, Mallard Creek 1, 1 (part), 2, XMallard Creek-2 (noncontiguous), Oakdell, Paw Creek 1, 2, Steel Creek 1, 2, Charlotte Precincts: 4, 23, 24, 26, 40, 53, 60, 78, 79, 80, 81, 82, 89, 105).
35th	(1)	**MECKLENBURG** (Clear Creek, Matthews 1, 2, 3, 4, Mint Hill 1, 2, 3, Pineville, Providence 1, 2, 3, Charlotte Precincts: 8, 19, 32, 36, 47, 48, 65, 66, 67, 68, 69, 70, 71, 72, 74, 83, 85, 86, 88, 90, 91, 93 (part), 94, 96, 100, 102).
36th	(1)	**WAKE** (Bartons Creek 1, 2, Cary 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, House Creek 2, 3, 4, 5, 6, Leesville 2, Meredith, Neuse 1, 2, New Light 1, St. Marys 5, Swift Creek 1, 2, 3, 4, White Oak 1).

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DISTRICTS (Seats)		COUNTIES Townships, Precincts, Census Tracts, Block Groups
37th	(1)	**CLEVELAND** (Bethware, Boiling Springs, Casar, Grover, Holly Springs, East Kings Mountain, West Kings Mountain, Lattimore, Mooresboro-Youngs, Mulls, Pearl, Shanghai, Shelby 1, 2, 3, 5, 6, 7, Waco); **RUTHERFORD.**
38th	(1)	**DAVIDSON** (Alleghany, Arcadia, Denton, Emmons, Hampton, Healing Springs, Holly Grove, Jackson Hill, Lexington 3, Liberty, Midway, Reeds, Reedy Creek, Silver Valley, Thomasville 1, 2, 3, 4, 5, 7, 9, 10, Welcome, Yadkin College); **DAVIE; FORSYTH** (Clemmonsville 2, 3); **ROWAN** (Barnhardt Mill, Bostian Crossroads, N. China Grove, Faith, Gold Knob, Granite Quarry, Morgan I, II, Rockwell, Sumner).
39th	(1)	**GASTON** (Alexis, Belmont 1, 2, 3, Catawba Heights, Cramerton, High Shoals, Forest Heights, Gaston Day, South Gastonia, Lucia, Mt. Holly 1, 2, New Hope, Southpoint, Stanley 1, 2, Union); **IREDELL** (Bethany, Chambersburg, Coddle Creek 4, Concord, Davidson, Fallstown, Sharpesburg, Shiloh, Statesville 1, 2); **LINCOLN** (Denver, Iron Station, Salem, Westport).
40th	(1)	**MECKLENBURG** (Crab Orchard 1, Charlotte Precincts: 1, 2, 3, 5, 6, 7, 9, 10, 15, 17, 18, 20, 21, 28, 29, 30, 33, 34, 35, 37, 38, 43, 44, 45, 46, 49, 51, 61, 62, 63, 64, 84, 95, 104.)
41st	(1)	**CUMBERLAND** (Beaver Lake, Cottonade, Cross Creek 1, 2, 3, 5, 6, 13, 16, 17, 19, 24, Eastover, Morganton Road 1, 2, Spring Lake, Seventy First 1, Westarea).
42nd	(1)	**BUNCOMBE** (Broad River, Fairview, Limestone 2); **CHEROKEE; CLAY; GRAHAM; HAYWOOD** (Townships: Cecil, Pigeon); **HENDERSON** (Bat Cave, South Blue Ridge, Bowmans Bluff, Crab Creek, Edneyville, Etowah, Flat Rock, Fletcher, Green River, Grimesdale, Hoopers Creek, Horse Shoe, Laurel Park, Northwest, Park Ridge, Raven Rock, Rugby, Southeast, Southwest, Valley Hill); **JACKSON** (Township: Cashiers); **MACON** (Townships: Burningtown, Cartoogechaye, Ellijay: **Tract 9706**: Block Group 2 [211A], Flats, Franklin: **Tract 9703**: Block Group 6 [606B, 607C, 609B, 612B, 612C, 612D, 613-618, 619A, 619B, 620, 621, 624-631, 632A, 632B, 633A, 633B], Block Group 8 [829-831, 832B], **Tract 9707**: Block Group 1 [101-109, 110B], Block Group 2 [201A, 201B, 201C, 202A, 202B, 202C, 202D, 203, 204, 208, 209], Highlands, Millshoal, Nantahala, Smiths Bridge, Sugar Fork: **Tract 9706**: Block Group 3 [301E, 304B, 337B, 339B, 340B, 343-369]); **POLK; TRANSYLVANIA** (Townships: Catheys Creek, Dunns Rock, Eastatoe, Gloucester, Hogback, Little River).

SENATE RESOLUTIONS

FIRST SESSION 1993

Adopted February 11, 1993 (See page 66)

S.R. 102, A SENATE SIMPLE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

Section 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Education/Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees for each opening in each category of seats on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the University Board of Governors through February 12, 1993. A Senator may propose as a candidate for nomination as many persons in a category as there are positions to fill in a category. In 1993 the total number of positions is nine. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate. Only a written nomination on a form provided by the Chair of the Senate Committee for that purpose and received in the office of the Chair of the Senate Committee by 5:00 p.m. on February 12, 1993, shall constitute formal proposal of a candidate. An individual cannot be a candidate for nomination or be nominated in more than one category.

3. A Senator may propose candidates for nomination only for the categories available for election by the Senate. In the 1993 Session, the Senate will elect:

(a) Two women for four-year terms;
(b) Two members of a minority race for four-year terms;
(c) Four at-large members for four-year terms; and
(d) Due to a vacancy, one member of the political party to which the largest minority of members of the General Assembly belong for the remainder of the unexpired term.

4. On or after February 15, 1993, the Senate Committee shall list all proposed candidates for nomination by category. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated for each category. The Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall vote on each candidate proposed for nomination. If a sufficient number of nominees who are legally qualified are submitted in a category then the slate of candidates shall list at least twice the number of candidates for the total seats open in a category. A candidate for nomination that receives the vote of a majority of those members of the Senate Committee present and voting shall become a nominee on the Senate ballot.

5. The Chair of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the Chair of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged (a) by category and (b) within each category, alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on February 25, 1993. Before the voting begins, the Chair of the Senate Committee shall explain the voting rules, which are:

(a) No nomination shall be received from the floor.

(b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting in the nominee's category.

(c) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.

(d) When a member for a category containing a single position is to be chosen and no nominee receives a majority of the votes cast for all the nominees in that category, a runoff shall be conducted between the persons receiving the two highest numbers of votes cast.

(e) When fewer than two nominees in each of the woman or minority race categories, or fewer than four nominees in the at-large category, receive the votes of a majority of all members present and voting for positions in those categories, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest number of votes cast in each category, and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.

(f) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article 2, Section 13.

(g) When more than two nominees in each of the woman or minority race categories, or more than four nominees in the at-large category, receive the votes of a majority of all members present and voting for positions in those categories, then the two nominees receiving the highest number of votes in the category shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for the following:

(a) Two persons in the woman category for four-year terms;

(b) Two persons in the minority race party category for four-year terms;

(c) Four persons in the at-large category for four-year terms; and

(d) One person in the minority party category for the remainder of the unexpired term.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The Chair of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the Chair of the Senate Committee has determined that the Senate has chosen two members from the woman category, two members from the minority race category, and four members from the at-large category to the Board of Governors for terms of four years, and, one member from the minority party category to the Board of Governors for the remainder of the unexpired term, the President of the Senate shall declare those nine persons to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the Chair of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and the category and term for which each person was elected.

Sec. 2. This resolution is effective upon adoption.

Adopted March 4, 1993 (See page 141)

S.R. 468, A SENATE SIMPLE RESOLUTION HONORING THE FOUNDERS OF THE CITY OF BESSEMER CITY ON ITS ONE-HUNDREDTH ANNIVERSARY.

Whereas, the City of Bessemer City in Gaston County will be celebrating 100 years of incorporation on March 6, 1993; and

Whereas, the founders of the City of Bessemer City made great contributions to the city; and

Whereas, the city was named for Sir Henry Bessemer, who lived from 1813 until 1898 and who discovered the process for making steel from cast iron; and

Whereas, the City of Bessemer City is known for producing textiles, machinery, and chemicals; and

Whereas, the citizens of the City of Bessemer City have been actively preparing for the city's centennial celebration;

Now, therefore, be it resolved by the Senate:

Section 1. The General Assembly honors the founders of the City of Bessemer City and joins the city's citizens in celebrating the city's one-hundredth anniversary.

Sec. 2. The Principal Clerk of the Senate shall transmit a certified copy of this resolution to the Mayor of the City of Bessemer City and to the Chair of the Gaston County Board of County Commissioners.

Sec. 3. This resolution is effective upon adoption.

Adopted July 14, 1993 (See page 1029)

S.R. 482, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF LINDSEY GUY DEWITT AND RECOGNIZING NORTH CAROLINA AS THE NASCAR STOCK CAR RACING CAPITAL OF THE WORLD.

Whereas, on October 7, 1990, Richmond County lost one of its most prominent citizens with the death of Lindsey Guy DeWitt; and

Whereas, Lindsey Guy DeWitt was born on March 23, 1912, in Camden, South Carolina, to Jesse Sterling DeWitt and Hattie Ward DeWitt; and

Whereas, in 1924, Lindsey Guy DeWitt moved with his family to Ellerbe, North Carolina; and

Whereas, Lindsey Guy DeWitt graduated from Ellerbe High School in 1928; and

Whereas, Lindsey Guy DeWitt married Carrie Bowles in 1935, and from their marriage two daughters, Jo and Nancy, were born; and

Whereas, Lindsey Guy DeWitt was a successful entrepreneur in Richmond County, where he was owner and president of L.G. DeWitt Trucking Company, Textile Motor Freight, North State Orchards, and numerous other business ventures; and

Whereas, Lindsey Guy DeWitt helped to organize the Richmond County Bank, and, for a time, had the distinction of being the largest peach grower in the world; and

Whereas, in 1965, Lindsey Guy DeWitt was among a group of business people who joined together to complete the construction of the North Carolina Motor Speedway in Richmond County; and

Whereas, Lindsey Guy DeWitt was president of the Richmond County facility from 1972 until his death in 1990; and

Whereas, Lindsey Guy DeWitt's involvement in motor sports led to the formation of his own NASCAR racing team, DeWitt Racing Enterprises, in 1966; and

Whereas, in 1973, Lindsey Guy DeWitt's racing team won the Winston Cup Championship and in 1975, his racing team won the Daytona 500; and

Whereas, John Sears of Ellerbe was the first driver for the racing team and former Grand National Champion Benny Parsons, also of Ellerbe, later became the driver; and

Whereas, in 1975, Lindsey Guy DeWitt became president of the Atlanta International Raceway and guided it out of bankruptcy; and

Whereas, Lindsey Guy DeWitt played an important role in the growth of NASCAR stock car racing; and

Whereas, today, NASCAR stock car racing is the fastest growing spectator sport in the United States; and

Whereas, the Winston Cup Races are held annually in Rockingham, Charlotte, and North Wilkesboro; and

Whereas, the Coca-Cola 600, held annually on the last Sunday in May at the Charlotte Motor Speedway, attracts 180,000 spectators, more than any other spectator sport with the exception of the Indianapolis 500 held on the same day; and

Whereas, in the late 1980s, a study conducted by North Carolina State University and the North Carolina Department of Commerce concluded that motorsports contributed $500,000,000 to the State's economy; and

Whereas, today, that figure has climbed to over one billion dollars; and

Whereas, over 75% of the equipment used in stock car racing is produced and sold in North Carolina; and

Whereas, over 70% of the top Winston Cup stock car teams are headquartered in North Carolina; and

Whereas, over 75% of the Grand National stock car teams are based in North Carolina; and

Whereas, stock car racing has created thousands of new jobs for North Carolinians;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate honors the life and memory of Lindsey Guy DeWitt and expresses the deep gratitude and appreciation of this State and its citizens for his life and service to his community and State.

Sec. 2. The Senate wishes to recognize North Carolina as the NASCAR Stock Car Racing Capital of the World and encourages the citizens of this State to attend stock car racing events held in North Carolina.

Sec. 3. The Senate expresses its sincere sympathy to the family and friends of Lindsey Guy DeWitt for their loss.

Sec. 4. The Principal Clerk shall transmit a certified copy of this resolution to the family of Lindsey Guy DeWitt.

Sec. 5. This resolution is effective upon adoption.

Adopted April 19, 1993 (See page 289)

S.R. 823 (COMMITTEE SUBSTITUTE), A SENATE SIMPLE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSIONS OF THE 1993 GENERAL ASSEMBLY OF NORTH CAROLINA.

Adopted May 13, 1993 (See page 510)

S.R. 951, A SENATE SIMPLE RESOLUTION EXPRESSING THE INTENT OF THE SENATE TO ENHANCE FURTHER THE LONG-TERM FISCAL STABILITY OF THE STATE AND TO TAKE ADVANTAGE OF THE FAVORABLE INTEREST RATE CLIMATE BY AUTHORIZING STATE GENERAL OBLIGATION BONDS.

Whereas,

(1) During the last 60 years North Carolina has established a solid reputation among the 50 states for resolving budget crises and maintaining its fiscal integrity with long-term solutions;

(2) The State's fiscal reputation was first established during the 1920s and 1930s when the State was confronted with a decade of falling farm prices followed by the Great Depression. The drop in farm crop prices, coupled with the demand for better schools, roads, and other services caused the property tax burden, as a percent of farm income, to increase by 344%. In addition to raising tax rates, local units increased their debt by over 300%. The result was that North Carolina's State and local debt burden exceeded all states except New York and was 4 1/2 times the United States average. When the Depression hit, the burden of excessive debt led to a severe fiscal crisis, causing 62 counties, 152 cities and towns, and approximately 200 special districts in the State to default on their bonds by 1933;

(3) During the 1920s and 1930s the General Assembly responded to the fiscal crisis with bold reforms, including:

a. State takeover of the funding responsibility for public schools, highways, and prisons;

b. The establishment of a modern State and local tax structure;

c. The creation of the Local Government Commission to oversee local financial practices and to issue bonds for local units;

(4) The reforms enacted during the fiscal revolution of the 1930s have served the State well as automatic revenue growth has provided budget resources to meet the needs of a growing State without requiring the periodic tax adjustments seen in other states;

(5) Since the enactment of the fiscal reforms, the State has weathered numerous severe recessions through the use of conservative budget mechanisms such as:

a. Conservative revenue estimates;

b. Budgeting salaries and related benefits at 100%, thereby ensuring that 2-3% of the operating budget will be unspent due to employee turnover;

c. Spending a portion of its budget availability on capital improvements and other one-time items which can be deferred or deleted in the event of a revenue shortfall or other emergency;

(6) During the latter half of the 1980s the State's reputation began to weaken, culminating in the most severe fiscal crisis since the 1930s. One factor leading to the decline was the adoption in 1985 of a new multiyear education improvement initiative, the Basic Education Program, without a long-term funding plan that included budget cuts and/or revenue enhancements. This led to use of the State's credit balance, tax accelerations, and other one-time financing sources to fund the expansion budget. Another factor was the lack of a permanent rainy-day fund. Finally, the trigger event leading to the severe 1990-91 recession, the Mideast Crisis, occurred after the budget had been adopted;

(7) Balancing the budget required the use of extraordinary measures, including:

a. Holding $67 million of June 1991 income tax refunds until July;

b. Delaying the payment of bills;
c. Borrowing a total of $250 million from the Employment Security Fund, at an interest cost to the General Fund of $21.4 million, and advancing the $170 million transfer from the Highway Trust Fund at the beginning of the fiscal year;
d. Deleting $270 million of capital improvement projects;
e. Cutting local tax aid monies by $32 million;
f. Moving the pay date for teachers, State and university employees, and community college employees to provide $328 million in today's costs;

(8) During the 1991 legislative session the General Assembly faced a $1.2 billion gap between continuation budget requirements and available revenues. Unlike legislatures in many other states, the North Carolina General Assembly fixed the problem on a permanent basis. The final package included approximately $600 million of budget cuts and about the same amount of new revenues. In addition the package included a comprehensive budget reform plan, including:
a. A permanent rainy-day fund;
b. Consensus revenue estimates;
c. A long-term fiscal note requirement of five years on the operating budget and 20 years on new State buildings;
d. A prohibition against using one-time monies to fund recurring items;
e. A limitation on State spending growth;
f. The requirement that a permanent funding mechanism be established for financing repairs, renovation, and maintenance of State buildings;
g. The creation of a special commission to identify trends that will affect the State fiscal outlook;

(9) The actions of the 1991 General Assembly have been very successful in putting the State's finances on firmer footing and have reestablished North Carolina as a leader in its ability to address fiscal problems. North Carolina is one of only four states maintaining a Triple A credit rating with all three major bond rating agencies and one of the few states on the eastern seaboard with revenue estimates on target in 1991-92;

(10) The job of restoring North Carolina's fiscal integrity is not finished. The 1991 budget package included language, expressed currently in the Executive Budget Act (G.S. 143-15.3(b)), that the pay date for teachers, State employees, university employees, and community college employees be restored as soon as funds are available. Restoration of the pay date would:
a. Eliminate a year-end liability on the State's financial statements, thereby bringing us into closer conformity with Generally Accepted Accounting Practices (GAAP) and continuing to ensure a balanced budget as required by the North Carolina Constitution;
b. Restore a budget mechanism that could be used to maintain a balanced budget during an unanticipated budget shortfall in the future;
c. Eliminate the need for interfund borrowing to meet cash-flow needs;
d. Prevent the use of 'one-time' monies for new spending programs;

(11) The North Carolina General Assembly is aware that, clearly, there are vital needs of the citizens of the State that should be addressed as part of a long-term fiscal plan that:
a. Completes the action begun in 1991 to restore fiscal integrity;
b. Identifies high priority needs, determines the extent to which existing public and/or private resources can meet those needs, develops a structured plan to meet those needs (including the furnishing of comprehensive performance and budget data), and incorporates program and fiscal accountability measures;

c. Identifies permanent funding sources to finance the State's portion of any new or expanded programs to meet those needs;
d. Provides for the current high degree of uncertainty due to potential federal budget and health care reform actions, the pending $140 million federal retiree lawsuit on retroactive refunds, and the estimated $2 billion impact on the State's economy from a proposed $2.00 per pack increase in the federal tobacco tax;
e. Keeps the growth in the overall size of the General Fund operating budget in line with citizens' income;
f. Incorporates the performance budget recommendations of the Government Performance Audit Committee;

(12) State and local bond interest rates are the lowest in 15 years;
(13) The prudence displayed by the General Assembly in using pay-as-you-go financing for capital projects during the last decade provides an opportunity for the State to take advantage of very favorable interest rates to finance with bond financing the backlog of capital and infrastructure needs of a fast-growing State;
(14) The State's General Fund debt service burden has declined 50% from 2.2% of General Fund revenue in 1982-83 to 1.1% for 1993-94. In addition, the General Fund and Highway Fund annual debt service requirements will decline $90 million by the year 2000;
(15) In recent years, the authorization of a reasonable amount of State bonds has been recommended by:
a. The Economic Futures Commission;
b. The Government Performance Audit Committee (GPAC); and
c. The State Treasurer.
In addition, the comments of the bond rating agencies in affirming the State's Triple A credit rating indicate that the rating agencies expect the State to take advantage of its declining debt burden and to use bond financing to meet its capital needs;
(16) The Board of Governors of The University of North Carolina recently reported $703 million of capital project needs in its 1993-95 capital budget request;
(17) The State Board of Community Colleges has recently requested $311 million for buildings and $105 million for equipment;
(18) The most recent survey of 10-year public school facility needs of local school systems indicates $5.6 billion of school building needs;
(19) The projected 20-year local water facility needs total $1.9 billion and wastewater facility needs total $3.9 billion;
(20) The projected five-year needs for solid waste/landfill facilities are conservatively estimated at $250 million;
(21) The acceleration of construction activity under State bond financing would provide a timely stimulus to the State's weak economic recovery;
(22) The 1977 General Assembly, at the request of the Governor, authorized $530 million of State general obligation bonds. This amount was equivalent to 2.4% of the $22.1 billion of wage and salary income of North Carolina residents. The same percentage applied to the estimated 1993 wage and salary base of $77.4 billion would equal $1.8 billion of bond capacity;
(23) Creating a maintenance reserve is essential in assuring the continued availability of funds for the repair and renovation of State buildings and has been recommended by the Real Property Study Commission and the Government Performance Audit Committee;

Now, therefore, be it resolved by the Senate:

Section 1. It is the intent of the Senate to appropriate from the General Fund to the Salary Reserve for State and University Employees the sum of one hundred ninety million

six hundred thousand dollars ($190,600,000) for the 1993-94 fiscal year to pay university and State employees paid from the General Fund on June 30, 1994, instead of on July 1, 1994, for work done during June of 1994.

Sec. 2. It is the intent of the Senate to appropriate from the General Fund to the Salary Reserve for Community College Employees the sum of twenty-four million four hundred thousand dollars ($24,400,000) for the 1993-94 fiscal year to pay community college employees paid from the General Fund on June 30, 1994, instead of on July 1, 1994, for work done during June of 1994.

Sec. 3. It is the intent of the Senate to appropriate from the General Fund to the Salary Reserve for Teachers the sum of one hundred twelve million eight hundred thousand dollars ($112,800,000) for the 1993-94 fiscal year to pay public school teachers paid from the General Fund on June 30, 1994, instead of on July 1, 1994, for work done during June of 1994.

Sec. 4. It is the intent of the Senate to earmark the lesser of (i) one-fourth of any credit balance remaining in the General Fund and (ii) one and one-half percent (1.5%) of the current replacement value of all State buildings supported from the General Fund, at the end of each fiscal year to a Repairs and Renovations Reserve Account to be used only for repairs and renovations of State buildings supported from the General Fund.

Sec. 5. It is the intent of the Senate to provide for the issuance of general obligation bonds of the State, to be known as "North Carolina Public Facilities and Infrastructure Bonds". It is the intent of the Senate that the proceeds of these bonds shall be used to partially fund pressing capital needs of the State and of local governments.

Sec. 6. It is the intent of the Senate that the issuance of North Carolina Public Facilities and Infrastructure Bonds would be conditioned upon the favorable vote of a majority of the qualified voters of the State who vote on the questions in an election to be held in November 1993.

Sec. 7. This resolution is effective upon adoption.

Adopted May 11, 1993 (See page 449)

S.R. 1010 (COMMITTEE SUBSTITUTE), A SENATE SIMPLE RESOLUTION AMENDING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSIONS OF THE 1993 GENERAL ASSEMBLY OF NORTH CAROLINA RELATING TO RECALL OF BILL FROM COMMITTEE AND TO ADMISSION TO THE FLOOR OF THE SENATE.

Offered June 9, 1993 (See page 612)

S.R. 1229, A SENATE SIMPLE RESOLUTION PETITIONING THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION TO RETAIN THE CHERRY POINT NAVAL AVIATION DEPOT.

Whereas, the Cherry Point Naval Aviation Depot received the highest score on the military value matrix of the Department of Defense; and

Whereas, the Cherry Point Naval Aviation Depot is the only two-time winner of the Federal Quality Institute's Quality Improvement Prototype Award; and

Whereas, the Cherry Point Naval Aviation Depot has the greatest accumulation of operating revenue of any of the Naval Aviation Depots in the nation; and

Whereas, the Cherry Point Naval Aviation Depot employs 3,200 civilians in Eastern North Carolina and is the largest single employer in Eastern North Carolina; and

Whereas, the loss of this many jobs in Eastern North Carolina would represent a larger percentage job loss than in at least four of the other Naval Aviation Depot locations;

Now, therefore, be it resolved by the Senate:

Section 1. The North Carolina Senate petitions the Defense Base Closure and Realignment Commission to retain the Cherry Point Naval Aviation Depot, the most cost-efficient and productive Naval Aviation Depot in the Department of Defense.

Sec. 2. The Principal Clerk shall transmit a certified copy of this resolution to the Defense Base Closure and Realignment Commission.

Sec. 3. This resolution is effective upon adoption.

Adopted June 17, 1993 (See page 654)

S.R. 1243 (COMMITTEE SUBSTITUTE), A SENATE SIMPLE RESOLUTION AMENDING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSIONS OF THE 1993 GENERAL ASSEMBLY OF NORTH CAROLINA TO CREATE A DEADLINE FOR THE INTRODUCTION OF BILLS AND RESOLUTIONS DURING THE 1993 REGULAR SESSION AND TO MAKE PERMANENT THE RULE RESTRICTING ADMISSION TO THE FLOOR OF THE SENATE IMMEDIATELY PRIOR TO THE DAILY SESSION.

Adopted July 24, 1993 (See page 1245)

S.R. 1298, A SENATE SIMPLE RESOLUTION HONORING THE LIFE AND MEMORY OF THADDEUS ARMIE EURE, FORMER SECRETARY OF STATE.

Whereas, Thaddeus Armie "Thad" Eure, former Secretary of State, passed away on July 21, 1993; and

Whereas, Thad Eure was born in Gates County on November 15, 1899, to Tazwell A. Eure and Armecia L. Eure; and

Whereas, Thad Eure attended Gatesville High School from 1913 through 1917, the University of North Carolina from 1917 through 1919, and the School of Law at the University of North Carolina from 1921 through 1922; and

Whereas, Thad Eure was admitted to the North Carolina State Bar in 1922; and

Whereas, Thad Eure married Minta Banks on November 15, 1924, and from their union two children, Armecia and Thad, Jr., were born; and

Whereas, Thad Eure served as the County Attorney for Hertford County from 1923 until 1931 and served as the Mayor of the Town of Winton from 1923 until 1928; and

Whereas, Thad Eure represented Hertford County as a member of the House of Representatives in 1929 and served as the Principal Clerk of the House of Representatives during the legislative sessions of 1931, 1933, and 1935, and the 1936 extra session; and

Whereas, Thad Eure was elected Secretary of State on November 3, 1936, and assumed the duties of that office on December 21, 1935, 10 days prior to the commencement of his term, due to the resignation of the incumbent; and

Whereas, Thad Eure was reelected as Secretary of State for 12 terms, serving in that position for 52 years, the longest record in the nation; and

Whereas, Thad Eure served as an inspiration for many of the State's public servants and politicians; and

Whereas, Thad Eure was a member of numerous civic, community, and fraternal organizations, including the State Employees Association of North Carolina, the Ahoskie Kiwanis Club, Theta Chi Fraternity, the Elks Club, the American Legion, and the National Association of Secretaries of State; and

Whereas, Thad Eure served on several boards and commissions, including the Capital Planning Commission, the North Carolina Computer Commission, the Constitution Amendments Publication Commission, the Local Government Commission, and the Board of Trustees of Elon College; and

Whereas, during his lifetime, Thad Eure received numerous awards, recognitions, and honors, including the "1983 Citation for Distinguished Public Service" from the North Carolina Citizens for Business and Industry, the "Award of Merit" from North Carolina State University in 1965, the Distinguished Service Award from the American

Legion and Forty and Eight in 1971, the Distinguished Service Award from the North Carolina State Elks Association in 1971, the Citizens Service Award from Elon College in 1980, the Theta Chi Fraternity Alumni Award, and an honorary Doctor of Laws from Elon College in 1958; and

Whereas, Thad Eure was a member of the United Church of Christ; and

Whereas, Thad Eure is survived by his wife, Minta Eure, a daughter, Armecia Eure Black, and several other family members and friends; and

Whereas, Thad Eure's commitment and service to the Democratic Party and to the State of North Carolina will never be forgotten;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate honors the memory of Thaddeus Armie Eure and expresses the gratitude and appreciation of this State and its citizens for his life and service to North Carolina. The Senate wishes to dedicate its 1993 Legislative Session to the memory of Thad Eure.

Sec. 2. The Senate expresses its deepest sympathy to the family and friends of Thaddeus Armie Eure for the loss of a beloved husband, father, and friend.

Sec. 3. The Principal Clerk of the Senate shall transmit a certified copy of this resolution to the family of Thaddeus Armie Eure.

Sec. 4. This resolution is effective upon adoption.

EXECUTIVE ORDERS of the GOVERNOR OF THE STATE OF NORTH CAROLINA

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B. 1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued following adjournment *sine die* of the Second Session of the 1991 General Assembly on July 25, 1992, and upon convening of the 1993 General Assembly through July 24, 1993, as summarized below.

The full text of Executive Orders 174 through 186 issued by Governor James G. Martin can be found in the *Session Laws of the 1993 General Assembly*.

The full text of Executive Orders 1 through 20 issued by Governor James B. Hunt, Jr., can be found in the *Session Laws of the 1993 General Assembly*.

Executive Order	Title	Date of Issuance

BY GOVERNOR JAMES G. MARTIN

174 **Council on Health Policy Information Amendment to Executive Order Number 162** July 30, 1992

Increases membership to not less than twenty-two members. **Adds:** Director of Aging; Director of the Division of Facility Services, Department of Human Resources; and two representatives of private insurance companies doing business within North Carolina. **Removes:** Director of Fiscal Research and Director of Division of Mental Health, Department of Human Resources.

175 **Hurricane Andrew Relief** August 28, 1992

Orders until September 28, 1992, State of North Carolina waives weight restrictions on gross weight of vehicles transporting food, supplies, and equipment to victims of Hurricane Andrew subject to following conditions: vehicle weight will not exceed maximum gross weight established by manufacturer, or 90,000 pounds, whichever is less; tandem axle weights shall not exceed 42,000 pounds and single axle weights shall not exceed 22,000 pounds; vehicles will be allowed only on primary and interstate roads designated by Department of Transportation; and vehicle, upon entering North Carolina, shall stop at first available station and identify load as Hurricane Andrew relief.

176 **Governor's Task Force on Health Objectives for Year 2000 — Amendment and Extension of Executive Order 148** September 24, 1992

Additional objective: providing encouragement and guidance to communities establishing local groups to accomplish objectives developed by Task Force. Task Force shall have power to designate Governor's Community Task Force on Health Objectives for Year 2000 ("Community Task Force").

177 **Hurricane Andrew Relief Extending the Provisions of Executive Order Number 175** October 1, 1992

Executive Order Number 175 is extended until October 28, 1992.

178 **Waiving Penalties — Chapter 166A — General Statutes of North Carolina** October 15, 1992

Division of Motor Vehicles shall waive penalties arising under G.S. 20-88, 20-96, and 20-118 against vehicles transporting unprocessed yams to processing facilities. Penalties shall not be waived for vehicle weight exceeding maximum gross weight established by manufactures or 90,000 pounds, whichever is less and tandem axle weights exceed 42,000 pounds and single axle weights exceed 22,000 pounds. Vehicles are exempt from licensing and tax requirements of G.S. 105, Subchapter 5, Article 36B. This Order is not in effect on the interstate highway system and bridges pursuant to G.S. 136-72. **Expires:** November 15, 1992.

179 **Coordinating Committee on American With Disabilities Act** October 22, 1992

Establishes: Committee. **Purpose:** State agency compliance with ADA to ensure individuals with disabilities full use of public buildings, employment, transportation, accommodations, and communications. Representatives from every State agency shall meet to coordinate each agency's self-evaluation; shall develop and implement a plan in compliance with ADA. **Duties:** advise and coordinate agency compliance; facilitate grievance procedures to resolve complaints of noncompliance; supervise the implementation and periodic revision of transition plans for each agency; provide a forum for speakers about developments concerning accommodations, cost/effectiveness for equipment and transportation alternatives, and hiring practices and case law; and ensure that decisions in ADA compliance plans are made with the input of organizations which serve disabled persons. **Membership:** The following (or designee): Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, State Auditor, President *Pro Tempore* of Senate, Speaker of House of Representatives, Chief Justice of Supreme Court, President of University of North Carolina System, President of System of Community Colleges; Secretaries of: Environment, Health, and Natural Resources; Crime Control and Public Safety; Cultural Resources; Human Resources; Transportation; Correction; Administration; Revenue; and Director of Office of State Personnel. **Chair:** Deputy Secretary for Programs in Department of Administration, shall serve at pleasure of Governor and may designate smaller subcommittees. **Meets:** quarterly at the call of Chair. **Quorum:** simple majority of members present. **Annual Report:** To Governor on or before October 1. **Support:** Department of Administration provide administrative and staff support services. **Expenses:** travel and subsistence expenses in accordance with G.S. 120-3.1 or 138-5. **Effective** immediately.

180 **Governor's Extradition Secretary Transfer to the Department of Justice** October 27, 1992

The Governor's Extradition Secretary is transferred to the Department of Justice. Reports of the transfer shall be made as required by G.S. 143B-12(b). **Effective** immediately.

181 **Waiving Certain Penalties Pursuant to General Statutes Chapter 166A Amending Executive Order Number 178** October 27, 1992

Executive Order 178 is amended by deleting Section 4 and substituting the following language:

Section 4. This Order shall not be in effect on bridges posted pursuant to G.S. 136-72. **Effective** immediately.

182 **Accessibility of Electronic Equipment by Persons with Disabilities** November 19, 1992

Requires State agencies to follow Federal Information Resources Management Regulation in General Services Administration Document 41 C.F.R. Chapter 201, and in Bulletins C-8 and C-10 to implement cost-effective accommodations ensuring disabled persons reasonable access to electronic equipment and information technology. Department of Human Resources, Division of Vocational Rehabilitation Services and Coordinating Committee on American Disabilities Act shall assist agencies in implementing Order. **Effective** immediately.

183 **Hurricane Andrew Relief Amending/Reissuing Provisions of Executive Order Number 175** December 7, 1992

Amendments: Safety restrictions apply; returning vehicles carrying other backhaul subject to normal weight and permit restrictions. $50.00 fee for temporary trip permit listed in G.S. 105-449.49 and penalties concerning insurance registration in G.S. 20-382 waived. No quarterly fuel tax. Section 3 is deleted. **Effective:** December 16, 1992 until December 23, 1992.

184 **Transferring the Commutation/ Pardon Analyst Position Assigned in Office of Parole Commission to Office of Governor** December 22, 1992

Transfers Commutation/Pardon Analyst position located in Office of Parole Commission, Department of Correction, to Office of Governor, subject to and under direct supervision of Governor's Legal Counsel. Parole Commission, Department of Correction, Office of State Personnel, and Office of State Budget and Management specifically directed to comply and report pursuant to G.S. 143B-12(b). **Effective:** October 1, 1992.

185 **Extension of Executive Orders 12, 13, 15, 27, 29, 39, 43, 53, 55, 66, 71, 78, 99, 110, 121, 126, 132, 136, 139, 143, 150, 151, 152, 153, and 156; and Rescission of Executive Orders 20, 22, 26, 35, 86, 89, 95, 114, 122, 124, 134, 137, 140, and 145.** December 29, 1992

	Retroactive Date	Extended
Governor's Highway Safety Commission	6/20/93	Two Years
State Health Coordinating Council	6/20/93	Two Years
Juvenile Justice Planning Committee	6/30/93	Two Years
Fund for Children and Families Commission	6/20/93	Two Years
Governor's Task Force on Racial, Religious, and Ethnic Violence and Intimidation	6/20/93	Two Years
Deferred Compensation Plan, Board of Trustees	6/20/93	Two Years
Emergency Response Commission	6/20/93	Two Years
Governor's Inter-Agency Advisory Team on Alcohol and Other Drug Abuse	3/1/93	Two Years
Martin Luther King, Jr. Holiday Commission	9/30/93	Two Years
State Employee's Combined Campaign	Until Rescinded	
Governor's Task Force on Rail Passenger Service	12/30/91	Three Years
Governor's Task Force on Injury Prevention	11/1/92	Two Years*
Governor's Commission on Reduction of Infant Mortality	12/13/91	Three Years
Governor's Advisory Council on International Trade	3/29/93	Two Years

Governor's Minority, Female, and Disabled-Owned Businesses Construction Contractors Advisory Committee	7/11/92	Two Years
Governor's Highway Beautification Council	9/18/92	Two Years
Governor's Council on Alcohol and Drug Abuse	2/22/93	Two Years
Advisory Council on Telecommunications in Education	3/20/93	Two Years
Governor's Volunteer Advisory Council	12/29/92	Two Years
Advisory Council on Vocational and Applied Technology Education	12/29/92	Two Years
Human Service Transportation Council	7/1/93	Two Years
Governor's Advisory Commission on Military Affairs	12/29/92	Two Years
Persian Gulf War Memorial Commission	12/29/92	Two Years
2000 Steering Committee	6/30/93	Two Years
Committee on Literacy and Basic Skills	12/31/92	Two Years
Wellness Improvement for State Employees		Rescinded
Implement Certain Economics in North Carolina State Government to Respond to Federal Legislation Requiring a Federal Balanced Budget		Rescinded
Operation Hay		Rescinded
Transferring the State Information Processing Services (SIPS) to the Office of the State Controller		Rescinded
Minimization of Solid, Hazardous, and Infectious Waste and the Control of Toxic Air Pollutants		Rescinded
Transferring the State Employees' Advisory Group (SEAG) to the Office of State Personnel		Rescinded
Budget Administration, As Amended by E.O. 130 and 164		Rescinded
Establishing the Governor's Council of Fiscal Advisors		Rescinded
Governor's Task Force on Prison Construction and Consolidation		Rescinded
Granting Special Readjustment Leave to Employees of the State Who Have Served With the Nation's Armed Forces During the Persian Gulf Conflict		Rescinded
Escrowing Contributions to the Teachers' and State Employees Retirement System		Rescinded
Appointing Special Commission to Investigate Shortages in the Northampton County Schools' Finances		Rescinded
Reallocating the Community Penalties Program from the Department of Crime Control and Public Safety to the Department of Correction		Rescinded

*Executive Order 78, amended and extended by Executive Order 116, is amended further:

Section 3 Functions

B. The Task Force shall advise the Injury Control Section of the Department of Environment, Health, and Natural Resources; as well as the Injury Prevention Research Center. **Effective** immediately.

186 **North Carolina-Head Start Collaboration Project Advisory Council** January 6, 1993

Establishes: Council. **Membership** (or designee): Senior Education Advisor, Office of Governor; President of System of Community Colleges; Secretary of Environment, Health, and Natural Resources; Superintendent of Public Instruction; Secretary of Commerce; Directors of Divisions in Department of Human Resources: Economic Opportunity; Facility Services; Medical Assistance; Mental Health,

Developmental Disabilities, and Substance Abuse Services; Social Services and Office of Rural Health and Developmental Services; and President of the North Carolina Head Start Association. Nine appointed by Governor from North Carolina Association of County Commissioners, North Carolina Primary Health Care Association, private business, and non-profit human service providers. **Chair:** Governor appoints to serve at his pleasure. **Meets:** quarterly upon call of Chair. **Purpose:** Build cooperation between Head Start and other programs for impoverished children; inform public/private sectors of opportunities of involvement in service programs. **Duties:** Identify possible projects, plan and oversee projects, and serve as information center. **Support:** Special Assistant for Head Start in Department of Human Resources. **Funds:** $100,000 from U.S. Department of Health and Human Resources. **Effective** immediately.

Proposed **Creates Commission on Workforce Preparedness and Inter-Agency Coordinating Council** January 5, 1993

Establishes: Commission and Inter-Agency Coordinating Council. **Membership:** Thirty members appointed by Governor. **Staggered terms:** beginning July 1, 1993: fifteen members for two years, fifteen members for three years, subsequent terms shall be three years. ICC consists of senior-level management from each state agency administering a Workforce Preparedness Program. **Chair:** Governor appoints chair for Commission who appoints chair for ICC. **Meets:** Quarterly at the call of the Chair; the ICC at call of Chair. ICC provides technical advice to Commission. **Duties:** Advise in development of skill and expertise of State's workforce; coordinate activities; create comprehensive market-driven, customer-focused system; submit biennial strategic plan to Governor/General Assembly; develop/promote strategies for public/private cooperation; and perform responsibilities prescribed by Title VII, Section 701, of the Federal Job Training Reform Amendments of 1992. **Designated Workforce Preparedness Programs:** Adult Education Act, Carl D. Perkins Vocational and Applied Technology Education Act, Wagner-Peyser Act, National and Community Service Act of 1990, Part F of Title IV of the Social Security Act, Job Training Partnership Act, Employment Program, Section (6)(d)(4), Food Stamp Act of 1977, all other federal human resource programs (exception of any programs under the federal Rehabilitation Act of 1973, and all State resource programs which involve vocational education, basic and remedial education, or job training). Commission is independent (reviews by State Auditor) of other State agencies and shall retain support services as necessary. Operating budget derived from federal grants. **Expenses:** travel and subsistence in accordance with State law. **Executive Order Number 143**, North Carolina Advisory Council on Vocational and Applied Technology Education and **Executive Order 159**, North Carolina Governor's Commission on Workforce Preparedness are rescinded effective June 30, 1993. **Effective:** July 1, 1993 until terminated. (See **Hunt Executive Order Number 4**)

BY GOVERNOR JAMES B. HUNT, JR.

1 **North Carolina Board of Ethics** January 9, 1993

Executive Order Number 1, dated January 31, 1985, and all subsequent amendments are rescinded. **Establishes:** Board not considered public office for purpose of dual office holding. **Members:** seven; serve at pleasure of Governor. Governor appoints Chair. Members receive no compensation except expenses. **Persons Subject to Order:** Section 3. **Exempt:** Section 4. **Specific Prohibitions:** Section 5. **Statement of Economic Interest:** Section 6. **Duties:** Section 7. **Other Principal State Agencies:** Section 8. **Sanctions:** Section 9. **Effective:** not stated.

2 **Small Business Council** February 11, 1993

Establishes: Council. **Membership:** Lieutenant Governor (Chairman), and sixteen members appointed by Governor. **Non-voting/ex-officio:** Secretary of

State, the Secretaries of Commerce, Revenue, Commissioner of Labor, President of University of North Carolina System, and President of Community Colleges System (or designees). **Three-year Staggered Terms:** Initially five one-year, five two-years, and six three-years. **Meets:** quarterly and upon call of/Chair or Governor. Per diem, travel, and subsistence expenses allowed. **Funds:** Department of Commerce. **Purpose:** Recommend Governor, General Assembly, and Economic Development Board: legislation; programs; changes in regulations, including tax structure, affecting small business growth and development; foster coordination among State agencies and private organizations; identify needs for programs in education, training, marketing, funding resources, exports, purchasing and contracts, technology, and related areas; coordinate State agencies increase in number of women-owned and minority-owned businesses; plan/conduct annual forums on small business development; assist in creation of clearinghouse small business assistance within State government; and conduct public hearings/interviews and solicit non-confidential information to effect its other duties. **Staff:** Lieutenant Governor's Office and Department of Commerce. Each Cabinet Department Secretary specifically directed to cooperate with Council to effect Order. **Effective** immediately.

3 **Transferring the "Keep America Beautiful" Program to Department of Environment, Health, and Natural Resources** February 23, 1993

Transfer: State Coordinator position for "Keep America Beautiful" Program located in Office of Governor (position number 30002-0000-0000-311) to Department of Environment, Health and Natural Resources, subject to and under direct supervision of Office of Environmental Education. Type I transfer under G.S. 143A-6(a). **Report:** Pursuant G.S. 143B-12(b), Associate General Counsel is directed to report. **Effective** immediately.

4 **Commission on Workforce Preparedness and its Inter-Agency Coordinating Council** March 10, 1993

Identical to Executive Order proposed January 5, 1993, to create Commission on Workforce Preparedness and Inter-Agency Coordinating Council. **Effective:** July 1, 1993.

5 **Severe Winter Storm Emergency Relief** March 18, 1993

Waives weight restrictions on the gross weight of vehicles transporting food, supplies, and equipment to victims of severe winter storms subject to the following restrictions: gross vehicle weight shall not exceed the maximum established by manufacturer or 90,000 pounds whichever is less. **Effective** immediately for thirty days.

6 **Entrepreneurial Development Board** April 12, 1993

Establishes: Board and Advisory Council. **Membership:** Twenty members appointed by Governor to serve at his pleasure. **Non-voting/ex officio:** Secretary of Commerce (or designee). Advisory Council may include State and non-State entities concerned with entrepreneurial and small business. **Chair:** Governor appoints Chair for Board and Advisory Council to serve at his pleasure. **Meets:** Board quarterly upon call of its Chair; Advisory Council as necessary upon call of either its Chair or the Board's Chair. **Duties:** Recommend to Governor/General Assembly ways to improve policy, programs, and nurturing funds for entrepreneurial business growth; improve collaboration among public/private entities involved; examine need and develop state-wide entrepreneurial development program; study world-wide practices to determine applicability to North Carolina. **Annually:** Report to Governor status of entrepreneurial development in State; plan/conduct Governor's Conference on Entrepreneurial Development; and promote the Board's purpose. Advisory Council provide technical advice to Board. **Staff:** Department of Commerce. Board shall work

with Economic Development Board. **Expenses:** Reimbursement for reasonable expenses. **Effective** immediately.

7 **North Carolina Drug Cabinet Abolished** April 13, 1993

Established by Executive Order Number 80 by Governor James G. Martin, and re-established by Executive Order Number 108, amended by Martin Executive Order Number 117, is abolished. **Rescinded:** Martin Administration Executive Orders 108 and 117. **Effective** immediately.

8 **State Government Recycling, Reduction of Solid Waste, and Purchase of Products With Recycled Content** April 22, 1993

Purpose: State agencies directed to reduce amount of solid waste generated; recycle materials, purchase, and use recycled products; provide employees access to containers for recycling; educate about recycling goals. **Mandates:** two-sided copies when feasible; new photocopy machines duplexing capability if capacity rated at sixty thousand (60,000) copies or more per month; and use 50% recycled content paper. Purchase and use recycled paper for letterhead stationery, reports, memoranda, and other documents when feasible. **Report annually,** beginning October 1, 1994, to Office of Waste Reduction on programs implemented, amounts and types of recycled products purchased, and materials collected for recycling. Office of Waste Reduction compiles agency reports and reports to Governor. **Rescinded:** Martin Administration Executive Order Number 172 and all other Executive Orders or portions of Executive Orders inconsistent herewith. **Effective** immediately.

9 **Commission for a Competitive North Carolina** May 5, 1993

Establishes: Commission. **Membership:** Up to forty members appointed by Governor. **Chair:** Governor. **Vice-Chair:** one represents private sector; one represents nonprofit sector. **Term:** two years. Governor appoints Chairs for Task Forces. **Steering Committee:** Governor, Vice-Chairs, and Task Force Chairs. **Task Force:** Members of Commission; resource persons designated by Steering Committee. **Meets:** Upon call of Governor. **Purpose:** Prepare long-term, comprehensive vision for competitive enterprises; define outcomes/establish standards to assess progress; recommend changes in government operations; and recommend a permanent organizational structure for monitoring performance measures. **Report:** Fall, 1994. State agencies specifically directed to cooperate with the Commission. **Staff Coordinator:** Governor's Policy Office; administrative/support services Department of Administration. **Budget:** grants, gifts, bequests, and offers of assistance. **Travel/Subsistence:** Members and staff. **Effective** immediately.

10 **Quality Leadership Awards Council** May 5, 1993

Establishes: Council; two subordinate committees—the Examination Board and the Recognition Committee. **Membership:** Council of not more than thirty members, including (or designee): Secretary of Commerce, President of University of North Carolina System, President of System of Community Colleges, Commissioner of Labor, Chair of North Carolina Quality Leadership Foundation, and Governor; member recommended by Lieutenant Governor; member recommended by Speaker of House; President of North Carolina Citizens for Business and Industry; two Governor appointees from education or non-profit sectors; no more than twelve ranking officials of organizations receiving Quality Leadership Award; four industrial representatives; and Chair of Commission on Workforce Preparedness. **Board of Examiners:** professional and technical experts in total quality management and quality assurance-related fields selected by Council serving at its pleasure. **Recognition Committee** drawn from business, industry, education, and government personnel concerned with public relations and quality and productivity improvement selected by Council serving at its pleasure. **Terms:** Members receiving Quality Leadership Award

three-year term; members appointed by Speaker of House and Lieutenant Governor serve at pleasure of Governor; Governor fills vacancies; upon recommendation by Lieutenant Governor or Speaker of the House as appointing authority. **Chair:** Council elects. **Purpose:** Enhance, improve, encourage, and promote education, competitiveness, and quality improvement in industry. **Duties: Awards Council:** approves Quality Leadership Award and Honor Roll recipients; guidelines to examine applicant organizations; appointments of judges and examiners; arranges appropriate annual awards; recommends changes in awards process; cooperates with N.C.Q.L. Foundation; and arranges for master of ceremonies in awards presentation. **Board of Examiners:** conducts evaluations of applicant organizations, recommends Award guidelines, nominates Award recipients, and recommends examiners and judges to Council. **Recognition Committee:** recommends types of awards, ceremony format and timing. **Staff/Support:** N.C.Q.L. Foundation provides administrative support and Department of Commerce, University of North Carolina System, and System of Community Colleges may provide voluntary support. **Rescinded:** Martin Administration Executive Orders 119 and 166. **Effective** immediately.

11 **Governor's Council of Fiscal Advisors** May 5, 1993

Establishes: Council. **Members:** State Treasurer, State Auditor, State Budget Officer, Secretary of Department of Revenue, State Controller, Governor's General Counsel, and Governor's Advisor for Policy. **Invitees:** Executive Assistant, Deputy State Budget Officer, Lieutenant Governor (designee). **Purpose:** "consider and advise the Governor concerning the fiscal affairs of the State." **Meetings:** quarterly *with Governor* or upon call of the Governor who presides; *without Governor* at times Council elects or upon call of State Budget Officer who presides. Compulsory attendance of member. Advisory Budget Commission meetings open to Council as invitees of Governor. **Support:** Office of State Budget and Management. Members shall serve without compensation. **Rescinded:** Martin Administration Executive Order Number 122. **Effective** immediately.

12 **Public School Administrator Task Force** May 7, 1993

Establishes: Task Force. **Membership:** from business and industry leaders—Governor appoints six; Speaker of House recommends two; President *Pro Tempore* of Senate recommends two. **Terms:** six months. **Duties:** analyze ratios of local public school administrators to teachers and students; determine ratio to effectively administer quality education; develop guidelines for school administrators to implement effective administration; report findings to Joint Legislative Oversight Committee and State Board of Education. **Expenses:** travel and expenses as allowed by law. **Support:** Department of Administration. **Effective:** June 1, 1993. **Terminates:** December 1, 1993.

13 **Quality Leadership Awards Council** May 17, 1993
Amending Executive Order Number 10

Section 2 amended by decreasing number of ranking officials of organizations receiving Quality Leadership Award from twelve to eleven; adds one member recommended by President *Pro Tempore* of Senate. **Effective** immediately.

13 **Quality Leadership Awards Council** May 20, 1993
Amending Executive Order Number 10 **Corrected**

In addition to changes made in previous Order, corrected copy amends Section 3. Member appointed on recommendation of President *Pro Tempore* serves at pleasure of Governor. Vacancy filled upon recommendation by appointing authority. **Effective** immediately.

14 **Board of Ethics**
Amending Executive Order Number 1

Deletes Subsection (b) of Section 5 of Executive Order Number 1 (which prohibits full-time State employee subject to the Order from holding other public employment for compensation). Subsection (c) shall be redesignated (b). **Effective** immediately.

15 **Americans With Disabilities Act Coordinating Committee** May 20, 1993

Establishes: Committee. **Purpose:** ensure that individuals with disabilities have full use of public buildings, employment, transportation, accommodations, and communications. Representatives of every State agency shall coordinate evaluation and implementation of plan developed. **Duties:** advise and coordinate agency compliance; facilitate grievance procedures to resolve complaints of noncompliance; supervise implementation and periodic revision of Transition Plans for each agency; provide a forum for speakers about developments concerning accommodations, cost-effectiveness for equipment and transportation alternatives, and hiring practices and caselaw; and ensure that decisions in ADA Compliance Plans are made with input of organizations which serve disabled persons. **Membership** or designee: Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, State Auditor, President *Pro Tempore* of Senate, Speaker of House of Representatives, Chief Justice of Supreme Court, President of University of North Carolina System, President of System of Community Colleges; Secretaries of: Commerce; Environment, Health, and Natural Resources; Crime Control and Public Safety; Cultural Resources; Human Resources; Transportation; Correction; Administration; Revenue; and Director, Office of State Personnel. **Chair:** Secretary of Administration (or designee) at pleasure of Governor. Chair may designate subcommittees. **Meetings:** quarterly at call of Chair. **Quorum:** simple majority of members present. **Report:** annually to Governor on or before October 1. **Support:** Department of Administration. **Expenses:** travel and subsistence in accordance with G.S. 120-3.1 or 138-5. **Rescinded:** Martin Administration Executive Order Number 179 or inconsistent Executive Orders. **Effective** immediately.

16 **Geographic Information Coordinating Council and Center for Geographic Information Analysis** May 21, 1993

Re-establishes: Council in concurrence with Information Resource Management Commission. **Duties:** guide Center for Geographic Information and Analysis and direct State in utilization of geographic information, GIS systems, and other technologies. Council responsible for strategic planning; resolution of policy and technology issues; coordination, direction, and oversight; advising Governor, Legislature, and IRMC; furthering cooperation among State, federal, and local government agencies, academic institutions, and private sector in using geographic information. **Membership:** Secretaries of: Department of Environment, Health and Natural Resources; Transportation; Administration; Commerce. Secretary of State, Commissioner of Agriculture; Superintendent of Public Instruction; head of at-large State agency appointed by Governor; State Budget Officer; State Planning Officer; one representative elected by State Government User Committee; one representative elected annually by Affiliated User Group Committee; and appointed by the Governor: one employee of county government; one employee of municipal government; one employee of federal government stationed in North Carolina; one representative from lead regional organizations; and one non-government representative. **Ex-officio (non-voting):** The Deputy State Controller for Information Resource Management. **Chair:** Governor appoints to serve one year. Members shall serve three-year terms. **Secretary/Staff:** Director of CGIA. **Expenses:** travel and subsistence expenses as allowed by law. **Standing Committees:** State Government GIS User Committee—advises Council on

all areas relating to GIS; consists of representatives from all interested State government departments; elects chair; State Mapping Advisory Committee—operates in manner acceptable to United States Geological Survey's National Mapping Division with unlimited membership; Council appoints Chair. Council permits vote (federal agency members may not vote). SMAC shall consolidate reports and inform persons of map materials available from USGS. Affiliated GIS User Group Committee—advises the Council on issues relating to use of GIS systems. Membership: representatives from local/federal government, private industry, universities, and General Assembly. Committee elects Chair. **Rescinded:** Martin Administration Executive Order Number 147. **Effective** immediately.

17 **North Carolina Emergency Response Commission** June 17, 1993

Establishes: Commission. **Membership:** eleven appointed by the Governor: Director, Division of Emergency Management, Department of Crime Control and Public Safety (Chairman); Coordinator, State Highway Patrol Hazardous Materials; Department of Crime Control and Public Safety; Safety Director, Department of Agriculture; from the Department of Environment, Health and Natural Resources: Supervisor, Facilities Assessment Unit, Division of Environmental Management; Director, Solid Waste Management Division; Director, Radiation Protection Division; Director, Office of Waste Reduction (Pollution Prevention Program); from the Department of Transportation: Director, Emergency Planning, Division of Highways; Chief, Transportation Inspection, Division of Motor Vehicles (Enforcement Section); Manager, Training/Standards Program, Fire and Rescue Services Division, Department of Insurance; Chief, Emergency Medical Services, Division of Facility Services, Department of Human Resources; and six at-large members from local government and private industry with technical expertise in the emergency response field. **Terms:** two years at pleasure of Governor. **Duties:** appoint, supervise and coordinate activities of emergency planning committees described under Section 301(c) of the Emergency Planning and Community Right-to-Know Act of 1986; establish procedures for reviewing public requests for information under Section 324; designate emergency planning districts to direct emergency plans as required under Section 301(b) and additional facilities recommended by the public under Section 302; notify the administrator of the Environmental Protection Agency of facilities subject to Section 302; and review local emergency plans and make recommendations. **Support:** Department of Crime Control and Public Safety. **Expenses:** serve without compensation. Contingent on availability of funds, travel and subsistence expenses in accordance with State guidelines. **Rescinded:** Martin Administration Executive Orders 43, 48, 50, and 165 and all portions of Executive Orders inconsistent. **Effective** immediately.

18 **Emergency Management Program** June 16, 1993

Authorizes: Secretary of Crime Control and Public Safety, under direction of Governor, to serve as chief coordinating officer between respective sub-units of State government to provide protection during a natural or man-made disaster, as provided in G.S. 143B-476. Authority includes direction of personnel and functions of State agencies to facilitate initial response. May designate lead agencies responsible for subsequent phases. Departments of State must report all emergencies requiring this response to Secretary of Crime Control and Public Safety. Explanation of emergency plans for each agency is available from Department of Crime Control and Public Safety; heads of departments may develop supporting plans. Secretary of Crime Control and Public Safety authorized to revise plans, and each agency must designate a liaison pertaining to emergency activities. Agencies must prepare procedures to procure services and supplies necessary during an emergency. **Rescinded:** Martin Administration Executive Order Number 73. **Effective** immediately.

19 **Center for the Prevention of School Violence** June 30, 1993

Establishes: Center within Governor's Crime Commission Division of the Department of Crime Control and Public Safety. **Duties:** work with State agencies, local schools, law enforcement, and juvenile justice system to identify problems and develop recommendations to reduce school violence; serve as information clearinghouse; facilitate training, coordinating and focusing of resources at local level; and advise Secretary of DCCPS concerning grant awards to reduce violence. Center authorized to receive funds from sources other than General Assembly to be administered by the DCCPS. **Board of Directors:** ex-officio members of Governor's Crime Commission: Secretary of Crime Control and Public Safety; Attorney General; Superintendent of Public Instruction; Secretary of the Department of Human Resources; and Juvenile Services Administrator of Administrative Office of the Courts. **Effective** immediately.

20 **Coastal Futures Committee on Coastal Area Management** July 15, 1993

1994 Designated as Year of the Coast

Designates: 1994 as the Year of the Coast. **Establishes:** Committee considered a public body with meetings open to public pursuant to General Statutes Chapter 143, Article 33C. **Membership:** fifteen persons appointed by Governor who designates Chair and Vice-Chair. **Meets:** at the call of Chair. **Duties:** study and identify coastal management programs; develop recommendations; arrange 20th Anniversary Celebration; develop media and public relations; and coordinate efforts with local officials. **Report:** submit final report to the Governor, Coastal Resources Commission, and the Coastal Resources Advisory Council by September 1, 1994. **Executive Secretary:** Governor designates State employee. **Funds:** Committee authorized to accept donations of in-kind services and funds, subject to the Executive Budget Act administered by DEHNR. The North Carolina Coastal Federation, a 501(c)(3) nonprofit organization, agrees to raise donations from other than government entities. **Expenses:** travel and subsistence expenses pursuant to G.S. 138-5. **Effective** immediately and shall cease to exist upon final report.

January 27, 1993 (See page 5)

CHAPEL HILL HIGH SCHOOL VOCAL ENSEMBLE MEMBERS PERFORMING AT THE CONVENING OF THE 140TH GENERAL ASSEMBLY

Director: Mrs. Patricia C. Beyle

Members: Monifa S. Chamble, Roxanne D. Colucci, Nathaniel G. Costa, Andrew C. Kuncl, Jarret S. Levine, Cody B. Nickell, Joseph D. Purvis, Maia A. Remick, Mary K. Tyson, Brody H. Underhill, Dawn S. Wightman, and Kristen M. Wouk.

The vocal ensemble, "OPPOSITES ATTRACT," presented the following program of music in the Senate Chamber prior to the convening of the 140th General Assembly:

"America the Beautiful" ..... Ward/Bates

"I Believe" ..... Drake/Graham/Shirl/Stillman

"I Am But a Small Voice" ..... Whittaker

"Imagine" ..... Lennon

"And So It Goes" ..... Joel

"Killer Bees" ..... Madsen/Greene

"America" ..... arr. Emerson

January 27, 1993 (See page 5)

MEMBERS OF THE PINECREST AIR FORCE JUNIOR ROTC PARTICIPATING IN THE CONVENING OF THE 140TH GENERAL ASSEMBLY

Members of the Color Guard:	Cadet Colonel Gregory L. Alston Cadet Captain Samuel Redding Cadet Lieutenant Colonel Felecia A. Hayes Cadet Lieutenant Colonel Rhonda Locklear
Back-up Members:	Cadet First Lieutenant Leigh Howell Cadet First Lieutenant Tabbatha McGuiney

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February 15, 1993 (See page 72)

GOVERNOR JAMES B. HUNT, JR.
STATE-OF-THE-STATE
February 15, 1993

"Mr. President, Mr. Speaker, Mr. President *Pro-Tem*, The Council of State, Justices, Judges, Members of the Cabinet, my fellow North Carolinians and, especially, members of the General Assembly.

"You invited me here to speak to you tonight. But I come here to make sure you know that I am ready to listen to you during this Session.

"The General Assembly's invitation to the Governor for this address symbolizes the relationship that should exist between two equal branches of government. A relationship built not on confrontation, but on cooperation.

"It is in this spirit of cooperation that I intend to work with you in this Session and in future Sessions.

"It is not my intention to do all the talking. It is my intention to do more listening.

"It is not my intention to impose my ideas. It is my intention to respect your ideas.

"It is not my intention to twist arms. It is my intention to join hands.

"I would be presumptuous if I pretended to have all the answers. For those of you who served before proved what this Legislature can do.

"When you convened two years ago, North Carolina faced one of the most serious fiscal crises of any State in the nation. Today, North Carolina has done more to solve its budget problems and protect its fiscal integrity than any State in the nation, and you deserve great credit for this achievement!

"You sustained the difficult process of education reform. You moved the Basic Education Program forward despite hard times. You put our transportation program on a sound long-term course. You refused to sacrifice environmental protection for short-term economic gain. You started putting children first because you knew it was the right thing to do and because you had the courage and vision to do it!

"And you did all this in a time when the Governor and the General Assembly were too often at odds. Just think what we can do for North Carolina if we work together.

"As Speaker Blue said: 'Now that we have laid the foundation, it is time to build the house.'

"In the one hundred days since the election, reporters have asked me if the people have given me a mandate. My answer is no. The people have given us a chance.

"In the campaign, all of us listened to the people of North Carolina. We would not be here if we had not listened.

"The people want us—the Governor and the General Assembly—to work together and bring real progress to our State.

"The people want constructive action, not conflict. They want change, not business as usual. They want us to put their future first and our politics second.

"They are right. They deserve no less. And my commitment—to them and to you—is that action and change are what they will get!

"In these one hundred days, I have met with many of you. We talked about our hopes for North Carolina and for this Session, and we listened to each other.

"We share many of the same goals. On the opening day of the Session, we heard Lieutenant Governor Wicker, Speaker Blue, and Senator Basnight speak eloquently and passionately about the needs of our children and all our people.

"But talking to each other is not an end in itself. As Senator Basnight said: 'It is time to stop speaking and start acting.'

"The measure of our success this year will not be what happens to you and me—who's up, who's down—who's in, who's out—who's hot, who's not.

"The measure of our success will not be the legislation we pass. It will be the lives we touch.

"This must be our greater goal: concerted action for the people of North Carolina. They gave us this chance. Their future comes first, and this year—together—we can begin to shape that future.

"With our action or inaction, we will choose the kind of future North Carolina will have.

"The choice is stark.

"We could choose a future of low-skill, low-wage jobs; educational underachievement; and a growing gap between the prosperous and the poor North Carolina.

"Or we could choose a future in which every child comes to school healthy and ready to learn; every youngster graduates from high school; every graduate gets the training and higher education required for a good job and every family can provide a better future for their children.

"Which future will we choose? That depends on how we answer many issues in this legislative Session. We will answer it by:

"How we respond to the crime crisis in our State;

"How we provide access to good health, especially for every child;

"How we all respond to the challenge set out by the Government Performance Audit to make government more effective and efficient;

"How we treat our good State employees and whether we involve them in making government work better to serve our citizens;

"How we fulfill our responsibilities to our children as stewards of the environment.

"But tonight I will focus on three areas of action. For these are the most critical to our future in North Carolina. They are jobs, education, and children.

"In the last month, we have seen economic changes take jobs from thousands of North Carolinians. To all of them and to all working people in this State, we must pledge to be more aggressive and more creative in building our economic future.

"We want North Carolina to be a place where business wants to do business. We want business leaders and economic leaders all over the nation and, indeed, the world to know about and be talking about what we are doing in North Carolina to take action to see that our economic development provides more jobs for more people, and I believe we can do that.

"Our economic development approach will include:

"A new charge to the Department of Commerce, led by Dave Phillips, and the Economic Development Board, led by Bob Jordan, to develop a long-range, highly competitive strategy;

"A Workforce Preparedness Council, led by Sandy Babb, to give new leadership and new direction to our skill training efforts;

"An Entrepreneurial Development Board, led by Bob Luddy, to multiply our number of startup companies and emerging businesses;

"A Small Business Development Council led by Lieutenant Governor Dennis Wicker, to assist small businesses, which are the backbone of our economy.

"This is our economic development team. We expect them to think creatively and act boldly, and we give them this charge: create more jobs and more good jobs for North Carolinians. That's what we expect them to do.

"North Carolinians will get the best jobs if—and only if—we have the education and the skills that the jobs of the Twenty-first Century will require.

"So we must make sure every child starts school ready to learn. Then we must make sure that every student graduates. Then make sure that every graduate has mastered what they must know and be able to do to work in the modern economy. Then make sure that every graduate has a chance to go to a community college or a four-year college or university.

"Then—and only then—will North Carolina be able to compete in the Twenty-first Century.

"The biennial budget that I propose will have very limited new resources, as you know. So we must make State government more efficient and more effective. This budget

commits us to achieving efficiencies of at least $100 million each year. If we carry through on the Performance Audit recommendations, if we involve State employees in making changes and if we work together, we can make State government work better **and we don't have to raise any taxes to do it.**

"Then we must apply our limited dollars to where they will yield the greatest returns. I propose:

"$105 million for a greater commitment to our university system, because this system must be excellent if we want North Carolina to excel!

"$113 million for a greater commitment to a skilled workforce preparedness and to our community college system. We must make our workforce competitive with any in the world! And, folks, we can do it and we can do it in this Session.

"$60 million for a greater commitment to the Basic Education Program, with a special emphasis on low-wealth and small school systems in this State!

"And $200 million for a greater commitment to teachers and educators in our public schools, so they can do the job they know how to do for our children and our future!

"We ask a lot of our schools, but we have not made clear what we expect of them. We should change that during these next four years.

"Educators are willing to be held accountable if they are given a clear mission and the resources they need to achieve their mission. The key to great schools is great teachers, and we have great teachers in North Carolina. It is time to give them the clear mission, the decision-making authority and the tools they need to do their job!

"We must set higher standards and instill greater accountability. So our budget proposes an Education Standards and Accountability Commission that will involve educators, parents and business people in setting high standards.

"These standards must define what our graduates should know and be able to do to compete in the Twenty-first Century economy. The standards must be high, they must be specific, and they must be measurable. Then we will be able to hold our schools accountable for results!

"We know the work teachers do in the classroom too often is overwhelmed by the problems children bring to the classroom. So we must start earlier to prepare our children for school and for life.

"We can give every child a better start, and we can do it by making these investments, which I recommend to you:

"$5 million to enact the Baby Bill, strengthen the child-staff ratios for child-care centers and demonstrate that we in North Carolina are committed to doing the most of any State in America for the least among us.

"$16 million to guarantee that every child receives immunizations against disease. President Clinton has made a commitment to do this for many children. I applaud him for that, but we can do it for every child. If we can afford to pave every road in North Carolina that carries one hundred automobiles a day, we can afford to vaccinate every child in this State.

"$3 million to expand financial help for the working poor who too often cannot afford quality child care.

"$8 million to provide greater child-care tax credits for middle-income families.

"And let's begin this year the most ambitious partnership for children of any State in America.

"Our budget proposes $60 million to establish this ambitions new public-private initiative. Leading it will be something we call the North Carolina Partnership for Children. This Partnership for Children will bring together parents, churches, the nonprofit sector, business and government to develop statewide goals and a strategic vision for our early-childhood initiatives.

"It will challenge people in local communities to think creatively and come up with innovative ways of providing health care, child care and other essential services to children. Local people—whether in Gates County or Mecklenburg County—can best decide what works in their communities.

"It will chart our course for the next four years and for the next generation. It will make North Carolina a State where children come first. It will lay a foundation that will give our children the best start, the highest hopes and the best chance for success of children in any state in America, and we can do it in North Carolina.

"These are ambitious goals. But we can be satisfied with nothing less. We are building for the next generation.

"We are building the house of which Dan Blue spoke. It is the house that our children and our grandchildren will inhabit.

"Regardless of what we do this year, as long as we fail one child in North Carolina, we have not done our job.

"As long as one child cannot get a decent meal, we have not done our job.

"As long as one child cannot see a doctor, we have not done our job.

"As long as one child contracts a disease that could have been prevented, we have not done our job.

"As long as one child grows up without love and learning, we have not done our job.

"As long as one child's growth and health and enjoyment of life are threatened by pollution, we have not done our job.

"As long as one child's parents are unable to get a good job and make a decent living, we have not done our job.

"As long as one child's teacher is held back in any way from doing the job of teaching, we have not done our job.

"As long as one child cannot get a public education that paves the way for success in life, we have not done our job.

"As long as we fail one child in North Carolina, we have not done our job.

"I am realistic enough to know that our job will not be finished this Session—or in the next four years.

"But I am optimistic enough to believe that all of us in this great Chamber tonight—and all of us in this great State—will not rest until we have built this house for every child in North Carolina.

"A house of healthy starts. A house of education. A house where the air is clean and the water is fresh and the land is green. A house where we are safe. A house where our children can grow and work and earn and provide a better future for their families.

"This is our great challenge. This is our chance. This is our time. Let us begin now to build this house—for our children, for their children and for the future of North Carolina.

"Thank you. I look forward to working with you."

February 19, 1993 (See page 96)

REMARKS OF
ALBERT GORE, JR.
VICE PRESIDENT
UNITED STATES OF AMERICA
Before the North Carolina Legislature
Friday, February 19, 1993
Raleigh, North Carolina

"Thank you. Thank you, very much. Thank you, ladies and gentlemen. Thank you so much for this wonderful, warm welcome. It is a great pleasure to be here in North Carolina, and I appreciate the honor of being able to address this Joint Session. Lieutenant Governor Dennis Wicker, thank you for your introduction and for your leadership, Governor and Mrs. Jim Hunt, about whom I'll say a little more in a moment, thank you so much for your courtesy.

"To my friend, the Speaker of the House, Dan Blue, thank you for your friendship and leadership, and President *Pro Tem*, Marc Basnight, may I say the same. Thank you so much.

"And to all of the members of the leadership of the House and Senate, and to all of the members of the North Carolina Legislature, thank you for your courtesy.

"To the members of the United States House of Representatives delegation from North Carolina who are present for this Session, I appreciate your attendance here—Congressman Tim Valentine, Congressman David Price, Congresswoman Eva Clayton, and Congressman Mel Watt—you have in these four individuals and other members of your delegation, outstanding representation in Washington. I know you are very proud of the contributions they make to our nation's leadership. And may I compliment them very sincerely for the way in which they have consulted very closely with President Bill Clinton during the period of time when President Clinton was confronting the nation's economic crisis and putting together the program about which I will speak in a moment. They have been invaluable allies in providing advice to the President and in enabling the President to see the importance of those elements of this plan that affect North Carolina.

"There are a number of others here who are present that I should acknowledge individually, but forgive me for not doing so because they are too numerous to mention. But since this is my first trip to North Carolina since the Convention, I was flooded with memories of the Inauguration when I saw Jeanette Hyde and Tom and Jill Hendrickson and others, and I was recalling when Tipper and I were dancing at the Inaugural Balls, and Jeanette and Wallace were there. The next day, I couldn't quite understand why everywhere I went people who had watched the events on television would come up and say, 'You know, Tipper is a really good dancer.' And I waited for the rest of the compliment, and waited, and somehow no one thought to add, 'You are, too.' Well, even that didn't prepare me for the scene on Jay Leno's program—I don't know if any of you saw it—I hope you didn't. They showed a videotape of Tipper and me dancing Inauguration night; you could see Wallace and Jeanette off on the side there, and then he focused in just on me dancing and then he brought five men at random from the audience to have a contest to see if anyone would dance worse than our new Vice President. That's all right. I can take it. That's all right. I remember when they gave advice before the Inauguration on how to watch the Inauguration, and one of the comedians said, 'If you use a strobe light, it looks like Al Gore is moving.' (Laughter and applause) Another one said, 'When he gets his annual checkup, they send him to the U. S. Forest Service.' And you know the old one about 'How can you tell Al Gore from a room full of Secret Service agents? He's the stiff one.' The Secret Service agents liked that one, I'll tell you. (Laughter)

"In any event, another reason why it is such a great pleasure—oh, incidentally, I mentioned the members of the delegation from North Carolina. I am going from here to Georgia, and I want to acknowledge Congressman Buddy Darden who flew down with Eva Clayton and me on the plane, and we're glad to have you as a neighbor.

"I started to say that yet another reason why I'm so proud to be able to stand in this Chamber and address this Joint Session is that you have already faced the same kind of challenge that our nation is now facing. President Bill Clinton and I are keenly aware of the courage and vision shown by members of the North Carolina House and Senate. When you were confronted with an unprecedented budget deficit, slow growth, and high unemployment, and many who urged you to do nothing. But, instead, you looked at the future of this State, and you decided that you would not shirk your responsibilities and that you would instead summon the courage to both cut spending and raise revenues with a one-to-one formula, as I recall, and put this State on the course toward a sound economic future.

"With the kinds of investments in education and job training and technology, and the Research Triangle, and protection for the environment, and investments in the skills our people need to lay the groundwork for the progress that you are now poised to enjoy. North Carolina is on average better off than the nation as a whole today, in large part because the citizens of this State have communicated to you in the Legislature the ideas that you then enacted after you summoned the courage to which I referred, and then you made the tough decisions to implement those policies.

"Well, now we face the very same challenge in the nation as a whole, and once again there are those who say 'Do nothing, continue the gridlock, stand by and just let it happen.' We are taking our cue from what you have done. And we are facing up to the problem, seizing the opportunity, laying the foundation for the progress we need in the future.

"It starts with people. And may I say that it is indeed a pleasure and honor to be with Governor Jim Hunt because the kind of leadership and vision for which North Carolina is nationally recognized when it comes to education and economic development and the sorts of investments that I referred to a moment ago are really identified with Jim Hunt. When President Clinton was Governor of Arkansas, he worked closely with Governor Hunt and I know he values Jim Hunt's friendship and support.

"And now, Governor Hunt and all of you in this Chamber are confronting the new challenges that you have made it possible for this State to confront. As legislators, you and Governor Hunt know just how tough it is to make those excruciatingly difficult choices. Choices that Washington too often has ducked and avoided. Your leadership here and your actions have made it possible for your State to really face the serious economic problems and to put in place sustained reforms to develop your economy, strengthen your schools, rebuild your roads and bridges, protect your environment, support families and children.

"And now, together, we must keep this commitment that all of us have made to the people that we serve. Because now, in the nation as a whole, we stand at a remarkable time in our history with an unprecedented national challenge. The American people are expecting a lot from us. They deserve a lot more than they have been getting from their government and it's time, in the words of President Bill Clinton, to rededicate ourselves to strengthening families, creating jobs, rewarding work, and reinventing government. We can lift America's fortunes once again. It will not be easy or simple or quick. We've been fooled before by rosy scenarios and empty optimism. But not this time.

"The President is offering this nation a bold and courageous opportunity for progressive change. Those who want to continue business as usual will be running a failed business, offering only more complacency and the status quo at the time when Americans are seeking a new direction and real leadership. It is that new direction, that leadership, that President Clinton is offering America. We cannot afford to continue the status quo. We've got to change. (Applause) You know that, you hear it every day from the people of North Carolina who you serve. You hear it from parents frustrated because they want to give their kids more and cannot. You hear it from business people who want to invest and expand, but cannot. You hear it from community leaders concerned that we're losing that sense of shared purpose that has always been our nation's strength.

"Yes, here in North Carolina, the unemployment figures are down slightly, and you are, relatively speaking, better off than many parts of this country. But even here the unemployment rate is not what it ought to be. You know that. Because you are part of a national economy, just as our nation is part of a world economy now. And no matter how bold and how courageous and how wise you are in your decisions about State policy, in order for the people of North Carolina to thrive and prosper, we must engineer in our nation an economic recovery that puts people back to work. I know that the economists like to call our current period of time a recovery.

"But the people of this nation know better. We're three million jobs short of what a normal recovery would produce at this point in the economic cycle. Family incomes are stagnant, they're not going up. The number of full-time workers living in poverty is higher today than it was before the recent recession ever began. And of course, we are borrowing one-quarter of what we need to pay our bills. Can you imagine the depth of irresponsibility that is involved in borrowing $1 billion every twenty-four hours. It is absurd! And, make no mistake about it, those who argue in behalf of continuing the gridlock and the inaction and delay and denial are in favor, really, of continuing this practice of borrowing $1 billion every day. We're gonna put a stop to it and put our nation on the course toward fiscal responsibility. (Prolonged applause)

"I met with a member of Congress yesterday who, unlike those gathered here, was not a supporter of the President's plan. Indeed, this particular member, who will remain nameless, at least for the time being, had criticized publicly the plan (one of the few) and said, 'I want more spending cuts.' Well, I listed the spending cuts in the program, and there are 150 very difficult spending cuts in this program. You know how difficult they are. Well, we're going to make them. But this member of Congress said that he wanted more spending cuts. In the privacy of our conversation, I said, 'We are anxious to hear your suggestions. I will communicate with President Clinton this afternoon when I return to the White House. Give me your suggestions; I'd like you to be specific please. Tell me exactly which additional ones you want to make.' He was speechless. He said, 'Well, we've gotta change the process.' Well, the process is making tough decisions. Where are the specifics? Let's hear them. (Applause)

"Part of the reason our nation has gotten into this mess is that for the last several years, going back twelve years, really, both political parties, and both the House, Senate, and White House in Washington have used questionable assumptions and phony numbers and smoke and mirrors, and then debated one another on the basis of which smoke and mirrors might seem more persuasive. And the national interest has been left behind. Because it's always easier when you get to that fabled location 'between a rock and a hard place' to simply assume your way out of the dilemma and pretend to the American people that you've suddenly discovered a new rosy scenario, a new set of cookbooks, a new set of phony statistics that have magically enabled you to avoid a tough decision.

"So listen carefully when those who champion gridlock and criticize President Clinton's plan speak up and say in evermore general and vague terms, they want to do something else. Listen to hear the specifics. Ask them to offer their tough choices. The fact is that skyrocketing deficits and health care costs are now killing our dreams. And the engine of our economy has stalled. We can sit stuck in the mud, or we can start working together to pull America out of the ditch and start moving America forward again.

"President Clinton is working to bring our nation together and to move us forward, and we are a nation that has, of course, met many challenges and that has summoned at times and ways we didn't expect a unique courage and spirit that speaks to our most basic values: faith in God, love of family, commitment to country, honesty, hard work, and plain old-fashioned common sense. It is time again, **now**, to find that courage, to renew that spirit, to remember what we value and what we've always been willing to fight to preserve.

"President Clinton is right, we can do better. We must do better! And President Clinton is offering America a new direction, a plan, first of all, to jump-start our economic growth now and keep it running strong into the future, investing in our people, their jobs, and their incomes.

"Secondly, a real commitment to honor work and strengthen our families to replace the stale rhetoric and hollow promises with real actions.

"Third, substantial, honest, and credible reductions in the federal deficit.

"And perhaps most importantly, President Clinton is offering Americans a reason to trust their government again, by putting away those smoke and mirrors about which I just spoke, and putting aside the rosy scenarios and instead, doing what you've done—making the hard choices with real spending cuts, not gimmicks, and real cuts in government, real cuts in waste and perks, and privileges, and by providing fairness, finally, where inequity had too long been accepted and sustained.

"Now, I believe that our most urgent priority must be to create jobs, and that's what the President's economic stimulus package will do; creating 500,000 jobs in the next few months and by the end of next year when the stimulus package has done all of its work; by investing in America, by putting people to work repairing our roads and bridges, the traditional support for our economy; and by putting people to work on new and different kinds of roads. I call them 'information superhighways.' In Research Triangle you know about them—highways that will carry data and knowledge, the commerce of the future.

"We'll provide incentives to encourage private investment, including a tax credit for small businesses that invest in growth and new jobs, and we'll provide a tax credit for firms that invest in research and technology that result in new jobs. We'll expand the summer jobs program to include hundreds of thousands of new summer jobs—nearly 700,000 of them this summer.

"And here, in the Research Triangle area, you understand better than many how important these investments in high technology can be in growing an economy. It's not too far from here that your universities and research centers and businesses are providing an example for the nation and the world of what technology can accomplish and what technology can promise for the future—better products, higher profits, better jobs, quality education, improved health care, a cleaner environment. Technology works. You know that. And so do we, but we have got to build a partnership between government and business and universities.

"That's why our long-term investment plan includes major new incentives to explore these technologies that mean high-wage, high-skill jobs here at home. And a stronger competitive position in world markets. President Clinton and I will be talking about these initiatives in greater detail next week when President Clinton presents the new technology plan. We share a strong commitment to maintaining American leadership and encouraging American ingenuity.

"You know, as you realized in your approach that small business is the key to job creation, so do we. Some of you might have noticed in the Wall Street Journal this morning, there was an article saying that small businesses are the most excited—very excited about the new economic plan. That's where the new jobs are created, and that's what we want to encourage. (Applause)

"Small businesses make up more than 90% of the businesses and yet less than half of the overall employment. But when you look at the new jobs that are created when a nation starts moving forward again, ninety plus percent of the new jobs are created by small businesses. And our long-term plan includes a permanent investment tax credit for small businesses and a new commitment to ensure that even small manufacturers have access to the high technology that Europeans and Japanese firms are using so effectively in world competition.

"And we're investing in education and training and defense conversion to help displaced workers get the skills they need to find good jobs. We're investing in our families and our children, expanding the earned income tax credit to make sure that no family with full-time workers still lives in poverty.

"Let me say that again. With passage of this plan, we will be able to say to the people of North Carolina that if you have children and you are working forty hours a week, you will not live in poverty. Never again, under this plan. (Prolonged applause)

"The plan also provides full funding for Head Start, to give every child eligibility. (Applause) To give every child who is eligible the benefits of a head start. It will also fully fund the Women, Infants and Children Program to guarantee that our children grow up healthy, not hungry. (Applause)

"Over four years, our plan will produce more than eight million new jobs for the American people. And over four years, our plan will provide the largest deficit reduction in history—and it's time. (Applause)

"President Clinton did face the tough choices and is making the tough decisions. He moved carefully in this plan to minimize their economic impact: to remain true to our long-term investment goals as we reduce the deficit; to direct the peace dividend; to investment, not consumption; to redirect the budget toward investment. And the result, as I mentioned, 150 specific cuts in government spending programs, the elimination of unnecessary agencies and commissions and programs, and a revenue plan that finally restores fairness to our tax code.

"And I invite your careful attention to the effect by each income group. It is fair and progressive, and our spending cuts start where they must—with the government. The 25% cut in the White House staff was difficult, I guarantee you. I had a ringside seat. The 3% cuts across the board in the government agencies and departments will be difficult, but it is only the beginning. Because we are going to continue cutting spending in every agency year after year, and we are going to reinvent government because the quality control revolution which swept American business somehow left the federal government behind. We're going to bring that revolution into government and cut spending more. (Applause)

"The President erected his cabinet to make cuts in unnecessary spending of all sorts; to park the limos, to shut the executive dining rooms, to get rid of the perks in the useless parts of the agencies. That was nine billion dollars in savings just in the categories I've described and Wednesday night he went further in calling for an across the board freeze on federal salaries, a very tough decision. We appreciate and respect all of those in the federal work force and are asking them to join with us enthusiastically in making these cuts effective; but ladies and gentlemen, we have got to see government tighten its belt. We've got to have across-the-board savings and that's why even tough measures, like an one-year freeze on all federal salaries, are justified now. Because we are committed to a government that works smarter, harder, and better for less. It's time, as the President said, for government to be as frugal as any household in America. (Applause)

"We are asking the wealthiest Americans, who can best afford to bear the burden, to pay their share. We do not begrudge their great success during the 1980's, during which they paid the least, but we are asking them to help pull their share of the load. We are not out to soak the rich, but we don't want to drown the poor and the middle class. It's time for fairness and productivity. (Applause)

"We are also asking the richest and largest corporations to do their share. They had very healthy profits, which are good for our country, but based on unfair and unreasonable loopholes, the result was often an increased burden for, again, middle income taxpayers. So we are closing the loopholes that allowed special interests, for example, to deduct the cost of their lobbying that allowed businesses to write off the cost of three-martini lunches and other accesses that we simply can't afford any more at a time of frugality. We're doing away with the subsidies that not only allowed but encouraged U.S. companies to move jobs overseas. We welcome an open world trading environment, but we don't want to use tax dollars to subsidize and encourage the shutting down

of factories here and the relocation of jobs overseas. That doesn't make sense. (Applause)

"We are collecting from foreign corporations who make money in America the taxes that they owe in America, not on a discriminatory basis but on the basis of the following principle. They should pay the same taxes on the profits they make here that American companies pay on the profits that they make here. (Applause)

"What we are not doing is asking the middle class to pick up the tab and let me be clear about this one point. All of the changes in the income tax code that I have referred to will result in the following fact: 98.8% of the families in North Carolina and in America will face zero increase in their income tax rate, 98.8%.

"And we're not making new cuts in Medicare benefits to beneficiaries we are moving to control health care costs by cutting some payments to those who provide health care sometimes in a wasteful fashion but even this is a temporary step until we reform the entire health care system. And later this year that is what we are going to do. (Applause) We will have a comprehensive plan to reform America's health care system this spring.

"And let me be clear about the change we're making in social security. No one who currently does not pay a tax on social security now will be paying a tax under this plan. That means 80% of social security recipients will not be affected. We are asking older Americans with higher incomes, people who do not rely on social security as their only means of support, to pay more on a formula which guarantees that the 15% of their social security benefits that will not be subject to any taxation—this is the wealthy or higher income recipients—will allow them to get back in full all of the payments they made into social security plus the full interest that would be owed without of any of that being subject to taxation at all. Only the excess would then be included in taxable income, and only for couples that have $32,000.00 a year, at least, of additional income over and above of what they receive from social security each year.

"Now, I want to talk as well about the modest energy tax we are proposing because it represents an important way for us to not only reduce the deficit but reduce pollution levels, increase energy efficiency, and become more competitive and reduce our reliance on imported oil.

"Let me repeat the fact that the President provided. For a family earning $40,000.00 a year, these measures, when fully implemented years from now, will mean less than $17.00 a month and the effect on lowering interest rates will more than offset that. For families earning less than $30,000.00 a year, there will be virtually no tax at all because of the compensating changes we are making in the tax code such as the expansion of the earned income tax credit.

"And let me say another word about interest rates, I don't know how many have noticed but as soon as President Clinton began to send the signals after the election that we were deadly serious about reclaiming our economic future, proposing a fair energy tax and deep spending cuts, investments in our future, long term interest rates started going down not long after the election. And as soon as the details began to come out, long term interest rates started going down more. Now, why? I'll tell you why. It's not a mystery.

"Those financial markets, filled with analyists who look at the future and try to figure out whether or not this nation has any determination at all to control our financial future, have for several years now been pushing long-term interest rates on mortgages for homes and farms, mortages for everything that you buy—of cars, they've been pushing those interest rates way up because of what they see as a tremendous risk. They see America's financial future due to the lack of any sense of responsibility on the part of its leaders.

"As soon as President Bill Clinton began to present to the American people a common-sense plan for spending cuts and revenue increases, deficit reduction, and growth in jobs, those same analysts in financial markets began to change their minds about America's future. And in the thousands of transactions that make up the marketplace they began to bring those interest rates down. It's not a technical matter. It means that your constituents can refinance their home mortgages with lower monthly payments. It means that it's cheaper to buy a Saturn automobile from Tennessee. (Laughter) It means that it's cheaper to finance a business expansion or to buy a farm. That's the benefit of having leadership from Bill Clinton to reclaim our economic future. (Applause)

"But we must have leadership not only from the President of the United States; we must have the same kind of courage from the Congress that you in this Legislature have already shown. The special interests tried to prevent you from doing what you did and I guarantee you that the special interests are out in force in Washington, walking the hallways saying 'get rid of your courage, stop thinking about the future, worry about this special interest.' How can we overcome that? Very simply. By having the American people communicate their concerns of the future to the elected representatives in the House and the Senate.

"For too long we have been ignoring that. We've got to change, ladies and gentlemen. We've got to start telling our children that we are going to prepare for them the brightest future that we are capable of preparing. President Clinton is right. Instead of asking 'what's in it for me,' we must ask each other 'what's in it for us—for our children—for our future—for North Carolina—for the United States of America.' It's time for the new direction that President Clinton has offered. We cannot allow this plan to die from a thousand cuts inflicted by self-interested and shortsighted attacks. We cannot allow those who wish to guard the gridlock and continue in action to kill this plan.

"We can work together to keep our nation together and support a balanced package for America. It is a clear choice. It is not an easy choice. But it is the choice which we must make together as a nation. A choice that we must make as parents committed to our children, as neighbors committed to our communities, as Americans committed to our nation. We have the courage to change, to act boldly, to extend our horizons, and to realize our dreams. We must summon that courage and that spirit that's always made America great and strong. We must be true to the best of our traditions and the promise of our future. With your help, and with God's continued blessings on this great nation, we will reclaim our future. Thank you, very much." (Applause)

April 1, 1993 (See page 222)

STATE-OF-THE-JUDICIARY
CHIEF JUSTICE JAMES G. EXUM, JR.

"President Wicker, President *Pro Tempore* Basnight, Speaker Blue, Speaker *Pro Tempore* Colton, Senators and Representatives, Justices and Judges, ladies and gentlemen:

"I like calling North Carolina home and I do. And, that's no April Fool.

"Thank you for this opportunity to speak about the Judicial Branch of government—probably the least understood, and, according to Alexander Hamilton, the 'least dangerous,' branch. (Laughter)

"This is the third time you have invited me to do this. I hope it will become, if it isn't already, a tradition which legislatures and chief justices in the future will follow, not because they must but because they think it is a good thing to develop.

"In 1989, I emphasized the great growth in our caseloads and the need for increased personnel. I spoke of the promise of certain alternative methods other than courtroom adjudication for resolving disputes, which were then in pilot stages in several of our judicial districts. I urged you to increase the salaries of our judges, and I asked you to submit to the people a constitutional amendment which would change the way we select and retain judges from a partisan elective system to an appointive system.

"In 1991, I again spoke of the continued increase in case filings and I thank you for giving us some of the additional personnel we had asked for in 1989, without which, I said, our courts at that time 'would have been...in or on the verge of crisis.' I urged you again as strongly as I could to let the people speak on this question of judicial selection, and I emphasized the need for additional funding to provide counsel for indigent criminal defendants.

Constitutional Mandates

"Today, many may be relieved to hear, I am not going to talk about judicial selection. I have said all I can think of to say on this issue. Suffice it to say now that we continue to lose sitting judges from both parties to the elective process. Others may be urging you to send a constitutional amendment to the people similar to the one recommended by your Judicial Selection Study Commission in 1989. I support this effort, as do most of our judges. I hope you will not wait until the system is broken on the anvil of partisan elections before you decide to fix it. Preventative maintenance, as in most other circumstances, is the best way to go.

"Neither will I speak on the need for increased judicial compensation. On this issue, let me simply refer you to the recommendations your Legislative and Judicial Salary Study Commission made to you in 1990. Copies of that report are attached to the written report I have for you today.

"Today I want to discuss the challenges facing our judicial branch in the context of what is constitutionally prescribed for it and in the context of the society in which we live.

"The Magna Carter [*sic*] of 1215, guaranteed to the English people 'to no one will we delay right or justice.' The North Carolina Constitution echoes this provision in Article I, Section 19:

> All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial or delay.

This provision defines the central mission of our courts. It means first, that our courts must be available to all persons rich or poor who claim to have been injured by someone else; and second, that the courts must provide some remedy, as prescribed by law.

"The point I want to make here is that the judicial branch operates under a constitutional mandate, one of the oldest mandates in the English speaking world. The courts have no choice but to do what the Constitution demands. We cannot refuse to hear and determine claims lawfully brought before us. We have no control over the number or nature of these claims. We must, under the Constitution, accept them as they come and decide them one way or the other.

"And let me suggest to you that the legislative branch likewise has no choice about whether to provide the funds and resources to enable the judicial branch to do its work. The Constitution by implication at least requires that this be done. Our courts are not a discretionary program to be funded or not funded depending on our, or your, desires. Whether to fund them so that they can adequately accomplish their constitutional mission is a decision which the Constitution has already made for us. The constitutional decision is that the courts must be adequately funded.

"Now, I am glad to say and I thank you for the fact that this General Assembly has always recognized these things and has responded relatively well to the requests we have made of you in the past. The issue with you has never been will the funds be provided but rather, how much is adequate. You have relied on us to inform you and have properly insisted that we defend our notions of adequacy. Our policy has been to be 'up front' and honest with you and not to over-plead. In our current funding requests, which are large, we have continued this policy.

Society's Impact

"What now of the society in which we live and how it affects our courts?

"There is, as you know, an awful lot of 'injuries to others' going on out there. Perhaps the overriding issue of our time is the rampant intentional violence which seems to permeate not only relationships among adults but also relationships among the very young. There is a lot of alienation, and polarization, among our people. There is less tolerance of opposing views. Disagreements tend to be disagreeable. Violence is too often the resolution of choice—violence in the streets, violence in the home, and violence in the schools. We are so bombarded in the media with accounts of violence that, God forbid, we are fast becoming desensitized to it. **But, ladies and gentlemen, we must never give in to violence.** North Carolina is suffering from the kinds of problems we once thought were reserved for large, urban states. These problems are not only in metropolitan areas; the peace and solitude of many of our rural communities has been shaken as well.

"The more violent and lawless our society becomes, the more work our courts have to do. Some say that our courts are so overburdened with criminal cases that they are in 'crisis' and unable to carry out their constitutional mandate. While the lack of available jail and prison space has reached critical proportions, I do not think our courts, *per se*, are in crisis, yet; but they could well be if you do not continue to provide the necessary personnel and equipment our courts need to meet the challenges they face today.

The Court's Workload

"The court system, ladies and gentlemen, is now operating under the most severe strain that I can recall in my twenty-six years on the bench.

"During the last eight years case filings per year have grown 54.6%, from 1,643,196 filings in 1983-84 to 2,541,175 in 1991-92. Cases pending at the end of each year are growing both in size and in age. In the last eight years total cases pending in superior court at the end of the year have increased by 108%, from 36,025 in 1984 to 74,817 in 1992. Felony cases pending grew by 168%, and pending domestic relations cases in district court, by 66%. Court personnel during these years grew by only 27%.

"For the first time since I can recall, we are having to cancel regularly scheduled sessions of court because we do not have enough superior court judges to staff them. Our superior court judges are stretched thinner than they have ever been.

"Justice should be timely. The Constitution promises that it will be 'without...delay.' Today, in too many instances this promise is not being kept. Most would agree that a year is a long time to have one's life disrupted. It is a long time for the business whose future depends on the outcome of pending civil litigation. It is a long time for a defendant in a criminal action to await trial. It is a long time for a victim of crime, or his or her family, to wait for the point at which they can begin to rebuild their lives. It is a long time for a family to wait for a determination of with whom a child will live after a marriage has ended.

"As of June 30, 1992, 6,284 civil cases pending in our courts were over one year old. Almost 10,000 felony criminal cases were over one year old. In district court 15,327 misdemeanor cases were over one year old, and 13,606 domestic relations cases were still waiting to be resolved after one year. For those whose lives were disrupted, by these cases, our courts have not delivered justice without delay.

"Yet our judges and other officials are working harder and disposing of more cases than ever before. I continue to be proud of their effort and dedication.

"Again, comparisons from eight years ago to the year ending last June show that annual case dispositions per judge and per prosecutor are way up: from 1181 to 1692 for superior court judges; from 8754 to 10,934 per year for district judges; and from 4860 to 6331 per year per prosecutor. In our clerks' offices the cases handled per employee per year have gone from 1022 to 1317.

"Comparisons in other areas demonstrate the dramatic increase in the work of the judicial branch over the last several years. For example, child support collections amounted last year to $310,000,000, as compared to $90,000,000 in 1984 and $209,000,000 in 1988.

Court Improvements

"Not only are our people in the judicial branch working harder than ever; we are also constantly trying to improve our efficiency, the quality of our work and the satisfaction of disputants with the process. Our alternative dispute resolution programs, which you have wisely authorized, promise to be one of the best ways to accomplish these goals.

"With your support and the support of bench and bar, particularly the North Carolina Bar Association, North Carolina has become a leader in Alternative Dispute Resolution. Cases which before ADR may have been resolved after lengthy trials are now being addressed by arbitrators and mediators assigned to the cases by court order. Last year the twelve judicial districts with court ordered arbitration conducted 1610 arbitration hearings. This compares with 1126 civil jury trials in all of the superior and district courts throughout the state during the same period. In the four districts where we have child custody mediation, 317 cases were successfully mediated last year, saving the agony of a courtroom battle over this difficult issue. Our experiment in Mandatory Mediated Settlement, which you authorized last session, is well underway. Early reports are quite favorable.

"We are also challenging the traditional ways in which court itself is managed. Last year, relying on grant funding, we began experimenting with night court in the district courts in Wake and Buncombe Counties. In Mecklenburg County a session of superior court is devoted entirely to handling felony drug cases. That court conducts trials during the day and arraignments at night. In ten districts Chief District Court Judges have implemented administrative courts aimed at reducing inconvenience to the public, attorneys, and witnesses and at the same time, making court calendars more productive.

"Over the last two years we have stressed the need for local judicial leadership in developing new management techniques for our trial divisions. In twelve judicial districts we

have established an 18-month pilot project in which our judges with administrative authority are challenged to reach certain performance standards aimed at improving the use of court time, the productivity of calendars, and management of jurors. Where new methods work, we intend to put them in all our districts.

"We have followed closely your efforts to make government less costly. Within the judicial branch we have already undertaken a number of cost-savings measures. We have reduced jury fees by nearly one million dollars annually. By concentrating on recovery of indigent persons attorney fees we are putting back nearly $4,000,000 annually into the fund which pays for these attorneys. By implementing a system for electronically reporting over 2.4 million drivers license convictions annually to the Department of Motor Vehicles, this eliminates time consuming manual reports and duplicate data entry requirements.

Recommendations

This year I ask you to do these things for us.

—Grant the resources, both personnel and equipment, which are contained in our continuation and expansion budgets.

—Keep our deputy clerks' and magistrates' pay plans intact. These people through their hard work and commitment to their jobs have proved themselves deserving of the confidence you placed in them when you adopted these plans in the first place.

—Fund at adequate levels the Indigent Persons Attorney Fee Fund. This fund is already exhausted in at least seven judicial districts. The lawyers in those districts, to their credit, are continuing to represent indigent criminal defendants with only the promise that they may be paid sometime in the future. This is not fair. Neither we, nor you, have any choice but to furnish counsel at adequate pay for indigent criminal defendants. Both the federal and state Constitutions mandate that this be done. We have no choice but to do so fairly and adequately.

—Reestablish and fund the Courts Commission so that there will be one body representative of the courts, the legislature and the people which can conduct ongoing studies of the needs and operation of our court system and make recommendations to you and us for its improvement.

"In addition to these things, I think it is time for you to reduce the size of our judicial divisions—to divide in half the First Judicial Division in the east and consider doing the same for the Second Division which is the next division to the west. A map showing the judicial divisions is attached. These are our two largest divisions geographically. This would reduce the time and distance the superior court judges in these divisions spend traveling from one district to the other in compliance with our system of rotation of judges mandated by the Constitution. It would promote the efficiency of the superior courts in these divisions without adversely affecting their impartiality and the justice they administer. Division Four presents some real problems. Seems nobody wants to be sent forever to Charlotte!

"I urge you to adopt the recommendations of the Sentencing Policy Advisory Commission. We definitely need more prisons in North Carolina as the Commission wisely recommends. But we also need a sentencing system which is resource predictive—which tells you not only how many prison beds are needed but also how many other sorts of resources are needed for persons who are not sent to prison. Prisons need to be reserved for those who commit the worst crimes and who present the greatest danger to

society. Other kinds of punishment need to be devised which will hold those who commit lesser offenses and who are not a future threat properly accountable for their wrongs. But alternatives to imprisonment will not work unless there is a meaningful threat of imprisonment to put teeth in the alternatives.

"Fighting crime is important; it is one of the first obligations of government; it is also expensive. The recommendations of the Commission take these propositions into proper account. With a sentencing system like that recommended by the Commission you can get as tough on crime as you wish; but you will be able responsibly to estimate the resources that are needed to get tough and to provide them accordingly. In other words you can put such numbers in the grid as you want and can afford. It is the idea of the predictive grid that I hope you will adopt.

"Let me now end where I began—with the society in which we live and the place of our courts in that society. The Constitution mandates that our courts provide remedy as the law requires to those who have been hurt by others. The courts are not the answer to those conditions which cause people to hurt other people. The courts are but the last repositories for the grievances themselves, dealing with them only after other institutions—families, schools, churches, friends, colleagues—have failed to prevent them.

"There was a recent article in the *News and Record*, formerly the *Greensboro News and Record*, by David DuBuisson, which recounts 'the old political adage which says that if you own a problem, you can live off it forever, but if you own the solution, you're in danger of putting yourself out of business.' Our courts are in no danger of putting themselves out of business because we do not own the solutions to violence and crime which permeate our culture. Our courts will be here forever because we own only the problems which the people bring to us.

"One of this country's greatest judges, Judge Learned Hand of the 2d Circuit Court of Appeals in the federal system, put it this way, when he wrote in 1942:

> [T]his much I think I do know—that a society so riven that the spirit of moderation is gone, no court can save; that a society where that spirit flourishes, no court need save; that in a society which evades its responsibility by thrusting upon the courts the nurture of that spirit, that spirit in the end will perish.

"Our courts can never be the savior of society; but we do not shrink from our constitutional obligation to provide remedy without favor, denial or delay. The judicial branch, respecting as it does this General Assembly, knows that neither will you shrink from your responsibility to provide us what we need so we can do as the Constitution commands. We need your understanding and your help.

"Thank you for your attention."

April 12, 1993 (See page 259)

Remarks offered by Senator Ballance:

HALIFAX RESOLVES
April 12, 1776

This date commemorates the Halifax Resolves, a document that places the Old North State in the very front rank, both in point of time and in spirit, among those demanding unconditional freedom and absolute independence from any foreign power. North Carolina, on April 12, 1776, authorized her delegates to the Continental Congress to vote for independence. This was the first official action by a Colony calling for independence. Eighty three delegates present in Halifax at the Fourth Provincial Congress unanimously adopted the Halifax Resolves. This document stands out as one of the great landmarks in the annals of North Carolina history.

The Halifax Resolves were not only important because they were the first official action calling for independence, but also because they were not a unilateral recommendation. They were instead recommendations directed to all the colonies and their delegates assembled at the Continental Congress in Philadelphia. Virginia followed with her own recommendations soon after adoption of the Halifax Resolution and eventually on July 4, the final draft of the Declaration of Independence was signed. William Hooper, Joseph Hewes, and John Penn were the delegates from North Carolina who signed the Declaration of Independence.

STANDING COMMITTEES

COMMITTEE NAME	STANDING MEETING TIME/ROOM
AGRICULTURE, MARINE RESOURCES AND WILDLIFE COMMITTEE:	**Tuesday—Rm 1124—11:00 AM**
Chairman:	Senator Albertson
Vice-Chairmen:	Senator Kincaid Senator Speed
Ranking Minority:	Senator Simpson
Senators:	Marshall, Perdue, Plyler, Sands, Shaw, Soles, Tally, Ward, Warren
APPROPRIATIONS COMMITTEE:	**Tues/Wed/Thurs—Rm 643—8:30 AM**
Chairmen:	Senator Daniel Senator Plyler
Vice-Chairmen:	Senator Kaplan Senator Martin of Guilford Senator Perdue Senator Walker
Vice-Chairman and Ranking Minority:	Senator Kincaid
Senators:	Albertson, Ballance, Blackmon, Carpenter, Cochrane, Codington, Conder, Edwards, Folger, Forrester, Gulley, Gunter, Harris, Hoyle, Hyde, Jordan, Lee, Marshall, Martin of Pitt, Odom, Plexico, Richardson, Sherron, Simpson, Smith, Speed, Tally, Ward, Warren, Winner of Mecklenburg
APPROPRIATIONS - DEPARTMENT OF TRANSPORTATION COMMITTEE:	**Tues/Wed/Thurs—Rm 1027—8:30 AM**
Chairman:	Senator Lee
Vice-Chairman:	Senator Kaplan
Ranking Minority:	Senator Carpenter
Senators:	Albertson, Sherron, Speed
APPROPRIATIONS - EDUCATION COMMITTEE:	**Tues/Wed/Thurs—Rm 414—8:30 AM**
Chairman:	Senator Ward
Vice-Chairman:	Senator Warren
Ranking Minority:	Senator Smith
Senators:	Edwards, Perdue, Simpson, Winner of Mecklenburg

APPROPRIATIONS -
GENERAL GOVERNMENT COMMITTEE:

Tues/Wed/Thurs—
Rm 1124—8:30 AM

Chairman:	Senator Plexico
Vice-Chairman:	Senator Martin of Guilford
Ranking Minority:	Senator Codington
Senators:	Conder, Gunter

APPROPRIATIONS -
HUMAN RESOURCES COMMITTEE:

Tues/Wed/Thurs—
Rm 422—8:30 AM

Chairman:	Senator Richardson
Vice-Chairman:	Senator Harris
Ranking Minority:	Senator Forrester
Senators:	Gulley, Hyde, Walker

APPROPRIATIONS -
JUSTICE AND PUBLIC SAFETY COMMITTEE:

Tues/Wed/Thurs—
Rm 634—8:30 AM

Chairman:	Senator Odom
Vice-Chairman:	Senator Ballance
Ranking Minority:	Senator Blackmon
Senators:	Folger, Marshall

APPROPRIATIONS -
NATURAL AND ECONOMIC RESOURCES COMMITTEE:

Tues/Wed/Thurs—
Rm 423—8:30 AM

Chairman:	Senator Martin of Pitt
Vice-Chairmen:	Senator Tally
Vice-Chairman and Ranking Minority:	Senator Cochrane
Senators:	Hoyle, Jordan, Kincaid

BANKS AND THRIFT INSTITUTIONS COMMITTEE:

Thursday—Rm 1027—11:00 AM

Chairman:	Senator Warren
Vice-Chairmen:	Senator Jordan Senator Marshall
Ranking Minority:	Senator Kincaid
Senators:	Ballance, Carpenter, Cochrane, Edwards, Harris, Hartsell, Hoyle, Hunt, Johnson, Kaplan, Perdue, Richardson, Seymour, Soles, Walker, Winner of Buncombe

CAPITAL EXPENDITURES AND IMPROVEMENTS COMMITTEE:

Tuesday—Rm 1124—12:00 Noon

Chairman:	Senator Kaplan
Vice-Chairman:	Senator Sherron
Ranking Minority:	Senator Simpson
Senators:	Daniel, Hunt, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Plexico, Plyler, Richardson, Shaw, Smith, Ward, Winner of Buncombe

CHILDREN AND HUMAN RESOURCES COMMITTEE:
Wednesday—Rm 544—11:00AM

Chairman:	Senator Walker
Vice-Chairmen:	Senator Albertson
	Senator Harris
Ranking Minority:	Senator Forrester
Senators:	Allran, Cochrane, Codington, Cooper, Daniel, Martin of Guilford, Perdue, Plexico, Richardson, Speed, Tally, Ward, Winner of Mecklenburg

SUBCOMMITTEE ON VETERAN AND MILITARY AFFAIRS AND SENIOR CITIZENS:

Chairman:	Senator Harris
Senators:	Cochrane, Daniel, Speed, Tally

CONSTITUTION AND ELECTIONS LAWS COMMITTEE:
Wednesday—Rm 1124—12:00 Noon

Chairman:	Senator Hyde
Vice-Chairman:	Senator Folger
Ranking Minority:	Senator Smith
Senators:	Allran, Ballance, Cooper, Daniel, Gunter, Hartsell, Kaplan, Lee, Plexico, Sands, Walker, Winner of Buncombe, Winner of Mecklenburg

ECONOMIC DEVELOPMENT/TRAVEL AND TOURISM COMMITTEE:
Tuesday—Rm 1028—11:00 AM

Chairman:	Senator Edwards
Vice Chairmen:	Senator Ballance
	Senator Seymour
Ranking Minority:	Senator Carpenter
Senators:	Allran, Blackmon, Cooper, Hoyle, Hyde, Jordan, Kerr, Martin of Pitt, Plyler, Richardson, Soles

EDUCATION/HIGHER EDUCATION COMMITTEE:
Tuesday—Rm 1027—12:00 Noon
Wednesday—Rm 1027—10:00 AM

Chairman:	Senator Perdue
Vice-Chairmen:	Senator Gunter
	Senator Lee
	Senator Smith
	Senator Warren
Ranking Minority:	Senator Cochrane
Senators:	Conder, Cooper, Edwards, Forrester, Gulley, Hartsell, Hoyle, Hunt, Hyde, Marshall, Sands, Speed, Ward, Winner of Mecklenburg

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE: **Thursday—Rm 1124—11:00 AM**

Chairman:	Senator Tally
Vice-Chairmen:	Senator Cochrane
	Senator Kerr
	Senator Ward
Ranking Minority:	Senator Blackmon
Senator:	Cooper, Gulley, Gunter, Odom, Plexico, Sands, Simpson, Speed, Winner of Mecklenburg

FINANCE COMMITTEE: **Wed/Thurs—Rm 544—8:30 AM**

Chairmen:	Senator Hunt
	Senator Winner of Buncombe
Vice-Chairmen:	Senator Conder
	Senator Kaplan
	Senator Sherron
Ranking Minority:	Senator Allran
Senators:	Cooper, Hartsell, Johnson, Kerr, Parnell, Sands, Seymour, Shaw, Soles

INSURANCE COMMITTEE: **Wednesday—Rm 1124—11:00 AM**

Chairman:	Senator Parnell
Vice-Chairmen:	Senator Hyde
	Senator Johnson
	Senator Smith
Ranking Minority:	Senator Kincaid
Senators:	Ballance, Codington, Harris, Kerr, Lee, Martin of Guilford, Odom, Sands, Seymour, Soles

JUDICIARY I COMMITTEE: **Tues/Thurs—Rm 1027—10:00 AM**

Chairman:	Senator Ballance
Vice-Chairmen:	Senator Folger
	Senator Kerr
	Senator Sands
Ranking Minority:	Senator Hartsell
Senators:	Blackmon, Codington, Daniel, Lee, Marshall, Parnell, Richardson, Tally, Winner of Buncombe

JUDICIARY II COMMITTEE: **Tues/Thurs—Rm 1124—10:00 AM**

Chairman:	Senator Cooper
Vice-Chairmen:	Senator Odom
	Senator Soles
	Senator Winner of Mecklenburg
Ranking Minority:	Senator Allran
Senators:	Carpenter, Gulley, Harris, Hyde, Johnson, Martin of Guilford, Plexico, Simpson, Speed

LOCAL GOVERNMENT AND REGIONAL AFFAIRS COMMITTEE:
Wednesday—Rm 1027—11:00 AM

Chairman:	Senator Folger
Vice-Chairman:	Senator Gulley
Ranking Minority:	Senator Hartsell
Senators:	Albertson, Blackmon, Ballance, Edwards, Gunter, Lee, Marshall, Shaw, Winner of Buncombe

MANUFACTURING AND LABOR COMMITTEE:
Thursday—Rm 1027—12:00 Noon

Chairman:	Senator Kerr
Vice-Chairmen:	Senator Allran Senator Cooper Senator Plexico
Ranking Minority:	Senator Kincaid
Senators:	Albertson, Ballance, Edwards, Gulley, Hartsell, Hoyle, Hyde, Richardson, Seymour, Winner of Mecklenburg

PENSIONS AND RETIREMENT COMMITTEE:
Thursday—Rm 1124—12:00 Noon

Chairman:	Senator Harris
Vice-Chairman:	Senator Edwards
Ranking Minority:	Senator Carpenter
Senators:	Conder, Daniel, Forrester, Hunt, Johnson, Kaplan, Plyler, Sherron, Smith, Simpson, Soles, Speed, Walker, Ward, Warren, Winner of Buncombe

PUBLIC UTILITIES COMMITTEE:
Wednesday—Rm 1027—12:00 Noon

Chairman:	Senator Seymour
Vice-Chairmen:	Senator Kerr Senator Parnell
Ranking Minority:	Senator Cochrane
Senators:	Carpenter, Forrester, Gulley, Harris, Hoyle, Hunt, Johnson, Jordan, Martin of Pitt, Perdue, Smith, Soles, Tally, Warren

RULES AND OPERATION OF THE SENATE COMMITTEE:
Upon Call of Chairman

Chairman:	Senator Sands
Vice-Chairmen:	Senator Ballance Sentor Conder
Ranking Minority:	Senator Hartsell
Senators:	Blackmon, Carpenter, Cooper, Daniel, Harris, Martin of Pitt, Odom, Parnell, Perdue, Plyler, Seymour, Simpson, Soles, Ward, Winner of Buncombe

STATE PERSONNEL AND STATE GOVERNMENT COMMITTEE:

Wednesday—Rm 1124—10:00 AM

Chairman:	Senator Johnson
Vice-Chairman:	Senator Martin of Pitt
Vice-Chairman and Ranking Minority:	Senator Simpson
Senators:	Allran, Cochrane, Daniel, Folger, Jordan, Kerr, Martin of Guilford, Parnell, Plyler, Seymour, Sherron, Walker

TRANSPORTATION COMMITTEE:

Tuesday—RM 1027—11:00 AM

Chairman:	Senator Speed
Vice-Chairmen:	Senator Hoyle
	Senator Perdue
Ranking Minority:	Senator Smith
Senators:	Allran, Blackmon, Carpenter, Conder, Folger, Gulley, Gunter, Hunt, Jordan, Lee, Odom, Parnell, Seymour, Sherron, Walker, Warren

WAYS AND MEANS COMMITTEE:

Upon Call of Chairman

Chairman :	Senator Sherron
Vice-Chairmen:	Senator Plyler
	Senator Winner of Buncombe
Ranking Minority:	Senator Allran
Senators:	Codington, Conder, Daniel, Forrester, Harris, Hunt, Kaplan, Lee, Martin of Pitt, Odom, Plexico, Sands, Shaw, Soles, Ward, Warren

BONDS SELECT COMMITTEE:

Upon Call of Chairman

Chairman:	Senator Winner of Mecklenburg
Senators:	Edwards, Forrester, Hoyle, Hunt, Kerr, Lee, Perdue, Sherron, Simpson, Ward, Warren, Winner of Buncombe

GOVERNMENT PERFORMANCE AUDIT SELECT COMMITTEE:

Tues/Wed/Thurs—Rm 1027—3:00 PM

Chairman:	Senator Martin of Guilford
Vice-Chairmen:	Senator Daniel
	Senator Hunt
	Senator Sands
	Senator Sherron
Ranking Minority:	Senator Blackmon
Senators:	Cochrane, Conder, Forrester, Hoyle, Lee, Marshall, Perdue, Plyler, Shaw, Soles, Walker, Winner of Buncombe

SENATE STAFF

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Chief of Staff	Kaye Gattis
Legislative Counsel	Robert Reives
Director of Communications	Robert D. Phillips
Special Assistants	
Boards and Commissions	Shirley Fowler
Constituent Affairs	Maggie Pollock
Research and Policy	David C. Smith
Administrative Assistants	Greta L. Rogers
	Patricia Simpson
Executive Secretary	Camille Vaughan
Scheduler	Rhonda Currier

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Legal Counsel/Liaison	Jerry Tillett
Executive Assistant	Joan Leatherman
Special Assistants	
Constituent Services	Angela Talton
Media Affairs	Theresa Dalton
Legislative Aide	Philip Adams
Secretary	Cynthia Johnson
Administrative Assistant	Mary Tyson
Page Coordinator	Dot Holbrook

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Administrative Assistant	Janet Puryear

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Administrative Assistants	June Simpkins Bennett
	Mona R. Fitzgerald
Calendar Clerk	Emma E. "Bill" Farrow
Assistant Calendar Clerks	Mary Finch
	Linda Stephenson
	Kathryn Wilson
Journal Clerk	Sandra P. Brown
Assistant Journal Clerks	Beverly H. Allen
	Betty Bridger
	Nancy Dickens
	Grace J. Hale
	Dessaire' D. Jiles
	Lesley Litton-McKenzie

READING CLERK LeRoy Clark, Jr.

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Sergeant-at-Arms	Cecil Goins
Deputy Sergeant-at-Arms	Royster Baker
Secretary	Martha Dunn
Assistants	
Collis Brown	Hubert Poole
Anne Marie Callicutt	Walter Ramseur
Chris Canady	Phil Riley
Jimmy Hight	Aaron Solomon
Paula Hopper	Mark Speed
Jack Mueller	Leslie Wright
Mary Perry	

CHAPLAIN Mike Morris

SECRETARIES/COMMITTEE CLERKS

SUPERVISOR Janet Pruitt

Name	*Senator*	*Clerk of Committee*
Allen, Doris	Parnell	Insurance
Avent, Irma	Richardson	Appropriations on Human Resources
Bagley, Jane (Dee)	Smith	
Batchelor, Jerry	Harris	Pensions and Retirement
Birdsong, Julia	Albertson	Agriculture, Marine Resources, and Wildlife
Britt, Judy	Daniel	Appropriations
Bullock, Joyce	Ballance	Judiciary I
Caldwell, Wilma	Warren	Banks and Thrift Institutions
Campbell, Karen Piner	Marshall	
Canady, Anne	Perdue	Education/Higher Education
Carpenter, Helen	Carpenter	
Charlton, Luanne	Gunter	
Cloninger, Elizabeth	Hoyle	
Cooper, Hazel	Walker	Children and Human Resources
Costello, Evelyn	Kaplan	Capital Expenditures and Improvements
Critcher, Blanche	Johnson	State Personnel and State Government
Crutchfield, Sondra	Martin of Guilford	Government Performance Audit Select
Drew, Frances	Speed	Transportation
Dunnigan, Soraya	Edwards	Economic Development/ Travel and Tourism
Garrabrant, Louise	Codington	
Gooden, Carolyn	Winner of Buncombe	Finance
Haddock, Rosemary	Martin of Pitt	Appropriations on Natural and Economic Resources
Hall, Yvonne	Shaw	Minority Leader
Hartsell, Evelyn	Kerr	Manufacturing and Labor
Hogan, Peggy Anne	Sands	Rules and Operation of the Senate
Holbrook, Dot		Office of Supervisor
Holt, Gerald	Winner of Mecklenburg	Bonds, Select

SECRETARIES/COMMITTEE CLERKS (continued)

Name	*Senator*	*Clerk of Committee*
House, Pat	Ward	Appropriations on Education
Jacobi, Marianne	Tally	Environment and Natural Resources
Johnson, Gerry	Hartsell	
Johnson, Susan Briles	Johnson	State Personnel and State Government
Jordan, Martha	Simpson	
King, Lynda	Martin of Pitt	Appropriations on Natural and Economic Resources
King, Margaret	Allran	
Lambert, Ann	Sherron	Ways and Means
Leatherman, Joan	Basnight	Office of President *Pro Tempore*
Lee, Karin	Jordan	
LeFort, Terry	Blackmon	
LeGrande, Beth	Plexico	Appropriations on General Government
Misner, Pat	Plyler	Appropriations
Moore, Susan	Cooper	Judiciary II
Murphy, Sarah	Conder	Majority Leader
Myers, Elaine	Folger	Local Government and Regional Affairs
Overby, Tanya	Winner of Buncombe	
Parrish, Claudette		Office of Supervisor
Porter, Phyllis	Kincaid	
Pulley, Nancy	Hyde	Constitution and Election Laws
Puryear, Janet	Soles	Deputy President *Pro Tempore*
Resar, Carol	Gulley	
Russell, Elnora	Lee	Appropriations on Department of Transportation
Snowdon, Kathleen	Gunter	
Spears, Vickie	Plyler	
Taylor, Mary Lee	Cochrane	
Tyree, Lois	Forrester	
Watson, Malissa	Hunt	Finance
Waugaman, Dorothy	Odom	Appropriations on Justice and Public Safety
Williams, Penny	Seymour	Public Utilities
Yates, Virginia	Walker	Children and Human Resources

INDEX

NUMERICAL INDEX

SENATE

The identical bill number, when applicable, and the final action on each measure is noted following the title. When ratified, the Chapter Number of the Session Laws is reflected. (The abbreviated term appearing in parenthesis refers to standing committees—see page 1997).

Note: Certain bills not ratified, included by reference, or identifiable within another measure are reflected with the final action.

BILL/RESOLUTION NO.			Page Nos.
S	1	Invite Governor/State of State (H 2)(Res. 1)	28, 62, 67, 71.
S	2	Managed Competition Act (Ins Com)	29.
S	3	Caring Program Funds (Appr Com)(In S 27)	29.
S	4	Medicaid Coverage/Children (Appr Com)	29.
S	5	Medicaid Eligibility/Disabled, Aged (reref Appr Com)	29, 79.
S	6	Rural/Primary Care Initiatives (reref Appr Com)(In S 27 [Sec. 101.3])	29, 79.
S	7	Uniform Ins. Claim Form (H Ins Com)	29, 243, 257, 267, 322, 335, 336, 355.
S	8	No Self-Referrals/Health (Ch. 482)	29, 136, 143, 147, 152, 153, 156, 1139, 1205, 1221.
S	9	Hospital Cooperation Act (H Rules Com)	29, 351, 558, 568.
S	10	CON Modifications (Ch. 7)	29, 45, 46, 49, 52, 58, 131, 134, 141, 165, 168, 169.
S	11	1993 Lottery-With Referendum (H Const Com/see H 38)	29, 554, 591, 607, 615.
S	12	Strengthening Family Resources (H 10)(CapExp Com)	30, 124, 245, 1021.
S	13	Establish Education Support Commission (H 11)(Rules Com/see H 1319)	30.
S	14	Education/Clean Water/Parks Bond Act (Ch. 542/see S 26; S 65; H 60; H 544)	30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
S	15	Legislative Term Limits (unf rpt)	30, 468.
S	16	Congressional Term Limits (unf rpt)	30, 468.
S	17	Limit Session Length (unf rpt)	30, 404.
S	18	Alzheimer's Association Funds (Appr Com)	30.
S	19	Weapons on School Property (H 158)(J1 Com)	30.
S	20	Electoral College Conformance (H J1 Com)	30, 135, 143, 178, 330, 343.
S	21	Constitutional Revision (reref Appr Com/see H 1319)	30, 404, 574.
S	22	Human Services Confidentiality Study/LRC (Rules Com/see H 1319)	31.
S	23	Monroe Reward (H 8)(Ch. 2)	31, 91.
S	24	Weapons at School—No NCDL (J1 Com/see H 28)	43.
S	25	Gubernatorial Veto Referendum (H ppi/see H 39; H 45; H 62; H 1072)	43, 358, 398, 405.

S 26 Capital Budget (Ch. 561) ..... 44, 1074, 1076, 1114, 1205, 1252, 1313, 1315, 1512.
References the following measures:
S 14
S 27 Amends: [Sec. 3; 17.1(b); 18; 31; 73(f); 78(b); 101.2; 113; 132(e); 138(j); 170; 189; 192; 206(b); 234(a); 254(b); 259; 287; 295; 307; 309; 313(a)]
Repeals: [Sec. 17; 238]
S 152
S 853
S 1088
S 27 Current Operations Budget (Ch. 321) ..... 44, 460, 466, 477, 492, 494, 505, 510, 572, 595, 600, 610, 781, 1002, 1322, 1330, 1409, 1494.
References the following measures:
S 26 H 657
S 97 H 658
S 878 H 935
S 975 H 1216
H 257 H 1319
H 544
S 28 Superintendent of Public Instruction Appointed (H Const Com) ..... 44, 245, 330, 353.
S 29 Family and Medical Leave Act (H 53)(J2 Com) ..... 45.
S 30 Assaulting a Sports Official (Ch. 286) ..... 47, 468, 501, 665, 679, 680, 692, 734, 740.
S 31 Domiciliary Care Homes Study/DHR (H Hlth Com) ..... 47, 167, 174.
S 32 In-Home Funds (Appr Com) ..... 47.
S 33 Long-Term Care Ombudsman/Funds (Appr Com) ..... 47.
S 34 Senior Centers/Funds (Appr Com) ..... 47.
S 35 Index Homestead Exemption (H 165)(Fin Com) ..... 47.
S 36 Disclosure of Veterinary Records (H 33)(ppi) ..... 48, 139, 145, 158.
S 37 Agriculture/Seafood Commission (H 35)(Ch. 23) .... 48, 139, 145, 277.
S 38 Lighting Requirements for Ag. Trailers (H 37)(Transp Com) ..... 48.
S 39 Agriculture Education Transfer/NCSU (H 34)(reref Appr Com)(In S 26) ..... 48, 561.
S 40 Landowner Protection (H 36)(J2 Com) ..... 48.
S 41 Health Care Cost Control (Ch&HumRes Com) ..... 48.
S 42 Health Benefits/Deductibles (Ins Com) ..... 48.
S 43 Exceptional Child Funding (Appr Com) ..... 48.
S 44 Exceptional Children's Formula (reref Appr Com) ..... 48, 164.
S 45 Emergency Use of Prison Laundries (H 71)(H Bus&Labor Com) ..... 49, 89, 110, 112.
S 46 Inmate Pilot Program (H 72)(Ch. 59) ..... 49, 89, 110, 545.
S 47 Inmate Incentive Pay (H 73)(J1 Com)(In S 27 [Sec. 175]) ..... 49.
S 48 Local Financial Security (H 134)(reref Appr Com)(In S 27 [Sec. 26]) ..... 49, 52, 361, 370.
S 49 Add Members to School Task Force (reref Appr Com) ..... 49, 403.
S 50 D.W.I. Blood-Alcohol to 0.08 (H 3)(J1 Com) ..... 49.
S 51 Local Solid Waste Fees (reref E&NR Com) ..... 50, 375, 675.
S 52 Phase Out PVC Plastic (H 90)(E&NR Com) ..... 50.
S 53 Local Ordinances That Require Recycling (H 82)(Ch. 165) ..... 50, 217, 229, 234, 643.
S 54 Tax on Household Haz. Items (reref Fin Com) ..... 50, 564.

S 55 Clarify Incinerator Operator Training (H 89)(Ch. 29) ..... 50, 140, 145, 177, 278, 321, 323.
S 56 Continue Solid Waste/LRC (H 69)(Rules Com/see H 1319) ..... 50.
S 57 Increase Scrap Tire Disposal Tax (H 83)(E&NR Com) ..... 51.
S 58 State Purchase of Recycled Goods (H 85)(Ch. 256) .. 51, 339, 354, 722.
S 59 Landfill/Incinerator Bans (H 68)(Ch. 290) ..... 51, 183, 189, 737, 744, 747.
S 60 Advance Disposal Tax on White Goods (H 67)(Ch. 471) ..... 51, 223, 682, 696, 704, 713, 1075, 1082, 1090, 1091, 1111, 1135, 1140, 1196, 1197, 1210.
S 61 Zoning Denial/ABC Permit (H J1 Com) ..... 51, 416, 433.
S 62 Transfer Rail Safety (H 155)(H PubUtil Com) .... 51, 149, 1104, 1120.
S 63 Repeal RTA Tax Restriction (H 154)(Ch. 382) ..... 51, 79, 713, 728, 1054, 1072, 1077.
S 64 NC Rail Council (H 153)(Ch. 483) ... 51, 263, 276, 1206, 1209, 1221.
S 65 Clean Water Bond Bill (H 60)(reref Bonds Com/see S 14) ..... 51, 258.
S 66 Community Water System Fees (H 51)(reref E&NR Com) ..... 52, 410.
S 67 Authorize Water Issues/LRC (H 52)(Rules Com/see H 1319) ..... 52.
S 68 Honoring Thurgood Marshall (Res. 5) ..... 52, 54, 197.
S 69 Public Health Study (Rules Com/see H 1319) ..... 52.
S 70 Ostrich Meat Inspection (Ch. 311) ..... 53, 113, 149, 156, 158, 751, 773, 775.
S 71 Fire Sprinkler Contractor Exemption (Ch. 78) ..... 53, 256, 267, 551.
S 72 Hazardous Materials Emergency Response (H 86)(Mfg&Labor Com)(In S 27) ..... 53.
S 73 Gas Service for Handicapped (H 138)(Transp Com) ..... 53.
S 74 Disaster Leave Law (H 87)(StPers&StGov Com) ..... 53.
S 75 Continue Emergency Mgmt. Study (H 88)(Rules Com/see H 1319) ..... 53.
S 76 Legislative Compensation (Rules Com) ..... 54.
S 77 Gubernatorial Team Ticket (Const Com) ..... 54.
S 78 Primary Date Changed (H J1 Com) ..... 54, 429, 452, 491.
S 79 Legislators 4 Yr. Terms/Term Limits (unf rpt) ..... 54, 468.
S 80 Independent Living Program/Funds (H 9)(Appr Com)(In S 27) ..... 54.
S 81 ECU Land Funds (H 238)(CapExp Com)(In S 14) ..... 55.
S 82 ECU Library Funds (H 239)(CapExp Com)(In S 14) ..... 55.
S 83 Macon Road Renaming (H 160)(H ppi) ..... 55, 135, 142.
S 84 State Comprehensive Pay Plan (H 192)(Ch. 388) .... 55, 371, 544, 549, 555, 1073, 1076, 1078.
S 85 Mountain Area Study Funds (H 117)(Rules Com/see H 1319) ..... 56.
S 86 Mountain Area Study Continued (H 118)(Rules Com) ..... 56.
S 87 Local Condemnation Restrictions (H J2 Com) ..... 56, 79, 89, 110, 121, 134, 138, 142, 145, 147, 151, 156.
S 88 Nantahala Fire and Rescue Funds (CapExp Com) ..... 56.
S 89 Child Care Commission (H 213)(Rules Com/see H 1319) ..... 56.
S 90 State Waste Reduction (H 91)(Ch. 197/see H 544) ..... 56, 223, 234, 658, 670, 671.

S 91 UNC Budget Flexibility for Energy
(H 99)(reref Appr Com) ..... 56, 152.
S 92 Energy Policy for State Government
(H 101)(StPers&StGov Com) ..... 56.
S 93 Energy Efficient School Construction
(H 102)(reref Appr Com) ..... 56, 152.
S 94 Local Energy Savings Contracts
(H 100)(H Envir Com) ..... 57, 710, 1024, 1046.
S 95 State Energy Conservation Program
(H 103)(H Appr Com) ..... 57, 574, 615, 678, 689, 699.
S 96 Modify Water Column Leases (H 31)(reref Fin Com) ..... 57, 113.
S 97 Modify Marine Fisheries Commission
(H 32)(Ch. 8/see S 27) ..... 57, 113, 128, 175.
S 98 Continue Shellfish Enhancement Funds (H 30)(Appr Com)(In S 27) . 57.
S 99 Transfer Aquaculture Licenses/Agric. (H 111)(Ch. 18) ..... 57, 146, 152, 156, 159, 263.
S 100 Shellfish Lease Authority (H 125)(Ch. 466) ..... 57, 113, 128, 1078, 1092, 1111, 1125, 1163, 1201.
S 101 School Admission Requirements (reref Rules Com) .. 57, 164, 169, 170, 447, 472, 477, 492, 1023.
S 102 Nom./Elect. Proc. UNC Bd. of Gov. (adopted) ... 58, 61, 66, 84, 1525.
S 103 Mooresville Force Account Limit (Ch. 3) ... 59, 79, 90, 127, 132, 133.
S 104 Cancer Cont. Funds/93-95
(H 108)(Appr Com)(In S 27) ..... 59.
S 105 Cancer Cont. Funds/Increase (H 109)(Appr Com)(In S 27) ..... 59.
S 106 Cancer Cont. Funds/92-93 (H 107)(Appr Com) ..... 59.
S 107 Continue Fire and Occup. Safety Study
(H 191)(Rules Com/see H 1319) ..... 59.
S 108 Products Liability Repose (H 184)(H J1 Com) ..... 59, 242, 247, 276.
S 109 OSHA Review Board Decisions
(H 187)(H Bus&Labor Com) ..... 59, 242, 247, 277.
S 110 Central Office Staff Waivers (H 48)(Ch. 38) ..... 59, 183, 189, 381.
S 111 School Building Improvement Reports System
(H 70)(reref Rules Com) ..... 59, 183.
S 112 Workers' Comp./Physician Selection
(H 188)(Mfg&Labor Com) ..... 59.
S 113 Health and Safety Training (H 186)(Mfg&Labor Com) ..... 60.
S 114 Workers' Comp. Changes (H 183)(Mfg&Labor Com) ..... 60.
S 115 Machine Safety Guards (H 185)(Mfg&Labor Com) ..... 60.
S 116 Horse Racing in North Carolina (H 42)(reref J1 Com) ..... 60, 341.
S 117 Winston-Salem Wheel Locks (Ch. 291) .. 62, 121, 128, 737, 742, 747.
S 118 State Personnel Appeals Changes
(H 193)(H J3 Com) ..... 62, 324, 335.
S 119 State Personnel Study Created
(H 196)(Rules Com/see H 1319) ..... 62.
S 120 Flexible Benefits Study Created (H 194)(Rules Com) ..... 62.
S 121 State Salary Inequities Corrected
(H 195)(reref Appr Com) ..... 62, 381.
S 122 Optimist Club Registration Plates (reref Fin Com) ..... 62, 124.
S 123 Charlotte-Mecklenburg School Funding Pilot Amendments
(H 50)(Ch. 103) ..... 62, 414, 437, 463, 472, 580.
S 124 Teacher Training Task Force Changes
(H 47)(reref Appr Com) ..... 62, 183.
S 125 Purch. Money Sec./Refin. (Ch. 370) ... 63, 223, 234, 240, 1003, 1017, 1018, 1040, 1043, 1063, 1068.

S 126 Age 65 Hunting/Fishing License (Ag/MarRes&W Com) ..... 63.
S 127 Commercial D.W.I. (J1 Com) ..... 63.
S 128 Highway Use Tax Exemptions (Ch. 467) ..... 67, 124, 185, 205, 212, 1027, 1037, 1051, 1053, 1085, 1112, 1163, 1201.
S 129 Lower Minimum Highway Use Tax (Fin Com) ..... 67.
S 130 Monroe ABC Distribution (H 137)(Ch. 32) ..... 67, 241, 247, 338.
S 131 GPAC/Reduce Staff/Purchase and Contract (H 344)(reref GovPerform Com) ..... 67, 74.
S 132 GPAC/Minority Business Coordinator (H Appr Com/see H 306) ..... 67, 75, 77, 110, 122, 123, 128, 219, 464, 472, 505.
S 133 GPAC/Expedite State Bid Review (reref GovPerform Com/see H 306) ..... 68, 75.
S 134 GPAC/Improve Gov't Procurement (reref GovPerform Com/see H 306)(In S 27 [Sec. 76]) ..... 68, 75.
S 135 GPAC/Clarify Correction Enterprises (H Appr Com/see H 306)(In S 26 [Sec. 76]) ..... 68, 75, 412, 434.
S 136 GPAC/Redirect Gov't. Purchasing (H 343)(reref GovPerform Com) ..... 68, 75.
S 137 GPAC/Info. Sys./Govt. Purchases (reref GovPerform Com/see H 306) ..... 68, 75.
S 138 GPAC/Annual Financial Model Required (reref GovPerform Com/see H 330) ..... 68, 75, 110, 122, 128.
S 139 GPAC/Single Prime/Capital Projects (reref GovPerform Com/see H 306) ..... 68, 75.
S 140 GPAC/Improve State Term Contracts (reref GovPerform Com/see H 306) ..... 68, 75, 111, 122, 128.
S 141 GPAC/Improve Bldg. Designer (reref GovPerform Com/see H 306) ..... 68, 75.
S 142 GPAC/Surplus Property Sale (reref Appr Com/see H 306) ..... 68, 75, 111.
S 143 GPAC/Combine NC/US Surplus Prop. (reref GovPerform Com/see H 306) ..... 69, 75, 111, 122, 128.
S 144 GPAC/State Surplus Management (reref GovPerform Com/see H 306)(In S 27) ..... 69, 75.
S 145 GPAC/Update State Purchasing Manual (recommit GovPerform Com/see S 315; H 306) . 69, 75, 111, 122, 129.
S 146 GPAC/Privatization of State Services (reref GovPerform Com/see S 315; H 306) .... 69, 75, 111, 122, 129.
S 147 GPAC/Rec. Implementation Review (reref Appr Com/see H 290) ..... 69, 76, 111.
S 148 GPAC/Improve Gov't. Purchase Stds. (reref GovPerform Com/see S 315; H 306) ..... 69, 76, 77.
S 149 Oriental Charter Correction (H 133)(Ch. 4) ..... 69, 79, 90, 133.
S 150 Strategic Planning Authority (EconDev Com) ..... 69, 77.
S 151 K-12 Residence Clarification (H 49)(Ed/HighEd Com) ..... 69.
S 152 Indian Cultural Center Lease (Ch. 88/see S 26; H 544) ..... 69, 372, 402, 421, 573.
S 153 Merchants Sales Tax Discount (H 645)(Fin Com) ..... 70.
S 154 Mobile Classroom and Office Changes (Ch. 484) ..... 70, 139, 147, 151, 1195, 1207, 1208, 1221.
S 155 Revenue Laws Technical Changes (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
S 156 Mountain Aquaculture/Funds (H 119)(Appr Com)(In S 27 [Sec. 96]) ..... 70.

S 157 Child Care Credit/Nonresidents (reref Fin Com) ..... 70, 124.
S 158 Inheritance Tax Penalty Procedure (Ch. 371) ..... 70, 139, 148, 151, 1027, 1050, 1062, 1068.
S 159 Non-tax-paid Fuel Criminal Penalty (Ch. 140) ..... 70, 179, 189, 611.
S 160 Nonresident Joint Returns (Fin Com) ..... 70.
S 161 Special/Multiyear Plate Changes (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
S 162 Dealer Plate/License Changes (Ch. 440) ..... 70, 185, 275, 285, 310, 1012, 1038, 1106, 1127, 1138.
S 163 Compensation Carrier Safety Services (H 189)(Ch. 40) ..... 73, 135, 143, 266, 374, 396, 401.
S 164 Building Code/Local Civil Penalties (H 190)(Ch. 329) ..... 73, 387, 398, 712, 762, 1005, 1011.
S 165 GPAC/Transportation Financing Study (reref Appr Com/see H 307; H 1319) ..... 73, 208.
S 166 GPAC/Reassess Highway Trust Fund (GovPerform Com/see H 307; H 1319) ..... 73.
S 167 GPAC/DMV Productivity Enhancement (GovPerform Com/see H 323) ..... 73.
S 168 GPAC/Municipal Agreements Increased (GovPerform Com/see H 307) ..... 73.
S 169 GPAC/Reorganize DOT (GovPerform Com/see H 323) ..... 73.
S 170 GPAC/Division Traffic Services (reref Rules Com/see H 323) ..... 73, 448, 472, 560.
S 171 GPAC/Consol. Equipment Sections (reref Appr Com/see H 323) ..... 73, 219.
S 172 GPAC/Dist. Eqpt. Sups. Eliminated (reref Appr Com/see H 323) ..... 73, 199.
S 173 GPAC/Division-Based Staff Reduced (reref Appr Com/see H 323) ..... 74, 199.
S 174 GPAC/Eliminate DOT Positions (reref Appr Com/see H 323) ..... 74, 199.
S 175 GPAC/Close Some DMV Offices (reref Appr Com/see H 323) ..... 74, 199.
S 176 GPAC/Contracted Road Maintenance (reref Appr Com/see H 323) ..... 74, 199.
S 177 GPAC/Construction Personnel Limit (reref Appr Com/see H 323) ..... 74, 200.
S 178 GPAC/Preconstruction Personnel Limit (reref Appr Com/see H 323) ..... 74, 200.
S 179 GPAC/Privatize Registration Offices (reref Appr Com/see H 323) ..... 74, 200.
S 180 Emergency Judges Per Diem (Appr Com)(In S 27 [Sec. 200.3]) ..... 80.
S 181 Health Ins.— Pay to Gov. Agencies (Ch. 41) ..... 80, 153, 161, 164, 360, 379, 399, 401.
S 182 Distinguished Professors Funds (Appr Com) ..... 80.
S 183 Sales Tax License Duration (Ch. 372) ..... 80, 139, 148, 152, 1038, 1062, 1068.
S 184 GPAC/UNC Study Economic Dev. Bd. (H Bus&Labor Com/see H 294) ..... 80, 393, 405, 406.
S 185 GPAC/Economic Responsibility (GovPerform Com/see H 294) ..... 80.
S 186 GPAC/Review Future Dev. Nonprofits (GovPerform Com/see S 188; H 294) ..... 80.

S 187 GPAC/Dev. Peformance Indicators
(GovPerform Com/see S 188; H 294) ..... 80.
S 188 GPAC/Biotech/Microelectronics Rec.
(H Appr Com/see H 294) ..... 80, 224, 464, 472.
S 189 GPAC/Transfer Science and Tech. Bd.
(GovPerform Com/see S 315; H 294) ..... 81.
S 190 GPAC/Restructure Dept. of Commerce
(reref Rules Com/see H 294; H 1319) ..... 81, 229, 246, 1234.
S 191 GPAC/Commerce Recs.
(S 238)(GovPerform Com/see S 315; H 294) ..... 81.
S 192 GPAC/Nonprofits Perf. Contracts
(H Bus&Labor Com/see H 294) ..... 81, 340, 354.
S 193 GPAC/Econ. Dev. Council/Plan
(reref GovPerform Com/see H 294) ..... 81, 229, 246.
S 194 Permanent Fiscal Trends Commission
(H 267)(Rules Com/see H 1319) ..... 81.
S 195 Shared Leave Prog. for Teachers (Ed/HighEd Com) ..... 81.
S 196 Ports/Allow Local Membership
(H Rules Com) ..... 81, 324, 336, 337, 356.
S 197 ECU Med. School Receipts
(H 212)(Appr Com/see H 264)(In S 27 [Sec. 87]) ..... 82.
S 198 GPAC/Transition ICF/MR Res.
(reref Appr Com/see H 375) ..... 82, 219.
S 199 GPAC/Carolina Access/Risk-Sharing
(GovPerform Com/see H 313) ..... 82.
S 200 GPAC/Medicaid Budget Consensus
(reref Appr Com/see H 310; H 313) ..... 82, 201.
S 201 GPAC/Medicaid Cost Control Policy
(reref Appr Com/see H 313) ..... 82, 202.
S 202 GPAC/Medicaid Drug-Purchasing
(reref Appr Com/see H 313) ..... 82, 202.
S 203 GPAC/Freeze Drug Dispensing Fee
(reref Appr Com/see H 313) ..... 82, 202.
S 204 GPAC/CON Self-Funded (Ch. 383/see H 314) ..... 82, 208, 372, 390, 399, 1066, 1072, 1077.
S 205 GPAC/CON Capital Exp. Limit
(GovPerform Com/see H 314) ..... 82.
S 206 GPAC/ICF-Mental Retardation CON Moratorium
(reref Appr Com/see H 314) ..... 82, 202.
S 207 GPAC/CON Bed Need Formula Change
(GovPerform Com/see H 314) ..... 83.
S 208 GPAC/Diagnosis-Based Payment
(reref Appr Com/see H 313) ..... 83, 202.
S 209 GPAC/ICF/MR Reimbursement Method Change
(reref Appr Com/see H 375)(In S 27) ..... 83, 202.
S 210 GPAC/CON Reimbursement (GovPerform Com/see H 313) ..... 83.
S 211 GPAC/Medicaid Managed Care
(reref Appr Com/see H 313) ..... 83, 202.
S 212 GPAC/Medicaid Services Copayments
(reref Appr Com/see H 313) ..... 83, 202.
S 213 GPAC/Medicaid Nursing Home Payment
(reref Appr Com/see H 313) ..... 83, 202.
S 214 GPAC/Medicaid "Bundled" Payment
(reref Appr Com/see H 313) ..... 83, 202.
S 215 Cary/Morrisville Exchange (H 204)(reref Fin Com) ..... 83, 135.
S 216 Delete Business License Report (Ch. 446) ..... 83, 215, 229, 1139.
S 217 Delete Library System Report (Ch. 447) ..... 84, 215, 229, 1139.

S 218 Redirect Teacher Educ. Report (Ch. 43) ..... 84, 165, 169, 510.
S 219 Delete UNC Vending Report
(Ch. 406) ..... 84, 544, 549, 1078, 1091, 1098.
S 220 Wrecker Service System (H 110)(H J3 Com) ..... 86, 400, 405.
S 221 Pretrial Hearings by Video
(H 392)(Ch. 30) ..... 86, 134, 138, 319, 328, 329.
S 222 Macon Deer Hunting (Ch. 104) ..... 86, 146, 151, 156, 176, 182, 547, 564, 578, 580.
S 223 LRC Study Chiropractic College
(H 224)(Rules Com/see H 1319) ..... 86.
S 224 Need-Based Cytotechnology Scholarship
(H 106)(Ed/HighEd Com)(In S 27 [Sec. 101.4]) ..... 86.
S 225 Cancer Coord. and Control Act
(H 129)(Ch&HumRes Com) ..... 87.
S 226 Funds/Cancer Control Advis. Comm.
(H 128)(Appr Com)(In S 27) ..... 87.
S 227 Day Care Home Safety (H 220)(Ch. 268) ..... 87, 150, 236, 248, 733.
S 228 Day Care Home Safety (held in Clerk's office) ..... 87.
S 229 Day Care Eligibility Increase/Funds
(H 202)(reref Appr Com) ..... 87, 139.
S 230 Day Care Rate Change/Funds (H 201)(reref Appr Com) ..... 87, 139.
S 231 County Day Care Admin. Funds (H 211)(Appr Com) ..... 87.
S 232 County Day Care Encouragement (H 206)(Rules Com) ..... 87.
S 233 Resident Tuition Status Change (reref Appr Com) ..... 87, 245.
S 234 Nash Geography Info. Exception
(reref J2 Com) ..... 87, 121, 128, 138, 147, 169.
S 235 Redefine School Fund Availability
(H 400)(H Fin Com) ..... 88, 207, 216, 234.
S 236 Firemen's Pension Fund Change
(H 225)(Pens&Ret Com) ..... 88.
S 237 Income Withholding for Restitution (J1 Com) ..... 88.
S 238 GPAC/Regional Commerce
(S 191)(GovPerform Com/see S 315) ..... 88.
S 239 GPAC/Integrated Tax Admin. System
(GovPerform Com/see S 315; H 299)(In S 27) ..... 88.
S 240 GPAC/Consolidate Corrections Programs
(H 301)(reref Appr Com)(In S 27 [Sec. 178.1]) ..... 88, 227.
S 241 GPAC/Transfer Budget Management Section
(GovPerform Com/see H 369) ..... 88.
S 242 GPAC/Governor Analyze Agencies
(H 309)(H StGov Com) ..... 88, 412, 434.
S 243 GPAC/Prison Consolidation
(H Appr Com/see H 274)(In S 27 [Sec. 177]) ..... 88, 228, 270, 412, 464, 473.
S 244 GPAC/Transf. Mar. Aff. to DEHNR (GovPerform Com/
see S 315; H 369)(In S 27 [Sec. 28]) ..... 89.
S 245 GPAC/DOC Claims Processing
(H Appr Com/see H 274) ..... 89, 207, 216, 234.
S 246 GPAC/Study School for Deaf Funding
(H 302)(GovPerform Com) ..... 89.
S 247 GPAC/Private ICF/MR Standards
(GovPerform Com/see H 370) ..... 89.
S 248 UNC Board Eligibility (H failed 2nd rdg) ..... 91, 246, 257.
S 249 Firemen's Dependent Scholarships (Ins Com) ..... 91.
S 250 Criminal Case Disposition Study (Rules Com/see H 1319) ..... 91.
S 251 Rape/Abolish Spousal Defense (H 214)(J1 Com) ..... 91.

S 252 GPAC/Develop Outcome Measures (H Appr Com) ..... 91, 245, 1017, 1134, 1221, 1223.
S 253 GPAC/State Strategic Planning Process (reref Appr Com/see H 330)(In S 27) ..... 92, 448.
S 254 Tobacco Museum Funds (H 197)(reref CapExp Com)(In S 27) ..... 92, 769.
S 255 Counselor Licensing (H 218)(reref W&M Com) ..... 92, 154, 266, 374, 673, 690.
S 256 Infant/Toddler Day Care Ratio (Appr Com) ..... 92.
S 257 GPAC/Legislative Peer Review (GovPerform Com/see H 290) ..... 92.
S 258 GPAC/Legislative Facilities Plan (GovPerform Com/see H 290) ..... 92.
S 259 GPAC/Legislative Services Schedule (GovPerform Com/see H 290) ..... 92.
S 260 GPAC/Change Capital Budget Process (reref Appr Com/see H 330)(In S 27) ..... 92, 207.
S 261 GPAC/Program Budgeting Implemented (GovPerform Com/see H 330)(In S 27) ..... 92.
S 262 GPAC/Expand Funding Flexibility (reref Appr Com/see H 330) ..... 92, 245.
S 263 GPAC/Transfer SIPS to Admin. Dept. (GovPerform Com/see H 369) ..... 93.
S 264 GPAC/Banking Regulation Study (H 271)(GovPerform Com) ..... 93.
S 265 GPAC/Eliminate 2 Revenue Positions (GovPerform Com/see H 299) ..... 93.
S 266 GPAC/Eliminate Deputy Sec. of Revenue (GovPerform Com/see H 299) ..... 93.
S 267 GPAC/Expand Interstate Tax Audits (GovPerform Com/see H 299) ..... 93.
S 268 GPAC/In-Person Taxpayer Assistance (GovPerform Com/see H 299)(In S 27 [Sec. 44]) ..... 93.
S 269 GPAC/Elim. Revenue Field Officers (GovPerform Com/see H 299)(In S 27 [Sec. 44]) ..... 93.
S 270 GPAC/Community College Cost Policy (reref Appr Com/see H 315)(In S 27) ..... 93, 207.
S 271 GPAC/Comm. Coll. Program Review (reref Appr Com/see H 315)(In S 27) ..... 93, 224.
S 272 GPAC/Community Colleges Tuition Stabilized (GovPerform Com/see H 315) ..... 93.
S 273 GPAC/Comm. Coll. Moratorium (H Educ Com/see H 315) ..... 94, 402, 421.
S 274 GPAC/Local Comm. Coll. Board (GovPerform Com/see H 315) ..... 94.
S 275 GPAC/Community College Funding Goal (reref Appr Com/see H 315) ..... 94, 208.
S 276 GPAC/Comm. Coll. President Selection (GovPerform Com/see H 315) ..... 94.
S 277 GPAC/Community College Funding Formula (H Appr Com/see H 315) ..... 94, 207, 216, 235, 240.
S 278 GPAC/Worker Training Transfer (H 336)(GovPerform Com) ..... 94.
S 279 GPAC/Transfer DOA Advocacy Groups (GovPerform Com/see H 369) ..... 94.
S 280 GPAC/Mental Retardation Center Reduction (reref Appr Com/see H 370)(In S 27) ..... 94, 203.

S 281 GPAC/Mental Health Multi-Year Funding
(reref Appr Com/see H 370)(In S 27) ..... 94, 203.
S 282 GPAC/Mental Retardation Center Downsizing
(reref Appr Com/see H 370)(In S 27) ..... 94, 203.
S 283 GPAC/Mental Health Institutions Downsize
(reref Appr Com/see H 370)(In S 27) ..... 95, 203.
S 284 GPAC/Alcohol Treatment Center Funding
(reref Appr Com/see H 370) ..... 95, 203.
S 285 GPAC/Butner Public Safety Study
(H 312)(GovPerform Com) ..... 95.
S 286 GPAC/Crime Control Department Eliminated
(H 337)(reref Appr Com) ..... 95, 228.
S 287 GPAC/Political Hiring Limited
(GovPerform Com/see H 288) ..... 97.
S 288 GPAC/Employee Training (reref Appr Com/see H 288) ..... 97, 393.
S 289 GPAC/State Equal Employment
(H Appr Com/see H 288) ..... 97, 393, 406.
S 290 GPAC/State Human Resources Planning
(reref Appr Com/see H 288) ..... 97, 393.
S 291 GPAC/Phase Out DMV Law Enforcement
(H 338)(reref Appr Com) ..... 97, 228.
S 292 GPAC/Law Enforcement Retire. Goal
(GovPerform Com/see H 373) ..... 97.
S 293 GPAC/Law Officer Funds Restricted
(GovPerform Com/see H 373) ..... 97.
S 294 GPAC/Repeal Highway Patrol Merit Pay
(GovPerform Com/see H 373) ..... 97.
S 295 GPAC/20 Positions Eliminated/DHR
(reref Appr Com/see H 342) ..... 97, 203.
S 296 GPAC/Monitor State Employee Mgmt.
(GovPerform Com/see H 288) ..... 98.
S 297 GPAC/General Assembly Employee Management
(GovPerform Com/see H 290) ..... 98.
S 298 GPAC/Public Health Regional Structure Study
(H 289)(reref Rules Com/see H 1319) ..... 98, 320.
S 299 GPAC/N.C. Register and Code Transfer
(GovPerform Com/see H 310) ..... 98.
S 300 GPAC/Administrative Hearings Staff Support
(GovPerform Com) ..... 98.
S 301 GPAC/Administrative Hearings High Point Office
(GovPerform Com/see H 310) ..... 98.
S 302 GPAC/Administrative Hearings Fee Structure
(reref Fin Com/see H 310) ..... 98, 320.
S 303 GPAC/Longevity Equalized (H 324)(GovPerform Com) ..... 99.
S 304 GPAC/Longevity Equalized/Freeze
(H 325)(GovPerform Com) ..... 99.
S 305 GPAC/Longevity Eliminated (H 327)(GovPerform Com) ..... 99.
S 306 GPAC/Longevity Eliminated/Freeze
(H 275)(GovPerform Com) ..... 99.
S 307 GPAC/State Performance Pay
(GovPerform Com/see H 373) ..... 99.
S 308 GPAC/Legislative Temporary Personnel Benefits
(reref Appr Com/see H 373) ..... 99, 393.
S 309 GPAC/Personnel Director Hiring
(GovPerform Com/see H 288) ..... 99.
S 310 GPAC/State Emp. Classification/Funds
(reref Appr Com/see H 373)(In S 26 [Sec. 24]) ..... 99, 340.

S 311 GPAC/Annual State Employee Survey
(H Appr Com/see H 288)(In S 27) ..... 100, 393, 406.
S 312 GPAC/Sunset State Boards/Commissions
(H 317)(GovPerform Com/see S 315) 100
S 313 GPAC/Assistant Secretary Eliminated
(reref Appr Com/see H 342) ..... 100, 204.
S 314 GPAC/Child Support Reform
(H 272)(reref Appr Com/see H 1319) ..... 100, 208, 466.
S 315 GPAC/Info. Tech. Briefings
(H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 316 GPAC/Info. Tech. Job Descriptions
(GovPerform Com/see S 315; H 322) ..... 108.
S 317 GPAC/SIPS Capacity Planning
(GovPerform Com/see S 315; H 322) ..... 108.
S 318 GPAC/SIPS Rates and Finances
(reref Appr Com/see S 315) ..... 108, 219.
S 319 GPAC/Info. Tech. Multiyear Funds
(GovPerform Com/see S 315; H 322) ..... 108.
S 320 GPAC/Info. Staff Relocation
(GovPerform Com/see S 315; H 320; H 322) ..... 108.
S 321 GPAC/Info. Technology Leadership
(GovPerform Com/see S 315; H 322) ..... 108.
S 322 GPAC/Agency Audit Response
(GovPerform Com/see S 315; H 322) ..... 108.
S 323 GPAC/SIPS Customer Services
(GovPerform Com/see S 315; H 322) ..... 108.
S 324 GPAC/Agency Info. Tech. Operations
(GovPerform Com/see S 315; H 322) ..... 108.
S 325 GPAC/Alternative Info. Resources
(GovPerform Com/see S 315; H 322) ..... 109.
S 326 GPAC/IRMC Management Oversight
(GovPerform Com/see S 315; H 322) ..... 109.
S 327 GPAC/Info. Tech. Disaster Recov.
(GovPerform Com/see S 315; H 322) ..... 109.
S 328 GPAC/SIPS Internal Management
(GovPerform Com/see S 315; H 322) ..... 109.
S 329 GPAC/Personal Computer Planning
(GovPerform Com/see S 315; H 322) ..... 109.
S 330 GPAC/Preventive Health Benefits
(GovPerform Com/see H 300) ..... 109.
S 331 GPAC/Health Benefits-Premiums
(GovPerform Com/see H 300) ..... 109.
S 332 GPAC/Compensation and Benefits Evaluations
(H 341)(GovPerform Com) ..... 109.
S 333 Eastern N.C. Job Training Funds (Appr Com)(In S 26) ..... 109.
S 334 Youth Substance Plan (H 249)(H Rules Com) ..... 110, 419, 434.
S 335 Richmond Property Conveyance (Ch. 10) ..... 110, 149, 155, 191.
S 336 Day Care Provider Records (H 200)(J2 Com) ..... 113.
S 337 Continue Energy Conservation/LRC
(H 104)(Rules Com/see H 1319) ..... 114.
S 338 Medicaid Coverage/Adopted Children
(H 245)(reref Appr Com) ..... 114, 167.
S 339 Medicaid Eligibility/Disabled, Aged
(H 243)(Ch&HumRes Com) ..... 114.
S 340 Immunity/Social Services Employees (H 242)(J2 Com) ..... 114.
S 341 Bd. of Complementary Med. Examiners
(H 347)(Ch. 241) ..... 114, 154, 351, 369, 379, 708.

S 342 Require Alternative Punishments
(H Const Com) ..... 114, 387, 404, 420, 450.
S 343 Amend/Motor Fuel Marketing Act (J1 Com) ..... 114.
S 344 Removal of War Exclusion (H Pens&Ret Com) .... 114, 153, 334, 343.
S 345 GPAC/Teacher Staff Development
(reref Ed/HighEd Com/see H 287) ..... 115, 282.
S 346 GPAC/School Staff Dev. Group
(reref Ed/HighEd Com/see H 287) ..... 115, 282.
S 347 GPAC/Teacher Staff Development
(reref Ed/HighEd Com/see H 287) ..... 115, 282.
S 348 GPAC/Enhance DPI Internal Audit
(reref Appr Com/see H 378) ..... 115, 200.
S 349 GPAC/Modify Teacher Certification
(reref Appr Com/see H 304) ..... 115, 200.
S 350 GPAC/Reduce Teacher Cert. Work
(reref Appr Com/see H 304) ..... 115, 200.
S 351 GPAC/Enabling Legislation (reref GovPerform Com) ..... 115, 320.
S 352 GPAC/Enabling Legislation (reref GovPerform Com) ..... 115, 321.
S 353 GPAC/Employee Classification/Compensation Study
(reref Appr Com/see S 310) ..... 115, 321, 394.
S 354 GPAC/Indexing of Journals
(reref Rules Com/see H 290) ..... 115, 412.
S 355 GPAC/Legislative Personnel Duties
(GovPerform Com/see H 290) ..... 116.
S 356 GPAC/DHR Decentralization
(reref Appr Com/see H 342) ..... 116, 204.
S 357 GPAC/DHR FTE Positions Eliminated
(reref Appr Com/see H 342) ..... 116, 204.
S 358 GPAC/Developmentally Disabled Assessments
(reref Appr Com/see H 370) ..... 116, 204.
S 359 GPAC/Developmentally Disabled Programs
(reref Appr Com/see H 370) ..... 116, 204.
S 360 GPAC/DHR Unit Reorg.
(reref Appr Com/see H 342) ..... 116, 220.
S 361 GPAC/Statewide Managed Care
(reref Appr Com/see H 313) ..... 116, 208.
S 362 GPAC/Medicaid Indirect Care Cap.
(reref Appr Com/see H 313) ..... 117, 203.
S 363 GPAC/Medicaid Contracting
(reref Appr Com/see H 313) ..... 117, 203.
S 364 GPAC/MMIS Replacement Plan
(reref Appr Com/see H 313) ..... 117, 203.
S 365 GPAC/Elim. Return-on-Equity Pay
(reref Appr Com/see H 313) ..... 117, 203.
S 366 GPAC/State Workers' Comp.
(H 316)(H J1 Com) ..... 117, 340, 465, 473, 486, 487.
S 367 GPAC/Law Officer Position Rules
(reref GovPerform Com/see H 373) ..... 117, 228, 246.
S 368 GPAC/Transfer Intergovernmental Relations
(reref Appr Com/see H 369) ..... 117, 208.
S 369 GPAC/Civilianization Law Enforcement
(H PubEmp Com/see H 373)(In S 27 [Sec. 34]) ..... 117, 228, 246, 374, 465, 476.
S 370 GPAC/Reorganize Dept. of Public Instruction
(reref Appr Com/see H 378)(In S 27 [Sec. 144.1]) ..... 118, 200.
S 371 GPAC/Eliminate DPI Positions
(reref Appr Com/see H 378) ..... 118, 200.

S 372 GPAC/Streamline DPI Management
(reref Appr Com/see H 378) ..... 118, 200.
S 373 GPAC/Teacher Development/Protect Leave
(H 328)(reref Appr Com) ..... 118, 200.
S 374 GPAC/Teacher Development/Protect Leave
(H 329)(reref Appr Com) ..... 118, 201.
S 375 GPAC/Teacher Development/Protect Leave
(H 270)(reref Appr Com) ..... 118, 201.
S 376 GPAC/Teacher Development Required
(H 269)(reref Appr Com) ..... 118, 201.
S 377 GPAC/Basic Education Plan Funding
(reref Appr Com/see H 273) ..... 118, 201.
S 378 GPAC/DPI Technical Assistance Centers Activities
(reref Appr Com/see H 378) ..... 118, 201.
S 379 GPAC/Link School Funding/Performance
(reref Appr Com/see H 273) ..... 119, 201.
S 380 GPAC/Local Flexibility/School Funds
(reref Appr Com/see H 273) ..... 119, 201.
S 381 GPAC/Stabilize School Accountability
(GovPerform Com/see H 273) ..... 119.
S 382 GPAC/School Accountability Mandatory
(GovPerform Com/see H 273) ..... 119.
S 383 GPAC/Basic Education Plan Instructional Standards
(GovPerform Com/see H 273) ..... 119.
S 384 GPAC/Schools/Accountability
(reref Appr Com/see H 273) ..... 119, 201.
S 385 GPAC/Review Lateral Entry/Principals
(H 311)(Ch. 166) ..... 119, 282, 336, 343, 643.
S 386 GPAC/School Admin. Job Protection
(H 371)(Ch. 210) 119, 283, 464,
476, 484, 658, 668, 680, 681.
S 387 GPAC/New School Admin. Contract Process
(H 372)(reref Ed/HighEd Com) ..... 119, 283.
S 388 GPAC/Public School Governance
(H 321)(reref Ed/HighEd Com) ..... 119, 204.
S 389 GPAC/Community College Governance
(GovPerform Com/see H 292) ..... 120.
S 390 GPAC/Gov./General Assembly Appoint UNC Board
(GovPerform Com/see H 292; H 1319) ..... 120.
S 391 GPAC/Continuum of Education Program
(H Educ Com/see H 292) ..... 120, 258, 329, 336.
S 392 GPAC/Private College State Aid
(H 303)(GovPerform Com) ..... 120.
S 393 GPAC/UNC Bd. of Gov. Review/Plan
(Ch. 407/see H 340) ..... 120, 374, 395, 1079, 1091, 1098.
S 394 GPAC/UNC Tuition Issues (GovPerform Com/see H 340) ..... 120.
S 395 Compliance Review Commission (Rules Com/see H 1319) ..... 120.
S 396 Community College Bonds-2 (reref Bonds Com/see H 164) ... 120, 258.
S 397 CPR/Day Care Homes (H 221)(J1 Com) ..... 121.
S 398 Amend Lobbyist Law (H 262)(reref Appr Com) ..... 121, 188, 387.
S 399 Establish State Ethics Act (H 282)(reref J2 Com) ..... 121, 188.
S 400 Mental Health Study Commission Continued
(H 305)(Rules Com/see H 1319) ..... 124.
S 401 Structured Sentencing (H 280)(J1 Com/see H 277) ..... 124.
S 402 Structured Sentencing-2 (H 277)(J1 Com/see H 280) ..... 124.
S 403 Reclassify Some Felonies (H 279)(J1 Com) ..... 125.
S 404 Classify Misdemeanors (H 278)(J1 Com) ..... 125.

S 405 Criminal Justice Partnership Act (H 281)(J1 Com) ..... 125.
S 406 Sheltered Workshop Funds (CapExp Com) ..... 125.
S 407 Mortuary Affairs Searches (H J2 Com) ..... 125, 176, 182.
S 408 GPAC/Modify Agency Decision Process
(reref J2 Com/see H 310) ..... 125, 286.
S 409 GPAC/Reorg. DPI Staff Dev. Function
(reref Appr Com/see H 287) ..... 125, 201.
S 410 GPAC/Information Resources Management Commission
(H 308) (GovPerform Com/see S 315) ..... 125.
S 411 GPAC/Telecommunications Reorganization
(H 377)(GovPerform Com/see S 315) ..... 125.
S 412 GPAC/Evaluation of Program Results
(reref Appr Com/see H 330)(In S 27) ..... 125, 245.
S 413 GPAC/Gov. Health Office (H 293)(GovPerform Com) ..... 126.
S 414 GPAC/Reduce DPI Clerical Positions
(reref Appr Com/see H 378) ..... 126, 201.
S 415 GPAC/Community College Scholarships (reref Appr Com) .... 126, 208.
S 416 GPAC/ABC Rule and Law Enforcement
(H 374)(reref Appr Com) ..... 126, 229.
S 417 Open Meetings Law Changes-2
(H J2 Com/see H 120) ..... 126, 171, 178.
S 418 Public Records Law Changes (H 121)(J2 Com) ..... 126.
S 419 Naturopathic License Required (H 353)(J1 Com) ..... 126, 155.
S 420 Seafood Laboratory Funds
(H 259)(reref CapExp Com)(In S 27 [Sec. 99]) ..... 126, 769.
S 421 Grassroots Science Museum Funds
(H 348)(reref CapExp Com)(In S 27 [Sec. 260.2]) ..... 126, 770.
S 422 Acupuncture License Required
(H 261)(Ch. 303) 126, 154, 276, 327,
336, 344, 752, 757, 759.
S 423 Emergency Assistance Funds (H 350)(Appr Com)(In S 27) ..... 127.
S 424 Quality Improvement Report Endorsed (H 250)(Rules Com) ..... 127.
S 425 Multicounty ABC Elections (H 346)(J1 Com) ..... 127.
S 426 Golf Course Funds/Cultural Ctr.
(H 295)(CapExp Com)(In S 26) ..... 127.
S 427 Policy Guideline Mental Health Plan (Rules Com) ..... 127.
S 428 Medicaid Coverage/Children (H 241)(Appr Com) ..... 127.
S 429 Weapons at School (J1 Com/see H 28) ..... 129.
S 430 Juvenile/Superior Court (J1 Com) ..... 130.
S 431 Strict Liability/Minor's Damage (Ch. 540) 130, 445, 476, 760, 767,
776, 780, 1040, 1217, 1313.
S 432 Parental Rep./Pro Se (J1 Com) ..... 130.
S 433 Training School Alternative (H 229)(J1 Com) ..... 130.
S 434 Juvenile/Guardian Ad Litem (H 230)(J1 Com) ..... 130.
S 435 Parental Control of Minor's Videos (H 228)(J1 Com) ..... 130.
S 436 Undisciplined Juveniles (J1 Com) ..... 130.
S 437 Juvenile/Records for Sentencing (H 231)(J1 Com) ..... 130.
S 438 Fort Fisher Funds (CapExp Com) ..... 130, 770.
S 439 Washington Co. Inmates Work (J1 Com) ..... 133.
S 440 Raise Homestead Exemption (H 105)(Fin Com) ..... 133.
S 441 Honoring Women's Soccer at UNC-CH
(H Rules Com) ..... 133, 269, 342.
S 442 Davidson County Annex. Agreement
(Ch. 292) ..... 133, 149, 275, 283, 308, 737, 742, 747.
S 443 Physical Fitness Study (Rules Com/see H 1319) ..... 133.
S 444 Physical Fitness Pilot Program (Appr Com) ..... 133.

S 445 Maximum Class Size/Phys. Education (H 222)(Ed/HighEd Com) ..... 133.
S 446 DWI Amendments (H 385)(H J1 Com) ..... 136, 446, 471, 484.
S 447 Mt. Airy Local Retirement (Ch. 26) ..... 136, 153, 185, 196, 316.
S 448 Extended School Services (H 256)(Ed/HighEd Com) ..... 136.
S 449 Teacher Training Task Force Funds (H 255)(Appr Com)(In S 26) ..... 136.
S 450 School Admin. Standards Bd. Funds (H 285)(Appr Com)(In S 27) ..... 136.
S 451 School Leadership Academy (H 258)(reref Appr Com)(In S 27) ..... 137, 246.
S 452 School Admin. Standards Board (H 284)(held in Clerk's office) ..... 137.
S 453 Marriage Lic./Health Certificate (H Hlth Com) ..... 137, 167, 445, 450, 477.
S 454 Adoption Resources Center Funds (H 475)(Appr Com)(In S 26) ..... 137.
S 455 Map Filings (Ch. 119) ..... 137, 417, 434, 596.
S 456 Dental Hygienist Funds (H 386)(Appr Com)(In S 27) ..... 137.
S 457 Statewide Beaver Seasons (Ch. 33) ..... 137, 160, 164, 178, 339.
S 458 Kings Mountain School Elections (Ch. 34) ..... 140, 165, 169, 339.
S 459 School Administrator Programs (H 257)(Ed/HighEd Com) ..... 140.
S 460 Principal Fellows Funds (H 253)(Appr Com)(In S 27) ..... 140.
S 461 School Admin. Program Funds (H 286)(Appr Com) ..... 140.
S 462 Principal Fellows Program (H 254)(reref Appr Com) ..... 140, 447.
S 463 Cosmetology Rental Booths (Ch. 22) ..... 140, 143, 154, 158, 162, 169, 170, 178, 268.
S 464 Board of Governors Election (unf rpt) ..... 140, 213.
S 465 Honoring Bessemer City 100th Anniv. (Rules Com) ..... 140.
S 466 Burial Trust Funds (H 523)(Ch. 242) ... 141, 340, 355, 429, 452, 708.
S 467 NCDL Suspension for Speed (H J1 Com) ..... 144, 162, 164.
S 468 Honoring Bessemer City 100th Anniv. (adopted) ..... 141, 1527.
S 469 LIFEguardianship Program Funds (H 223)(Appr Com)(In S 27) ..... 144.
S 470 Exempt Municipal Power Projects (H 443)(Ch. 182) ..... 144, 167, 244, 257, 656.
S 471 Randleman Reservoir Funds (H 425)(CapExp Com)(In S 26) ..... 144.
S 472 Spencer Shops Funds (CapExp Com) ..... 144, 382, 770.
S 473 Northwest Incorporated (H 405)(LocGov Com) ..... 144.
S 474 Raise Funeral Expense Allowance (held in Clerk's office) ..... 150.
S 475 Selling Handicapped Placards Illegal (Ch. 373) ..... 150, 445, 477, 1038, 1062, 1068.
S 476 Poultry Producer Protection Act (H 414)(Ag/MarRes&W Com) ..... 150.
S 477 Healthcare Power of Attorney (J1 Com) ..... 150.
S 478 Marriage and Family Therapists (H 233)(Ch&HumRes Com) ..... 154, 316.
S 479 Senior Tar Heel Legislature (Ch. 503) ..... 154, 443, 477, 484, 1242.
S 480 Cumberland Ranger Funds (reref CapExp Com) ..... 154, 770.
S 481 Int'l Finance Corp Investments (Ch. 105) ..... 154, 283, 310, 322, 580.
S 482 Recognizing NASCAR Car Racing (adopted) .... 157, 1012, 1029, 1527.
S 483 Uniform Commercial Code Funds (H 546)(Ch. 157) ..... 157, 414, 434, 634.

S 484 N.C. 4-H Development Funds (reref CapExp Com) ..... 160, 770.
S 485 Agriculture Lab. Bldg. Renovation Funds
(H 532)(CapExp Com) ..... 160.
S 486 Eastern N.C. Agriculture Center Funds
(H 477)(CapExp Com)(In S 26) ..... 160.
S 487 Juvenile Law/Child Protection (H 364)(J1 Com) ..... 160.
S 488 School Health Screening (H 365)(Ed/HighEd Com) ..... 160.
S 489 Child Eval. Center Funds (H 351)(reref Appr Com) ..... 160, 337, 603.
S 490 Community Child Protection Teams
(H 367)(reref Appr Com) ..... 160, 288.
S 491 Statewide Family Pres. Funds (H 362)(Appr Com) ..... 160.
S 492 Prosecutorial Child Protection (H 358)(J2 Com) ..... 161.
S 493 Child Abuse/Investigation/Prosecution
(H 363)(reref Rules Com) ..... 161, 454, 477, 1003.
S 494 Child Death Review Team
(H 359)(Ch&HumRes Com)(In S 27) ..... 161.
S 495 Health Statistics Center/Research
(H 360)(Ch&HumRes Com) ..... 161.
S 496 Medical/M.H. Eval. Plan (H 352)(Ch. 357) ..... 161, 191, 205, 213, 235, 1027, 1051, 1052.
S 497 D.W.I. Aggravating Factor Child in Car
(H 356)(J1 Com) ..... 161.
S 498 Rockingham Merger Correction
(H 426)(reref Rules Com) ..... 163, 213, 215, 233, 247.
S 499 Farm Product Inspection and Grading
(H 446)(H Agric Com) ..... 163, 175, 544, 549.
S 500 Prostate-Specific Test Over 50
(Ch. 269) ..... 163, 243, 258, 277, 712, 730, 733.
S 501 Avery Occupancy Tax (Ch. 472) ..... 163, 233, 713, 726, 732, 741, 1113, 1144, 1197, 1210.
S 502 Rape Crisis Funds (H 415)(Appr Com) ..... 168.
S 503 Rural Economic Development Act
(H 479)(reref CapExp Com)(In S 26; S 27) ..... 168, 770.
S 504 Strategic Economic Development Plan
(H 724)(H Bus&Labor Com)(In S 27) ..... 168, 402, 464, 477, 483.
S 505 Community College Economic Development Study
(H Educ Com) ..... 168, 414, 431, 463, 483.
S 506 Warrantless Arrest on School Grounds
(H 448)(J1 Com) ..... 168.
S 507 New Hanover/Reg. Personal Watercraft
(H 436)(J1 Com) ..... 168.
S 508 Limit Liability of Immigration Agents (H J1 Com) ..... 171, 217, 230.
S 509 Secretary of State/Economic Development Bd.
(H Bus&Labor Com) ..... 171, 233, 240, 248.
S 510 Connelly Springs Mayor (Ch. 37) ..... 171, 241, 247, 373.
S 511 Strengthen D.W.I. Laws (J1 Com) ..... 171.
S 512 Polk Local Development (LocGov Com) ..... 171.
S 513 Banking Amendments (S/H conf com appt'd) ..... 172, 341, 355, 370, 658, 689, 719, 731.
S 514 District Judge's Term (Const Com) ..... 172.
S 515 Agric. Dep't. Automated Network Funds (Appr Com) ..... 172.
S 516 County Housing Authorities
(H 730)(Ch. 458) ..... 172, 217, 372, 388, 397, 1200.
S 517 Redefine Local Jail Duties (H 584)(J1 Com) ..... 172.
S 518 Biological Pest Control Lab Funds
(reref CapExp Com) ..... 172, 770.
S 519 Lime and Landplaster Act Enforcement (Ch. 144) .. 172, 509, 512, 618.

S 520 Farmers' Markets Assistance Funds (H 511)(reref CapExp Com)(In S 27) ..... 172, 770.
S 521 Pseudorabies Control Funds (H 656)(Appr Com) ..... 172.
S 522 Honoring John C. Kesler (Res. 8) ..... 172, 269, 275, 277.
S 523 Reinsurer Accreditation Fee (reref Fin Com) ..... 173, 268.
S 524 Low-Level Waste Siting Criteria (H 462)(E&NR Com) ..... 173.
S 525 Revise Natural Death Act (H J1 Com) ..... 176, 351, 370, 379, 380.
S 526 EMS Certification Period Four Years (H Hlth Com) ..... 176, 215, 230.
S 527 Increase Retire. Allowance (reref Appr Com)(In S 27) ..... 176, 349.
S 528 Retirees' Guaranteed Return (reref Appr Com) ..... 177, 216.
S 529 Amend Vital Records Law (H 569)(J1 Com) ..... 177.
S 530 Agriculture Medical Waste Funds (H 655)(Appr Com)(In S 26) ..... 177.
S 531 District Judge's Term (failed 2nd rdg) ..... 177, 324, 334, 354, 373, 398, 420, 451, 461, 478.
S 532 Inheritance Tax Interest Deduct (H Fin Com) ..... 177, 207, 214, 235.
S 533 Occupational Health/Reporting (Ch. 486) ..... 180, 474, 544, 548, 554, 560, 591, 625, 632, 1222.
S 534 Aid to Public Libraries Fund (H 530)(reref CapExp Com)(In S 27 [Sec. 38]) ..... 180, 770.
S 535 Clarify Returned Check Damages (Ch. 374) ..... 180, 417, 435, 1039, 1048, 1062, 1068.
S 536 Contractor Roster Publication (Ch. 148) ..... 180, 417, 435, 627.
S 537 Estate Accounting/Liability (J2 Com) ..... 180.
S 538 Area Authority Plans (H Hlth Com) ..... 180, 215, 230.
S 539 Parent/Child Hospital Responsibility (H 552)(recommit Ch&HumRes Com) ..... 180, 268, 1030.
S 540 Workers' Compensation Changes (Mfg&Labor Com) ..... 180.
S 541 Early Intervention Funds (Appr Com)(In S 27) ..... 180.
S 542 Parent-to-Parent Funds (Appr Com) ..... 180.
S 543 Employee Assist. Program Cert. (H Rules Com) ..... 181, 419, 641, 749, 765.
S 544 Early Intervention/Mental Health (Ch. 487) ..... 181, 215, 544, 549, 1195, 1208, 1222.
S 545 Delete School Budget Report (Ch. 57) ..... 181, 335, 343, 355, 538.
S 546 Special Needs Commission Membership (Ch. 58) ... 181, 246, 259, 538.
S 547 School Closings Report (Ed/HighEd Com) ..... 181.
S 548 OSHA Funds (H 1261)(Appr Com)(In S 27) ..... 181.
S 549 Mental Health Worker/Criminal Record (Ch. 403) ..... 181, 374, 539, 549, 1075, 1084, 1088.
S 550 Fertilizer Law Amendments (Ch. 216) ..... 181, 401, 483, 501, 622, 673, 692, 693.
S 551 Duplin Gun Permits (Ch. 106) ..... 181, 241, 247, 580.
S 552 Inheritance Tax Filing Threshold (Fin Com) ..... 181.
S 553 Piedmont Agriculutral Center Funds (H 260)(CapExp Com)(In S 26) ..... 182.
S 554 Area MH/Managed Care/Health Reform (H 612) (reref Rules Com/see H 729; H 1319) ..... 182, 236, 248, 267, 703.
S 555 Cape Fear Historical Complex Funds (CapExp Com) ..... 182.
S 556 Housing Trust Fund (H 478)(Appr Com)(In S 26) ..... 182.
S 557 Lowell Charter Revision (H 461)(reref Fin Com) ..... 182, 241.
S 558 President Pro Tempore Appointments (Ch. 555) ..... 185, 419, 435, 1249, 1315.
S 559 Special Education Civil Action (Ch. 270) ..... 186, 445, 488, 733.
S 560 Distinguished Service Cross Plates (H Fin Com) .... 263, 372, 389, 397.
S 561 Commission for Blind Changes (H 635)(Rules Com) ..... 186.

S 562 DOT Professional Services (Appr Com) ..... 186.
S 563 DOT Private Contract Participation (Ch. 183) ..... 186, 235, 240, 656.
S 564 Vital Records Law Change (J1 Com) ..... 186.
S 565 Recording Studio Funds (H 925)(CapExp Com) ..... 186.
S 566 Inheritance Tax Provisions Conformed
(H Fin Com) ..... 186, 207, 214, 234, 240.
S 567 Farmer's Market Funds
(H 597)(CapExp Com)(In S 26) ..... 186.
S 568 Neglected Juvenile Definition (H 625)(J1 Com) ..... 186.
S 569 Nursing Home Regulation Authority
(H 587)(reref Ch&HumRes Com) ..... 186, 399.
S 570 Improve Sedimentation Control
(H 644)(reref Fin Com) ..... 187, 288.
S 571 Dam Safety Law Improvements
(H 483)(H Rules Com) 187, 339, 539,
548, 560, 628, 636, 637.
S 572 Waste Reduction/State Reports (Ch. 448) .... 187, 330, 343, 356, 1139.
S 573 Diploma Nursing Program Funds
(Appr Com)(In S 27 [Sec. 124.1]) ..... 187.
S 574 Insurance Premium Financing (H Ins Com) ..... 187, 243, 259.
S 575 Fines/Nursing Rest Home Licenses
(Ch. 530) ..... 187, 268, 286, 1217, 1218, 1245.
S 576 Youth Services Teachers Certification
(H 514)(reref Ed/HighEd Com) ..... 187, 336, 718, 721.
S 577 State Activity Bus Inspection (Ch. 114) ..... 187, 335, 343, 589.
S 578 School Bus Speed to 45 mph
(Ch. 217/see H 653) ..... 187, 269, 286, 665, 684, 693.
S 579 Self-Insured Workers' Compensation
(H 608)(Ch. 120) ..... 187, 427, 452, 584, 595, 596.
S 580 Insurance Regulatory Change (reref Fin Com) ..... 188, 533.
S 581 Home-Based Instruction/Funds
(H 614)(reref Appr Com) ..... 188, 447.
S 582 Business Corp. Act Amendments (H 539)(J2 Com) ..... 188.
S 583 Dental Labs/Dental Technicians (J1 Com) ..... 188, 316.
S 584 Nonprofit Corp. Act Fees
(H 540)(Fin Com/see S 585) ..... 188.
S 585 Nonprofit Corporation Act
(H 624)(J2 Com/see S 584) ..... 188.
S 586 Insurance Technical Amendments
(H 607)(Ch. 504) ..... 191, 411, 435, 1210, 1213, 1242.
S 587 Benefits Notice/Workers' Compensation Study
(reref Rules Com/see H 1319) ..... 191, 547, 732, 766, 1020.
S 588 Nursing/Rest Homes/Emergency Service
(reref Appr Com) ..... 191, 429.
S 589 Mandatory Hunter Safety Changes (H J1 Com) ..... 192, 401, 421.
S 590 Increase Boating Fees (Ch. 422) 192, 557, 641, 653, 662,
1066, 1090, 1105, 1110.
S 591 Wildlife License Restructuring (H Rules Com) 192, 557, 649,
660, 678, 688.
S 592 Public Health Remedies (H 560)(Ch. 211) .... 192, 244, 352, 370, 681.
S 593 Day Care Enforcement
(H 627)(Ch&HumRes Com) ..... 192.
S 594 Support N.C. Center for the Book (Res. 25) 192, 419, 435,
1139, 1153, 1201.
S 595 Sanitarian Education Require. Increase (Ch. 233) .. 192, 381, 398, 701.
S 596 Library Construction Grant Funds
(H 651)(CapExp Com) ..... 192.

S 597 Clarify Sanitation Laws
(H 570)(H Hlth Com/see H 179) ..... 192, 381, 398.
S 598 Patient Records/EHNR Investigation
(H 613)(recommit J2 Com) ..... 192, 255, 267.
S 599 'Pioneer' Mental Health Plan (reref Appr Com) ..... 193, 324.
S 600 Retirement System/Internal Revenue Code
(Ch. 531) ..... 193, 243, 267, 321, 1214, 1217, 1220, 1246.
S 601 Disability Income Plan Amend. (reref Appr Com) ..... 193, 411.
S 602 Small Employer Health Insurance
(H 610)(Ch. 408) ..... 193, 428, 453, 491, 1079, 1091, 1098.
S 603 Insurance Substantive Changes (H 609)(Ch. 409) ..... 193, 428, 453, 1079, 1091, 1098.
S 604 Administrative Hearings/Americans w/Disabilities
(Ch. 234) ..... 193, 224, 235, 701.
S 605 Art in State Buildings
(H 641)(H Appr Com)(In S 27) ..... 193, 657, 745, 1037, 1101.
S 606 Insurer Financial Solvency (H 622)(reref Appr Com) ..... 193, 394.
S 607 Adoptions Rewrite (reref J2 Com) ..... 194, 274.
S 608 Uniform Rule Against Perpetuities (reref J2 Com) ..... 194, 205.
S 609 Limit Options Land Transactions (reref J2 Com) ..... 194, 205.
S 610 Trusts for Pets (reref J2 Com) ..... 194, 358.
S 611 Water Authority Personnel Records
(Ch. 505) ..... 194, 278, 321, 1211, 1213, 1242.
S 612 Water Authority Salaries (Appr Com) ..... 194.
S 613 Charlotte-Mecklenburg Elections
(Ch. 167) ..... 194, 414, 431, 433, 635, 643.
S 614 DHR Nurses' Pay Adjustment
(H 381)(Appr Com)(In S 27) ..... 194.
S 615 Death Benefit Date Change
(reref Appr Com)(In S 27 [Sec. 74.2]) ..... 194, 243.
S 616 General Contractors' Fees (H 564)(Fin Com) ..... 194.
S 617 Home Inspectors (H Fin Com) ..... 194, 316, 412, 581, 600.
S 618 OSHA/Witness Third-Party Litigation (J1 Com) ..... 195.
S 619 Nash Economic Development (reref Fin Com) ..... 195, 237.
S 620 Apiculture Funds (H 755)(reref Appr Com) ..... 195, 557.
S 621 Controlled Substances Registrants Fees
(Ch. 384) ..... 195, 282, 582, 600, 606, 1078.
S 622 Health Insurance Amendments
(Ch. 506) ..... 195, 428, 453, 492, 1211, 1213, 1242.
S 623 HMO Improvements (H 646)(H Ins Com) ..... 195, 428, 453.
S 624 Mining Act Improvements (H 550)(E&NR Com) ..... 195.
S 625 Intermodal Surface Transportation Implementation
(Ch. 488) ..... 195, 446, 544, 549, 1204, 1208, 1222.
S 626 Insurer Risk-Based Capital
(H 666)(H Ins Com) ..... 198, 330, 343.
S 627 Managed Care Act (H 907)(held in Clerk's office) ..... 198.
S 628 Require Permit for Crossbow and Bolts
(Ch. 287) ..... 198, 486, 501, 725, 726, 735, 738, 740.
S 629 Certified Public Accountants Revisions (ppi) ... 198, 454, 488, 501, 512.
S 630 Fellows' Teaching Commitment (Ch. 330) ..... 198, 335, 399, 422, 449, 776, 1005, 1011.
S 631 Psychology Practice Act
(H 929)(Ch. 375/see H 544) ..... 198, 242, 358, 539, 550, 1027, 1049, 1063, 1068.

S 632 Clean Air Act Implementation
(H 681)(E&NR Com) ..... 198.
S 633 Staggered Parole Commissioner Terms (Ch. 337) ..... 199, 509, 512, 1003, 1019, 1023.
S 634 Local Regulatory Fees (Rules Com) ..... 199.
S 635 Kinston Private Sale (H 692)(reref Fin Com) ..... 199, 269.
S 636 Fund-Raising in Session (H 403)(J2 Com) ..... 199.
S 637 N.C. Geographic Alliance Funds (Appr Com) ..... 209.
S 638 Honor Late Gov. Melville Broughton
(H 680)(Rules Com) ..... 209.
S 639 Health Workers/HIV (J2 Com) ..... 209.
S 640 Fire/Rescue Commission Staff
(H 482)(Appr Com)(In S 27 [Sec. 41]) ..... 209.
S 641 Abortion Clinic Rules Authority (J2 Com) ..... 209.
S 642 Halifax Coroner Abolished (H 586)(LocGov Com) ..... 209.
S 643 Retaliatory Discharge Changes (Ch. 423) ..... 209, 405, 422, 495, 501, 1063, 1072, 1107, 1110.
S 644 Early Intervention Deaf/Funds
(H 722)(Appr Com)(In S 27) ..... 209.
S 645 Equal Access for Deaf/Funds (H 723)(Appr Com) ..... 209.
S 646 Schools for Deaf Standards Funds
(H 746)(Appr Com) ..... 209.
S 647 N.C. Watermelon Festival (H 318)(Rules Com) ..... 210.
S 648 Barber Amendments (H StGov Com) ..... 210, 554, 640, 653.
S 649 Raleigh Certificate of Appropriateness
(Ch. 168) ..... 210, 269, 309, 321, 326, 644.
S 650 Teacher Loan Payback Changes (reref Appr Com) ..... 210, 1118.
S 651 Electoral College Mileage (Appr Com) ..... 210.
S 652 Civil Air Patrol-Tort Liability (Ch. 389) ..... 210, 317, 327, 1078.
S 653 Mining Act Amendments (J1 Com) ..... 210.
S 654 Repeal Soft Drink Tax (Fin Com) ..... 210.
S 655 Capital Budget (CapExp Com) ..... 210.
S 656 N.C. Gaming Commission (held in Clerk's office) ..... 210.
S 657 Job Listing Service/Bond (Ch. 172) ..... 210, 454, 488, 636, 646, 648.
S 658 Computer Software Not Taxable
(H 911)(Ch. 459) ..... 210, 275, 286, 322, 335, 352, 368, 373, 399, 406, 1140, 1153, 1200.
S 659 Conform Aircraft Sales Tax (Ch. 507) ..... 211, 672, 690, 1242.
S 660 Elected Officials Terms/Limits (unf rpt) ..... 211, 468.
S 661 Repeal Privilege License Taxes (Fin Com) ..... 211.
S 662 NCSU/Textbook Publication Funds
(H 676)(Appr Com)(In S 27) ..... 211.
S 663 Domestic Violence Funds (Appr Com) ..... 211.
S 664 Teacher Assistant Leave Flexibility
(H 639)(Ed/HighEd Com) ..... 211.
S 665 Teacher Assistant Salary Schedule
(H 640)(Appr Com)(In S 27 [Sec. 133]) ..... 211.
S 666 Winston-Salem/Forsyth Downtown School
(H 691)(Ch. 128) ..... 211, 328, 334, 604.
S 667 Carolina Shores/Calabash Division Referendum
(H LocGov 1 Com) ..... 211, 241, 372, 378, 386.
S 668 Nash Cultural Center Funds (reref CapExp Com) ..... 217, 770.
S 669 Differentiated Pay Funds
(H 582)(Appr Com)(In S 27) ..... 217.
S 670 Differentiated Pay/School Employee
(H 581)(Ed/HighEd Com) ..... 217.

S 671 Lenoir Co. Arts/Civic Center Funds (H 693)(reref CapExp Com) ..... 217, 771.
S 672 Credit Insurance Changes (H 665)(Ins Com) ..... 218.
S 673 Workers' Compensation/Claimant Protection (J1 Com) ..... 218.
S 674 Universal Child Immunization (H 719)(Appr Com)(In S 27) ..... 218.
S 675 Expand Child Care Credit (H 720)(Fin Com) ..... 218.
S 676 Early Childhood Initiatives (H 718)(Ch&HumRes Com) ..... 218.
S 677 Abolish State Board of Education (Const Com) ..... 218.
S 678 Bond Payment Change (failed 2nd rdg) ..... 218, 414, 724, 732, 742.
S 679 Court Jurisdiction Out-of-State Solicitations (H 832)(Ch. 338) ..... 224, 327, 336, 1023.
S 680 Extend Employee Grievance Limit (reref J1 Com) ..... 224, 282, 327.
S 681 Loan Document Late Fees (Ch. 339) ..... 224, 375, 396, 712, 762, 1005, 1015, 1020, 1023.
S 682 C&NW Railroad Authority (H 695)(Ch. 235) ..... 225, 358, 377, 388, 684, 698, 701.
S 683 Citizens Review Officer Conduct (reref Rules Com/see H 1319) ..... 225, 673.
S 684 Kids Voting (Ch. 236) ..... 225, 404, 421, 701.
S 685 Annexation of Streets (H Fin Com) ..... 225, 232, 613, 724, 731, 743, 754.
S 686 Large City Services/Annexation (LocGov Com) ..... 225.
S 687 Transportation Authority Installment Contracts (reref Fin Com) ..... 225, 263.
S 688 Durham City Zoning Protests (Ch. 81) ..... 225, 269, 284, 556.
S 689 Durham Relocation Payments (Ch. 304) ..... 225, 269, 270, 284, 759.
S 690 Durham City Housing Code (ordered enrolled) ..... 225, 269, 284, 308, 1247, 1249, 1320.
S 691 Delay Sunset/Notice of Settlement (H 619)(J2 Com) ..... 225.
S 692 Raise Pitt Room Tax (Ch. 410) ..... 226, 269, 674, 684, 697, 1073, 1081, 1088, 1098.
S 693 New Teacher Support Funds (H 685)(reref CapExp Com) ... 226, 1017.
S 694 Special Obligation Bonds (Fin Com) ..... 226.
S 695 HIV Funds (H 738)(Appr Com)(In S 27) ..... 226.
S 696 Small Employer Health Plan (H 729)(reref Appr Com)(In S 27) ..... 226, 232, 580.
S 697 Trustee Powers Act (J2 Com) ..... 226.
S 698 Principal and Income Act (H 841)(J2 Com) ..... 226.
S 699 Rockingham Local Development (Ch. 25) ..... 223, 235, 240, 241, 256, 274, 275, 281, 288.
S 700 Decriminalize Certain Beer Sales (recommit J2 Com) .... 231, 445, 488.
S 701 UCC Termination Statement Fee (Fin Com) ..... 231.
S 702 St. Pauls Elections (Ch. 158) ..... 231, 323, 334, 634.
S 703 Pender Commissioner Districts (LocGov Com) ..... 231.
S 704 Pender Local Land Transfer Tax (LocGov Com) ..... 231.
S 705 Pender School Districts (LocGov Com) ..... 231.
S 706 Wrightsville Water/Sewer/Waste Fees (H 775)(H Fin Com) ..... 231, 361, 581, 598, 606.
S 707 Pender Sales Tax Distribution (H 763)(Fin Com) ..... 232.
S 708 Harnett Local Economic Development (H 708)(Ch. 42/see H 466; H 791) ..... 232, 278, 309, 322, 487.
S 709 Escheats/Abandoned Property (Ch. 340) ..... 232, 239, 405, 421, 422, 1003, 1019, 1023.
S 710 Nash Room Tax Use (H 783)(Ch. 545) ..... 232, 484, 500, 1080, 1166, 1215, 1235, 1238, 1314.

S 711 Troy Boundaries Confirmed (Ch. 159) ... 232, 269, 466, 498, 518, 634.
S 712 Wayne Community College Bldg. Funds (CapExp Com)(In S 14) ... 237.
S 713 Wayne County Forestry Funds (CapExp Com)(In S 26) ... 237.
S 714 PIN Access for Infractions (recommit J1 Com) ... 237, 282, 321, 322, 336, 337, 355.
S 715 Use of Printer/No Nexus (H 933)(J2 Com) ... 237.
S 716 Modify Cogenerating Power Tax Credit (H PubUtil Com) ... 238, 269, 724, 732, 743, 754.
S 717 Wayne Opportunity Center Funds (reref CapExp Com) ... 238, 771.
S 718 Financial Boards Merged (J2 Com) ... 238.
S 719 Board of Medical Examiners Amendments (H 721)(H Fin Com) ... 238, 1058, 1085, 1116, 1148.
S 720 Cleveland Commissioners Election (Ch. 89) ... 238, 359, 378, 573.
S 721 Cleveland Co. Mental Health Funds (CapExp Com) ... 238.
S 722 Health Uninsured Coverage (Ins Com) ... 238.
S 723 Film School Funds (H 682)(CapExp Com)(In S 14) ... 238.
S 724 High Rock Lake Marine Commission (Ch. 355) ... 238, 418, 615, 622, 630, 1052.
S 725 Restaurant ABC Permittees (H 894)(H J1 Com) ... 238, 317, 328.
S 726 Sunday Brunch Alcohol Sales (H 895)(Ch. 243) ... 239, 374, 396, 420, 709.
S 727 Willard School Conveyance (Ch. 52) ... 239, 361, 378, 531.
S 728 School Suspension Law Change (J1 Com) ... 239.
S 729 Franklin/Franklinton School Merger (Ch. 341) ... 239, 447, 470, 1012, 1023.
S 730 Franklinton Charter (Ch. 160) ... 239, 324, 466, 499, 518, 634.
S 731 Seat Belt Enforcement (J1 Com) ... 244.
S 732 Conform Pipeline Standards (H PubUtil Com) ... 244, 324, 337.
S 733 Park Authority/Park Fund (H Appr Com) ... 249, 564, 748, 762, 777.
S 734 Pilot Park Entrance Fees (H Appr Com) ... 249, 413, 536.
S 735 Protect Natural/Scenic Rivers (H Envir Com) ... 249, 402, 420, 451.
S 736 Partnership for Quality Growth (Rules Com/see H 1319) ... 249.
S 737 Funds/Partnership for Quality Growth (Appr Com/see H 1319) ... 249.
S 738 Real Estate Act Amds. (H Fin Com) ... 249, 375, 539, 549, 554, 560.
S 739 Certificate of Participation Study (Rules Com/see H 1319) ... 249.
S 740 Personal Computer Accountability (H 171)(reref Appr Com) ... 249, 657.
S 741 Legis. Information Technology Oversight Com. (Rules Com/see H 1319) ... 250.
S 742 State Health Plan (reref Appr Com) ... 250, 372.
S 743 ESC Data Processing (reref Appr Com) ... 250, 403.
S 744 State Auditor's Duties (Ch. 257) ... 250, 340, 451, 488, 722.
S 745 Food Program Expansion Funds (Appr Com)(In S 27) ... 250.
S 746 Bid Rejection Standard Clarified (H 19)(H StGov Com) ... 250, 403, 421, 435.
S 747 Information Resource Management Comm. (Appr Com) ... 250.
S 748 Land Records Management Changes (Ch. 258) ... 250, 467, 501, 722.

S 749 Fees for Payroll Records (Fin Com) ..... 250.
S 750 Hospital Surplus to Charities (H Hlth Com) ..... 250, 324, 396, 406.
S 751 Call Meetings of Capital Planning Comm. (H 95)(reref Appr Com) ..... 251, 403.
S 752 State Land Records Exempt (H 93)(J2 Com) ..... 251.
S 753 Abolish Energy Development Authority (H 94)(StPers&StGov Com) ..... 251.
S 754 State Real Property Management (H 96)(H StGov Com) ..... 251, 482, 486, 501.
S 755 Public Land Records Exempt (J2 Com) ..... 251.
S 756 State Real Property Study (H 92)(Rules Com/see H 1319) ..... 251.
S 757 Modify Benefit Restrictions (reref Appr Com) ..... 251, 620.
S 758 Preserve Railroad Easements (H Transp Com) ..... 251, 446, 488.
S 759 Liability for Unlawful Purchases (H 20)(reref J2 Com) ..... 251, 469, 501.
S 760 No Gifts for Purchasing Agents (H 21)(H Fin Com) ..... 251, 417, 435.
S 761 Disabilities Act Quarterly Report (H Rules Com) ..... 252, 419, 436.
S 762 State Fair Exhibit Building Funds (reref CapExp Com) ..... 252, 771.
S 763 Use Value Size Limit (reref W&M Com) ..... 252, 672, 690, 727.
S 764 Retirement Refund Deadline Removed (reref Appr Com) ..... 252, 410.
S 765 No Social Host ABC Liability (J2 Com) ..... 252.
S 766 Clarify Governor Part of Council of State (H 61)(Rules Com) ..... 252.
S 767 Charlotte/Mecklenburg Development (Ch. 174) ..... 252, 360, 415, 431, 470, 498, 629, 637, 645, 646.
S 768 Charlotte Joint Development (Ch. 417) ..... 252, 416, 432, 1110.
S 769 Mecklenburg Towns/Zoning Notices (Ch. 411/see H 799) ..... 252, 361, 378, 1068, 1082, 1089, 1098.
S 770 Nurses Paid by State Plan (H 458)(Pens&Ret Com) ..... 252.
S 771 Nurses Paid by Insurance (H 457)(Ins Com) ..... 253.
S 772 Durham City Street Closings (Ch. 149) .. 253, 416, 436, 612, 625, 627.
S 773 Durham Annexation Ordinances (Ch. 342) .... 253, 415, 431, 434, 444, 461, 1003, 1016, 1023.
S 774 Durham City Manager Powers (Ch. 121) ..... 253, 415, 432, 576, 582, 594, 596.
S 775 Wallace Franchise Tax Sharing (H 852)(Fin Com) ..... 253.
S 776 Physician Extender Program Study (Rules Com) ..... 253.
S 777 Grifton Land Use Jurisdiction (Ch. 53) ..... 253, 361, 378, 531.
S 778 Spousal Terminate Equity Loan (H J2 Com) ..... 253, 343, 355.
S 779 Delay Low-Level Site Process (E&NR Com) ..... 253.
S 780 N.C. Limited Liability Co. Act (H 923)(reref Fin Com) ..... 254, 652.
S 781 N.C. Leaf Funds (H 782)(Appr Com)(In S 27) ..... 254.
S 782 Charlotte Manager's Powers (Ch. 60) ..... 254, 415, 432, 546.
S 783 Educational Technology Funds (reref CapExp Com) ..... 254, 258, 384, 680.
S 784 Funds/Fort Butler Feasibility (Appr Com) ..... 254.
S 785 Sheriffs' Training Commission Membership (ordered enrolled) ..... 254, 317, 550, 555, 1231, 1237, 1245, 1249, 1250, 1315, 1320.
S 786 Commercial Jet Fuel Fee Refund (reref W&M Com) ..... 254, 649.

S 787 Employment Security Tax Penalty
(Ch. 424) ..... 254, 341, 466, 500, 519, 1079, 1090, 1106, 1110.
S 788 Community-Based Alternatives Services (Appr Com) ..... 254.
S 789 Oakboro Boundaries (H 854)(Ch. 254) .. 255, 324, 466, 499, 519, 719.
S 790 ABC Purchase/Possession Limit Increased
(Ch. 508) ..... 259, 351, 370, 1242.
S 791 Rockingham Room Tax Collection
(H 800)(Fin Com) ..... 259.
S 792 Eden Annexations (H Fin Com) ..... 259, 475, 614, 623, 630.
S 793 Handguns At Age 18 (H 858)(Ch. 259) ..... 259, 417, 436, 461, 463, 703, 714, 721, 722.
S 794 Wrightsville Beach Eminent Domain
(H 837)(H J2 Com) ..... 260, 415, 431, 450.
S 795 Election Day/Burke School Holiday (Ch. 90) .. 260, 388, 415, 432, 573.
S 796 Extend Bid-Rigging Statute of Limitations
(Ch. 441) ..... 260, 405, 421, 1039, 1095, 1129, 1138.
S 797 Mecklenburg ABC Hours of Sales
(reref EconDev Com) ..... 260, 317, 326, 373, 404, 419.
S 798 Wilmington Elections (Const Com) ..... 260.
S 799 Aids Test/Sex Offenses (Ch. 489) ... 260, 417, 436, 1206, 1209, 1222.
S 800 New Hanover School Elections (Const Com) ..... 260.
S 801 New Hanover Commissioners Elections
(Const Com) ..... 260.
S 802 Employment Security Omnibus
(Ch. 343) ..... 260, 341, 355, 370, 761, 1015, 1020, 1023.
S 803 Insurance Department Jurisdiction (H Ins Com) ..... 260, 471, 502.
S 804 Troy Zoning Notice
(Ch. 79/see H 799) ..... 260, 335, 342, 541, 548, 551.
S 805 Richmond Community College Arts Building
(H 893)(reref CapExp Com)(In S 14) ..... 260, 771.
S 806 Voting Machine Allocation (H 790)(Ch. 460) ..... 261, 404, 420, 421, 433, 1140, 1150, 1200.
S 807 Orange Antidiscrimination (LocGov Com) ..... 261.
S 808 Orange/Chatham Revenue Changes (Ch. 449) . 261, 583, 674, 685, 697, 1079, 1110, 1121, 1144, 1200.
S 809 Orange/Chatham Omnibus (Ch. 358/see H 799) ... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.
S 810 Court District 9A Created (Appr Com)(In S 27) ..... 248.
S 811 Employment Security Conforming Changes
(Ch. 122) ..... 261, 429, 453, 596.
S 812 Hendersonville Supplemental Fire Fund
(Ch. 244) ..... 261, 349, 437, 462, 709.
S 813 Energy Assistance Fund (PubUtil Com) ..... 261.
S 814 Repairs/Renovations Reserve Created
(Appr Com)(In S 26; S 27) ..... 261.
S 815 Restore June 30th Pay Date
(Appr Com)(In S 27 [Sec. 21.1]) ..... 261.
S 816 Labor Organization Employment Proposal
(Mfg&Labor Com) ..... 261.
S 817 Rockingham Co. Zone Notice
(Ch. 271/see H 799) ..... 261, 415, 432, 726, 733.
S 818 School Employee Continuing Contracts
(H 1056)(Ed/HighEd Com) ..... 262.
S 819 Cary Street Right-of-Way (reref Fin Com/see H 897) ..... 262, 415.
S 820 Cary Auto Tax Increase (H 898)(LocGov Com) ..... 262.

S 821 Water Withdrawal Registration (Ch. 344/see H 544) ..... 262, 332, 539, 550, 1004, 1019, 1023.
S 822 Charlotte/Matthews Vehicle Tax (Ch. 345) .... 262, 361, 558, 566, 577, 593, 602, 1004, 1016, 1023.
S 823 Adopt Permanent Rules (adopted) ..... 262, 270, 283, 286, 289, 1528.
S 824 Public Facilities/Infrastructure Bonds (CapExp Com) ..... 264.
S 825 Craven Road Hunting (Ch. 115) ..... 264, 356, 416, 432, 589.
S 826 Travel and Tourism Funds (H 1176)(Appr Com)(In S 27) ..... 264.
S 827 UNC Infection Control Funds (Appr Com)(In S 26) ..... 264.
S 828 Natural Science Museum Funds (H 637)(reref CapExp Com) ..... 264, 771.
S 829 Transfer Museum of Natural Sciences (H 638)(H Calendar) ..... 264, 533, 581, 601.
S 830 Alumni Mailing Lists (StPers&StGov Com) ..... 264.
S 831 N.C. Truth in Sentencing Act (H J3 Com) ..... 264, 446, 488.
S 832 Revenue Department Hearings Schedule (Ch. 532/see H 1028) ..... 264, 413, 436, 1216, 1217, 1246.
S 833 Certify Property Mappers (H 924)(reref Fin Com) ..... 265, 474.
S 834 Amendments to Foreclosure Statute (H 1120)(Ch. 305) ..... 265, 414, 436, 462, 492, 636, 740, 757, 758, 759.
S 835 Minority/Women Contract Study (H 871)(reref CapExp Com)(In S 26) ..... 265, 700, 1001.
S 836 Waive Fee—ID Cards of Indigents (Ch. 490/see H 1016) ..... 265, 324, 413, 536, 1207, 1209, 1222.
S 837 Durham County DBE (H LocGov 1 Com) ..... 265, 403, 420, 433.
S 838 Durham City DBE (H LocGov 1 Com) ..... 265, 403, 420, 433.
S 839 Motor Vehicle Sales Cancel Provisions (Ch. 141) ..... 265, 468, 502, 597, 608, 611.
S 840 Discovery/Dealer Licensing (Ch. 123) ..... 265, 469, 502, 596.
S 841 Motor Vehicle Warranty Reimbursement Rights (Ch. 116) ..... 265, 469, 502, 589.
S 842 Long-Term Care/Managers (H 959)(Ch. 390) ..... 265, 358, 360, 1020, 1029, 1078.
S 843 Out-of-State Retirement (H 930)(reref Appr Com) ..... 270, 410.
S 844 Old Chapel Hill Cemetery Funds (H 927)(reref CapExp Com) ..... 270, 771.
S 845 Dental Hygienist Amendments (J2 Com) ..... 271.
S 846 Small Claims Amount Increase (H 940)(Ch. 107/see H 544) ..... 271, 426, 488, 580.
S 847 Sentencing Commission Extended (reref Appr Com)(In S 27 [Sec. 200.1]) ..... 271, 417.
S 848 Regulate Medical Equipment (reref Fin Com) ..... 271, 467.
S 849 Organic Products Certification (H 981)(H Agric Com) ... 271, 401, 421.
S 850 Stanly County Airport Authority Funds (reref CapExp Com)(In S 26) ..... 271, 773.
S 851 Scotland Coroner Abolished (Ch. 272) ..... 271, 334, 658, 668, 670, 677, 718, 730, 734.
S 852 Unemployment Insurance Tax Cut (H 920)(reref Fin Com) ..... 271, 413, 536, 553.
S 853 Global TransPark Development Zone (H 943)(Ch. 544/see S 26) 271, 328, 344, 354,

368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
S 854 School Group Health Insurance (H Ins Com) ..... 271, 403, 422.
S 855 Stokes Zoning/Rockingham Economic Development (H 869)(Ch. 418) ..... 272, 415, 432, 1074, 1082, 1089, 1098, 1110.
S 856 Reidsville Electoral System (Rules Com) ..... 272.
S 857 Esthetic Services Regulations (Ch&HumRes Com) ..... 272.
S 858 Funds for Chinqua-Penn (H 846)(reref CapExp Com)(In S 26) ..... 272, 771.
S 859 Reidsville Elections (Ch. 306) ..... 272, 415, 432, 752, 757, 759.
S 860 Criminal Investigative Records (Ch. 461) ..... 272, 352, 368, 379, 1004, 1140, 1154, 1200.
S 861 Jones/Lenoir Shampooers (Ch. 54) ..... 272, 358, 378, 532.
S 862 Pitt Road Naming (H ppi) ..... 272, 324, 334.
S 863 Exceptional Child Graduation Requirements (H 904)(Ch. 359) ..... 272, 404, 422, 1039, 1051, 1053.
S 864 Public Contracts/Fire Sprinklers (StPers&StGov Com) ..... 272.
S 865 Rabies Information Confidential (Ch. 245) ..... 272, 486, 502, 709.
S 866 Agricultural Survey Program Funds (Appr Com) ..... 273.
S 867 County Health Board/Chiropractor (H 1088)(Ch&HumRes Com) ..... 278.
S 868 Corporation Liquidate Assets (Ch. 218) .. 278, 394, 406, 676, 692, 693.
S 869 Master Application/Business Application (H 979)(reref Appr Com)(In S 26) ..... 278, 454, 749.
S 870 Milk Sanitation Program Funds (Appr Com)(In S 27) ..... 279.
S 871 Improvement Contractor City License (H Fin Com) ..... 279, 474, 682, 696, 704, 714.
S 872 Family Care Home/Residential Use (H Fin Com) ..... 279, 429, 576, 594, 603.
S 873 No Obstruction/Health Facilities (H 985)(Ch. 412) ..... 279, 417, 436, 462, 493, 1054, 1063, 1091, 1098.
S 874 Alimony Law (H 978)(J1 Com) ..... 279.
S 875 Regulate Interbasin Transfers (H 990)(Ch. 348) ..... 279, 339, 351, 354, 368, 397, 1004, 1017, 1031, 1033.
S 876 Nationwide Interstate Banking (H 963)(Ch. 175) ..... 279, 328, 382, 398, 648.
S 877 Interstate Carriers (Rules Com) ..... 279.
S 878 Education Standards Commission (H 972)(Ch. 117/see S 27) ..... 279, 356, 370, 379, 589.
S 879 School Crime Reports Required (H 1009)(Ed/HighEd Com) ..... 280.
S 880 School Expulsion Modified (H 1010)(H Calendar) ..... 280, 369, 379.
S 881 Juvenile Code Revision Committee (H 1007)(Rules Com) ..... 288.
S 882 Increase Flexibility/School Funds (H 994)(reref Appr Com) ..... 289, 369.
S 883 Teaching Standards' Program Report (H 938)(H Rules Com) ..... 289, 447, 1124, 1150.
S 884 Teachers' Personnel Files/Content (Ch. 169) ..... 289, 454, 489, 644.
S 885 Health Insurance/Pharmacy of Choice (H 905)(Ch. 293) ..... 289, 426, 453, 469, 726, 732, 745, 747.
S 886 Bermuda Run District (held in Clerk's office) ..... 289.

S 887 Santeetlah Water Supply
(Ch. 546) ..... 310, 541, 613, 1024, 1042, 1056, 1314.
S 888 State Veterans Home
(H 1186)(reref CapExp Com)(In S 26 [Sec. 31]) ..... 310, 538.
S 889 Dentists/Hygienists Continuing Education
(Ch. 307) ..... 310, 427, 473, 494, 506, 703, 740, 757, 759.
S 890 Substance Abuse Cert. Act (H 1142)(reref J2 Com) ..... 311, 1022.
S 891 Penalties/Weapons in School
(H 1008)(Ed/HighEd Com) ..... 311.
S 892 Juvenile Probation/Passing Grade (Ch. 462) ..... 311, 369, 379, 396, 1004, 1118, 1153, 1201.
S 893 Juvenile Probation/School Protection
(H 1092)(Ed/HighEd Com) ..... 311.
S 894 Water/Sewer Authority Penalties (H J1 Com) ..... 311, 454, 471, 500.
S 895 19A/19C Prosecutorial District (Appr Com) ..... 311.
S 896 Indigents' Attorney Fund
(H 931)(H Appr Com)(In S 27 [Sec. 195]) ..... 311, 334, 344.
S 897 Mecklenburg Building Code/Non-Profit Conveyance Vote
(Ch. 491) ..... 311, 416, 432, 433, 1206, 1209, 1222.
S 898 Land Clearing/Debris Landfills (H Envir Com) ..... 311, 504, 509, 510.
S 899 Uniform Commercial Code Leases
(Ch. 463) ..... 311, 486, 502, 1069, 1147, 1154, 1201.
S 900 Certify Interior Designers (H 266)(reref Fin Com) ..... 312, 578, 735.
S 901 Bicycle Clinging Prohibited (H J3 Com) ..... 312, 445, 489.
S 902 Bicycle Signals (H J3 Com) ..... 312, 411, 437.
S 903 Pittsboro Peddler Tax (H Fin Com) ..... 312, 466, 499, 519.
S 904 Aid to Private Colleges (reref Appr Com) ..... 312, 565.
S 905 Limitation/Childhood Sexual Abuse
(H 1108)(reref Appr Com) ..... 312, 437, 611.
S 906 Workers' Compensation Reform (H Courts Com) ..... 312, 322, 329, 337, 348, 430, 453, 721, 732, 767, 1020, 1024, 1047, 1061, 1064.
S 907 Repeal Community Water Fees (reref Fin Com) ..... 312, 1165.
S 908 Bond Procedure Changes (J1 Com) ..... 312.
S 909 Guilford Commissioners Elections (H 865)(Const Com) ..... 312.
S 910 Prescription Drug Label (H Hlth Com) ..... 313, 429, 460.
S 911 Uniform Roadside Hunting (H 827)(reref J1 Com) ..... 313, 402.
S 912 Workers' Compensation/Realtors (H J1 Com) ..... 313, 397, 406, 422.
S 913 Real Estate Continuing Education (Ch. 492) .. 313, 387, 615, 624, 1222.
S 914 Contracts to Improve Real Property
(Ch. 294) ..... 313, 454, 489, 726, 732, 745, 747.
S 915 Restorative Justice Act (H 1035)(J1 Com) ..... 313.
S 916 Inmate Hiring Incentive (J1 Com) ..... 313.
S 917 Toll Roads/Bridge Authority
(H Transp Com) ..... 313, 1041, 1059, 1065.
S 918 Clarify State Trails System (Ch. 184) ..... 317, 381, 398, 656.
S 919 UNC-CH NCAA Basketball Champions (Res. 10) ..... 287, 358.
S 920 Legislative Retirement/Expense Allowance
(reref Rules Com) ..... 317, 495.
S 921 Faxing Military/Overseas Ballots (H J1 Com) ..... 318, 429, 461.
S 922 Surety Bondsman Exam/Fee (H Rules Com) ..... 318, 703, 1037, 1102.
S 923 Cumberland Meals Tax (Ch. 413) ..... 318, 674, 685, 697, 1074, 1082, 1089, 1098.
S 924 Change Register of Deeds Fees (Ch. 425) ..... 318, 615, 624, 632, 1093, 1107, 1110.

S 925 Attempting to Elude (H J1 Com) ..... 318, 418, 444.
S 926 Regulate Hog Operations
(H 1159)(reref Appr Com)(In S 26) ..... 318, 1024, 1028.
S 927 Land Resources Staff Funds (Appr Com) ..... 318.
S 928 Undergrd. Storage Tanks (H 1061)(E&NR Com) ..... 318.
S 929 Minority Business/Highway Construct
(reref Appr Com) ..... 318, 467.
S 930 Hospital Medication Counseling (H Hlth Com) ..... 319, 469, 503.
S 931 Entry of Judgment Rule (Rules Com) ..... 319.
S 932 Demolition Asphalt Sunset Off
(H 969)(H Envir Com) ..... 319, 373, 388, 398.
S 933 Concealed Weapon Permit (H 1169)(J1 Com) ..... 319.
S 934 Mental Health Study Funds
(H 1177)(Appr Com)(In S 27) ..... 325.
S 935 Health Coverage/Certain Drugs (Ins Com) ..... 325.
S 936 Interstate Branch Banking (H 463)(Ch. 191) .. 325, 401, 454, 489, 664.
S 937 Civil Damages for Certain Crimes (H Rules Com) ..... 325, 1055, 1071.
S 938 Hosiery Technology Center
(reref CapExp Com)(In S 27 [Sec. 116]) ..... 325, 771.
S 939 Combined Motor Vehicles Franchises
(Ch. 331) ..... 325, 446, 489, 776, 1005, 1011.
S 940 Charitable Solicitations (H Rules Com) ..... 325, 725, 1036, 1102.
S 941 Property Tax Liens Priority (reref W&M Com) .. 325, 1025, 1034, 1144.
S 942 Burke Thoroughfares/Moore Airport Authority
(Ch. 414) ..... 330, 411, 453, 470, 498, 1074, 1082, 1089, 1098.
S 943 East Arcadia Senior Center Funds (reref CapExp Com) ..... 331, 771.
S 944 Auto Insurance/Unauthorized Drivers (Ins Com) ..... 331.
S 945 Deadly Force Against Intruder (H Courts Com) .... 331, 403, 490, 491, 494, 495, 506, 507.
S 946 Tri-County Community College Funds
(CapExp Com)(In S 14) ..... 331.
S 947 Tri-County/Graham Center Funds (CapExp Com) ..... 331.
S 948 Tri-County Community College Funds (CapExp Com) ..... 331.
S 949 Reduce Early Retirement Penalty
(H 1162)(Pens&Ret Com) ..... 331.
S 950 Hospice Certificate of Need (Ch. 376) ..... 331, 454, 474, 503, 509, 1027, 1065, 1068.
S 951 Enhance Long-Term Fiscal Stability (adopted) ..... 331, 470, 492, 494, 500, 504, 510, 1529.
S 952 Hospital Authority Law Change (H Hlth Com) ..... 331, 428, 452, 470.
S 953 Change Paternity Establishment (J2 Com) ..... 332.
S 954 Insurance Pay Social Workers (Ch. 464) ..... 332, 471, 473, 493, 506, 507, 1140, 1154, 1201.
S 955 Health Care Consent/Minor (H 915)(Ch. 150) ..... 332, 445, 489, 612, 625, 627.
S 956 Marketing of Animal Residues/Study
(Rules Com/see H 1319) ..... 344.
S 957 Surry Beer/Wine Tax (H Fin Com) ..... 344, 475, 1024, 1042, 1056.
S 958 Piedmont Community College/Film Tech. Funds
(CapExp Com) ..... 345.
S 959 N.C. Interloc Program Funds (Appr Com) ..... 345.
S 960 N.C. Interloc Program (reref Appr Com) ..... 345, 561.
S 961 Pamlico Junkyards (Ch. 493) ..... 345, 411, 444, 447, 1222.
S 962 Legislative Retirement Option
(H 388)(reref Appr Com)(In S 27) ..... 345, 410.
S 963 Assignment of Real Property Security (J2 Com) ..... 345.

S 964 Community-Based Alternative Services (S 1042; H 725)(Appr Com)(In S 27) ..... 345.
S 965 Effect of D.W.I. Acquittal (J1 Com) ..... 345.
S 966 Private Child Caring (H 1187)(Appr Com) ..... 345.
S 967 Teacher Academy Plan Funds (Appr Com)(In S 27 [Sec. 142]) ..... 345.
S 968 Teacher Academy Plan/Implementation (reref Appr Com) .... 346, 404.
S 969 School Supplemental Funds (H 1195)(Appr Com)(In S 27) ..... 349.
S 970 Teaching Hate Crimes Unlawful (Ch. 332) ..... 350, 445, 489, 761, 777, 1005, 1011.
S 971 Tear Gas for Self Defense (Ch. 151) ..... 350, 445, 489, 627.
S 972 Radiation Tech Practice Act (J1 Com) ..... 350, 537.
S 973 Hemophilia Assistance Funds (Appr Com) ..... 350.
S 974 Cosmetology Continuing Education (H 1155)(H Rules Com) ..... 350, 709, 1025, 1048, 1103.
S 975 Governor's Operating Budget (H 1216)(Appr Com/see S 27) ..... 350.
S 976 Honoring Dwight Wilson Quinn (Res. 11) ..... 350, 362, 373.
S 977 Safe Schools Partnership (held in Clerk's office/see H 28) ..... 350.
S 978 Wastewater System Contractors Licensing Bd. (H 953)(reref Fin Com) ..... 359, 597, 1071.
S 979 Water Supply Planning/Management (H 1211)(Appr Com)(In S 27) ..... 359.
S 980 Define Septage (H 1077)(reref Fin Com) ..... 359, 506.
S 981 Albemarle ABC Profits (Ch. 379) ..... 359, 415, 433, 1077.
S 982 Modify Prison Cap (Ch. 91) ..... 359, 400, 406, 573.
S 983 Manteo Town Manager (Ch. 108) ..... 359, 415, 433, 580.
S 984 Industrial Commission Mediation (H 658)(J2 Com) ..... 359.
S 985 Public Health Funds (Appr Com) ..... 359.
S 986 Administrative Hearings Mediation (H 657)(H J3 Com) ..... 359, 454, 490.
S 987 High-Voltage Line Safety Act (H J1 Com) .... 359, 401, 427, 461, 493.
S 988 Spring Lake Community Center Funds (H 1210)(CapExp Com) ..... 360.
S 989 Safe Schools Partnership Act (Ch. 509) ..... 357, 369, 379, 487, 494, 1211, 1214, 1242.
S 990 Adult Day Care Funds (Appr Com) ..... 360.
S 991 Dare/Menhaden Fishing (H Agric Com) ..... 360, 401, 420.
S 992 Pamlico/Martin Co. Construction (Ch. 404) ..... 375, 454, 470, 1074, 1083, 1088.
S 993 Family Law Reform-LRC (Rules Com/see H 1319) ..... 375.
S 994 Tryon Palace Commission (Ch. 109) ..... 375, 476, 503, 580.
S 995 Stock Ownership/State Majority (H J1 Com) ..... 375, 411, 444, 490.
S 996 Catawba Arts Center Funds (CapExp Com) ..... 376.
S 997 Recognition of Foreign Judgments (H 991)(J2 Com) ..... 376.
S 998 Haywood High Technology Training Center (CapExp Com) ..... 376.
S 999 Henderson County Sheltered Workshop (CapExp Com) ..... 376.
S 1000 Mental Health Improvement Funds (H 1215)(Appr Com) ..... 376.
S 1001 Juvenile Sex Offender Treatment (H 1237)(Appr Com)(In S 27) ..... 376.
S 1002 School Tech. Commission Created (reref Appr Com)(In S 27) ..... 361, 384.
S 1003 Changes Affecting Landfill Permits (Ch. 473) ..... 376, 507, 510, 1210.

S 1004 Columbus County Gas Line Funds (CapExp Com)(In S 26) ..... 376.
S 1005 Cold-Water Aquaculture Funds (Appr Com)(In S 27 [Sec. 96]) ..... 376.
S 1006 Regulated Metals Purchase (Ch. 295) ..... 376, 410, 511, 512, 738, 745, 747.
S 1007 Nursing Technical Amendments (Ch. 198) ..... 377, 414, 444, 659, 670, 671.
S 1008 Retired Senior Volunteer Program (Appr Com) ..... 377.
S 1009 Directors Terms/State Corporation (H J1 Com) ..... 377, 411, 444, 490, 493.
S 1010 Floor Privileges 15-Min Rule (adopted) ..... 382, 427, 449, 1532.
S 1011 Garner Fees (LocGov Com) ..... 382.
S 1012 Economic Impact of Rules (reref W&M Com) ..... 382, 418, 444, 451, 493, 495, 507, 516.
S 1013 Workforce Preparedness Act (H Rules Com) ..... 382, 394, 630, 1105, 1108.
S 1014 Western Carolina/MCNC Link (H 916)(CapExp Com)(In S 26) ..... 382.
S 1015 WCU Business Center Funds (H 1191)(CapExp Com) ..... 383.
S 1016 Northwest Recreation Building (CapExp Com) ..... 383.
S 1017 Oppose Withholding Highway Funds (Res. 30) .... 383, 419, 445, 1244.
S 1018 Real Estate Mortage Investment Conduit (Ch. 494) ..... 383, 582, 601, 1222.
S 1019 Apex Extraterritorial/Annexations (Ch. 312) ..... 383, 474, 581, 598, 606, 775.
S 1020 N.C. Arboretum Changes (H Rules Com) ..... 383, 467, 503, 504.
S 1021 Inmate Emergency Medical Costs (Ch. 510) ..... 383, 418, 449, 1211, 1214, 1242.
S 1022 Brevard Music Center Funds (CapExp Com) ..... 391.
S 1023 Western Carolina University Funds (H 918)(CapExp Com)(In S 26) ..... 391.
S 1024 Braille Literacy (H 1316)(reref Appr Com)(In S 26) ..... 391, 539.
S 1025 Cigarette Tax-No Stamps (Ch. 442) ..... 391, 540, 548, 553, 1094, 1106, 1128, 1139.
S 1026 County Fire Marshal Benefits (reref Appr Com) ..... 391, 538.
S 1027 Farm Commercial Drivers License Amendments (Transp Com) ..... 391.
S 1028 Senior Citizens' Fed. Funds (reref CapExp Com) ..... 391, 1009.
S 1029 Infant Mortality Funds (Appr Com)(In S 27) ..... 391.
S 1030 Erwin Textile Museum Funds (H 1238)(reref CapExp Com) ..... 392, 771.
S 1031 Maritime Museum Annex Funds (CapExp Com) ..... 392.
S 1032 Workers' Compensation/Med. Cost Controls (H J2 Com) ..... 392, 504, 508.
S 1033 Probation Violation is Contempt (H J3 Com) ..... 392, 445, 490.
S 1034 Foster Care Special Need Funds (Appr Com) ..... 392.
S 1035 Foster Care Board Rate Increase (Appr Com) ..... 392.
S 1036 Netta Community Funds (CapExp Com) ..... 392.
S 1037 Tomorrow Academy Pilot Funds (H 1267)(reref CapExp Com) ..... 392, 1017.
S 1038 Harriet's House Funds (H 1233)(Appr Com)(In S 27) ..... 392.
S 1039 Locksmith Licensing/Regulation (held in Clerk's office) ..... 407.
S 1040 Adolescent Pregnancy Prevention Funds (reref Appr Com)(In S 27) ..... 407, 563.
S 1041 Medicaid/AFDC Increase (H 1450)(reref Appr Com) ..... 407, 538.

S 1042 Community-Based Alternative Services
(S 964; H 725)(Appr Com) ..... 407.
S 1043 Medical Care Savings Plan (reref Rules Com) ..... 407, 540, 1021.
S 1044 Rental Car Surtax/Reimbursement
(H Fin Com) ..... 407, 682, 699, 704, 714.
S 1045 Photovoltaic Equipment Tax Credit
(H Rules Com) ..... 407, 674, 1115, 1150.
S 1046 Catawba Law Change (Rules Com) ..... 407.
S 1047 Blue Ridge Community College Health Building
(CapExp Com)(In S 14) ..... 407.
S 1048 Cumberland County Juvenile Detention Facility
(CapExp Com) ..... 408.
S 1049 Lumber River State Park Funds (CapExp Com)(In S 26) ..... 408.
S 1050 One-on-One Program Funds (Appr Com) ..... 408.
S 1051 Minimum Wage Exemption (reref Mfg&Labor Com) ..... 408, 511, 520.
S 1052 Geodetic Survey Funds (Appr Com)(In S 27) ..... 408.
S 1053 NCSU Centennial Authority
(H 1003)(H Appr Com) ..... 408, 751, 1096, 1119, 1144.
S 1054 Physician Practice Parameters (H StGov Com) ..... 408, 474, 503.
S 1055 Rural Hospital Building Funds (CapExp Com) ..... 423.
S 1056 District Attorney Removal/Costs (J1 Com) ..... 423.
S 1057 Guilford School Funding (Ch. 161) ..... 423, 437, 451, 462, 632, 634.
S 1058 Hillsborough Tornado Funds (H 926)(Appr Com) ..... 423.
S 1059 Social Worker Education Loan Fund
(H 1327)(reref Appr Com) ..... 423, 539.
S 1060 N.C. Foreign Language Center Funds (reref Appr Com) ..... 423, 565.
S 1061 Court Costs to "Crime Stoppers" (J1 Com) ..... 423.
S 1062 Guilford Community College Hearing Impaired Program
(H 1273)(Appr Com) ..... 423.
S 1063 ECU Teacher Leadership Program Funds (Appr Com) ..... 423.
S 1064 Refunds/Manufactured Housing (J2 Com) ..... 424.
S 1065 Agency Receipts for Recycling (Appr Com) ..... 424.
S 1066 Voter Preregistration (S/H conf com) ..... 424, 468, 503, 508, 1206, 1209, 1213, 1216.
S 1067 Use Teacher Assistant Funds/Teachers
(reref Appr Com) ..... 424, 536.
S 1068 Sickle Cell Center Funds (H 1256)(CapExp Com) ..... 424.
S 1069 Child Medical Eval. Funds
(reref CapExp Com)(In S 26) ..... 424, 1018.
S 1070 New Hanover/Human Relations Scope (Ch. 192) ..... 424, 475, 500, 597, 650, 662, 663, 664.
S 1071 Safe School Grant Funds (Appr Com) ..... 424.
S 1072 Emergency Vehicles (H Rules Com) ..... 424, 1151, 1246.
S 1073 Teen Involvement Projects Funds
(H 1286)(reref CapExp Com) ..... 424, 1017.
S 1074 Drivers License Compact (Ch. 533) .. 424, 490, 503, 1217, 1218, 1246.
S 1075 Beach Access Program Clarification
(H Rules Com) ..... 425, 466, 1104, 1120.
S 1076 Medicaid/AFDC Needs Standard
(H 1451)(Appr Com) ..... 425.
S 1077 Prison Bond Funds
(H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.
S 1078 Community College Personnel Salary Schedule
(H 1313)(Ed/HighEd Com) ..... 438.
S 1079 Insurance Department Positions (Appr Com) ..... 438.
S 1080 Pittsboro Pedestrian Signal Funds (Appr Com) ..... 438.
S 1081 Criminal Record Checks/Hospitals (J1 Com) ..... 438.

S 1082 Nash/Franklin Watershed Zoning Notice (Ch. 296/see H 799) ..... 438, 475, 500, 726, 732, 742, 743, 747.
S 1083 Chiropractor Insurance Equality Act (Ins Com) ..... 438.
S 1084 Service Agreement Changes (H Rules Com) ..... 438, 564, 682, 697, 1105, 1120, 1132.
S 1085 Secretary of State Funds (Appr Com)(In S 27) ..... 438.
S 1086 State Treasurer Funds (H 1377)(Appr Com)(In S 27) ..... 439.
S 1087 Head Start Bond Act (H 1312)(Bonds Com) ..... 439.
S 1088 Diesel Fuel Payment Method (reref Appr Com/see S 26) ..... 439, 749, 765.
S 1089 Regulate Homeless Shelters (reref Appr Com) ..... 439, 563.
S 1090 Durham Service Corps Funds (Appr Com) ..... 439.
S 1091 N.C. Physician Fellows Funds (Appr Com) ..... 439.
S 1092 Computer Legal Research Study (Rules Com/see H 1319) ..... 439.
S 1093 Displaced Homemaker Program Funds (H 1269)(reref CapExp Com) ..... 439, 657, 1018.
S 1094 Suspended Student Program Funds (Appr Com) ..... 439.
S 1095 Employer Training Funds/ADA (Appr Com) ..... 439.
S 1096 School Safety Task Force Funds (H 1299)(Appr Com) ..... 440.
S 1097 Northhampton School Elections (Ch. 110) .... 440, 468, 476, 494, 580.
S 1098 Separate Plumbing/Sprinkler Bids (Mfg&Labor Com) ..... 455.
S 1099 Vance Tractor-Plow Funds (reref CapExp Com) ..... 455, 771.
S 1100 State Personnel Office Study (Appr Com)(In S 26 [Sec. 24]) ..... 455.
S 1101 Department of Commerce Programs Funds (reref CapExp Com) ..... 455, 1018.
S 1102 Social Worker Maximum Case Load (reref Appr Com)(In S 27) ..... 455, 563.
S 1103 State Controller Funds (H 1330)(Appr Com) ..... 455.
S 1104 Crime Control and Public Safety (Appr Com)(In S 27) ..... 455.
S 1105 Durham Leigh Farm Park Funds (H 1326)(CapExp Com) ..... 455.
S 1106 ECU Minges Coliseum Funds (H 1259)(CapExp Com)(In S 26) ..... 455.
S 1107 Pitt Mediation Center Funds (reref CapExp Com)(In S 27 [Sec. 200.2]) ..... 455, 772.
S 1108 Habitat for Humanity Tax Exemption (H 936)(Fin Com) ..... 456.
S 1109 Developmentally Disabled Living Arrangements (H 535)(Appr Com)(In S 27) ..... 456.
S 1110 Educational Consortia Funds (H 1441)(Appr Com)(In S 27 [Sec. 101.2]) ..... 456.
S 1111 Farmers Mutuals Incorporated (Ch. 495) ..... 456, 557, 673, 690, 1204, 1208, 1222.
S 1112 Clean Water Revolving Loan Amendments (H 1137)(Ch. 496) ..... 456, 504, 724, 732, 743, 754, 1195, 1208, 1222.
S 1113 Title Insurance Premiums (Ch. 129) ..... 456, 502, 503, 604.
S 1114 Notary Law Amendments (J1 Com) ..... 456.
S 1115 Title Insurance Regulated (H Ins Com) ..... 456, 502, 509.
S 1116 Animal Fighting Offenses (Rules Com) ..... 456.
S 1117 Harnett Tax Mapping Funds (Appr Com) ..... 456.
S 1118 Lee Public Funds (Appr Com) ..... 457.
S 1119 Joint Obligors/Credit Line (recommit J1 Com) ..... 457, 544, 555.
S 1120 Process Leadership Program Funds (H 1246)(Appr Com)(In S 26) ..... 457.

S 1121 Soil Conservation Law Changes
(Ch. 391) ..... 457, 504, 674, 706, 714, 1087.
S 1122 Economic Development/Minority (reref CapExp Com) ..... 457, 773.
S 1123 Hearing Impaired Cued Speech Programs (Appr Com) ..... 457.
S 1124 Senate President's Appointments
(H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
S 1125 Restaurant Facilities/Non-Navigable Waters
(Ag/MarRes&W Com) ..... 457.
S 1126 Homicide/Evidence as to Site of Crime (J1 Com) ..... 457.
S 1127 Learning Link Funds
(H 1308)(Appr Com)(In S 27 [Sec. 100]) ..... 457.
S 1128 Labor Department Staff/Equipment Funds
(H 1333)(Appr Com)(In S 27) ..... 457.
S 1129 Mental Health Funding/South Central N.C. (Appr Com) ..... 478.
S 1130 Pinetree Enterprises/West End (reref CapExp Com) ..... 478, 773.
S 1131 Developmentally Disabled Independent Living
(Appr Com)(In S 27) ..... 478.
S 1132 Parent/Child Center Funds (H 1350)(Appr Com)(In S 26) ..... 479.
S 1133 Domiciliary Personal Needs Allowance Funds
(H 1410)(Appr Com)(In S 27) ..... 479.
S 1134 Shakespeare Festival Funds (reref CapExp Com) ..... 479, 772.
S 1135 Piedmont Triad Engineering Research Center (Appr Com) ..... 479.
S 1136 Apprenticeship Expansion Funds (H 1342)(Appr Com) ..... 479.
S 1137 Labor Department Computer Expansion
(H 1334)(Appr Com)(In S 26) ..... 479.
S 1138 UNC-CH Bicentennial (reref CapExp Com)(In S 26) ..... 479, 772.
S 1139 Increase Court Fees/20-Day Failure
(H 1355)(Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
S 1140 Airborne Museum Funds (H 1360)(CapExp Com) ..... 479.
S 1141 Expand Business Tax Credit
(H 1362)(Ch. 443/see H 544) ..... 479, 650, 662, 669, 1012, 1038, 1107, 1128, 1139.
S 1142 State-Required Vaccines Funds (Appr Com) ..... 479.
S 1143 Homestead Exemption/Deferral (Fin Com) ..... 479.
S 1144 Bridge Formula Exceptions (H Transp Com) ..... 480, 1032, 1045.
S 1145 Marine Sciences Funds (H 1363)(Appr Com) ..... 480.
S 1146 Flea Market Tax Sales Records (H Rules Com) .... 480, 683, 699, 704, 719, 727, 754, 763, 778.
S 1147 Motor Vehicles False Records Penalties (J1 Com) ..... 480.
S 1148 Preferred Provider Contracts (Ch. 547) .. 460, 467, 503, 506, 525, 526, 590, 598, 712, 715, 723, 731, 745, 746, 753, 757, 1202, 1236, 1314.
S 1149 Schools Parental Involvement Funds
(H 1278)(Appr Com) ..... 480.
S 1150 UNC/Undergraduate Education Commission
(Rules Com) ..... 480.
S 1151 County Commissioners License Plates (H Fin Com) ..... 496, 574, 641, 653, 655, 669, 677.
S 1152 Employment Training Center Funds (Appr Com) ..... 497.
S 1153 Southeast Waste Compact Repeal (J1 Com) ..... 497.
S 1154 Norplant Availability/Funds (reref Appr Com) ..... 497, 590.
S 1155 Flat Rock Playhouse Funds (H 1401)(CapExp Com) ..... 497.
S 1156 Health Care Study/LRC
(H 1309)(Rules Com/see H 1319) ..... 497.

S 1157 Economic Development Financing Bonds (H 1372)(Ch. 497) ..... 497, 516, 558, 568, 569, 577, 578, 594, 1130, 1153, 1205, 1207, 1222.
S 1158 Textbook Funds (Appr Com) ..... 497.
S 1159 Medical Malpractice Study/LRC (Rules Com/see H 1319) ..... 497.
S 1160 Utilities Commission/Thomas (H 1399)(Res. 16) ... 497, 616, 618, 627.
S 1161 Utilities Commission/J. Hunt (H 1400)(Res. 17) ... 497, 616, 618, 627.
S 1162 Utilities Commission/R. Hunt (H 1398)(Res. 18) ... 498, 616, 618, 627.
S 1163 Multicounty Pollution Facility Financing (Ch. 130) ..... 491, 504, 509, 584, 602, 604.
S 1164 Solid Waste Federal Financial Requirements (Ch. 273) ..... 491, 504, 509, 734.
S 1165 Resident Inspector Assignments (Ch. 511) ..... 491, 628, 713, 728, 1211, 1214, 1243.
S 1166 Topsail Assembly Building Funds (CapExp Com) ..... 520.
S 1167 Fines/Forfeitures Study/LRC (Rules Com/see H 1319) ..... 520.
S 1168 Electronic Dog Collar Removal (J1 Com) ..... 521.
S 1169 Teach American Ethics (H 1408)(reref Appr Com) ..... 521, 592.
S 1170 Water Resources Development Funds (H 1415)(CapExp Com)(In S 26) ..... 521.
S 1171 Dispute Settlement Funds (H 1396)(Appr Com) ..... 521.
S 1172 Health Care Center Study/LRC (H 1434)(Rules Com/see H 1319) ..... 521.
S 1173 Southeastern Farmers Market (H 1376)(CapExp Com)(In S 26) ..... 521.
S 1174 Agricultural Export Programs (Appr Com) ..... 521.
S 1175 Registration Plate Surrender Penalty (J2 Com) ..... 521.
S 1176 Historic Spencer Shops Funds (CapExp Com) ..... 521.
S 1177 N.C. Arboretum Funds (CapExp Com)(In S 14; S 26) ..... 521.
S 1178 State Purchasing Study (Rules Com/see H 1319) ..... 522.
S 1179 Historic Properties Grant Program (reref Appr Com) .... 522, 576, 624.
S 1180 Teaching Fellows Supplemental Package (reref Appr Com) ..... 523, 593.
S 1181 Local Gov. Development Study/LRC (H 1413)(Rules Com/see H 1319) ..... 523.
S 1182 Beaufort Community College Building Funds (CapExp Com)(In S 14) ..... 523.
S 1183 Mycotoxin Analyses/Research Funds (H 1387)(Appr Com)(In S 26) ..... 524.
S 1184 Car Repairs Authorization (J1 Com) ..... 524.
S 1185 Workers' Compensation/Uninsured Employees (reref Fin Com) ..... 524, 1102.
S 1186 State Capitol Education Program Funds (Appr Com) ..... 534.
S 1187 Prepaid Legal Service Plans (J2 Com) ..... 534.
S 1188 Local Crime Prevention Grants (Appr Com) ..... 535.
S 1189 Arthritis Patients Services Funds (H 1200)(reref CapExp Com) ..... 541, 774.
S 1190 State Telephone System Menu Reduction (reref Appr Com) ..... 541, 581, 602, 616.
S 1191 Davidson Forestry Equipment Funds (reref CapExp Com)(In S 26) ..... 541, 774.
S 1192 LRC Study Disaster Relief (H 1283)(Rules Com/see H 1319) ..... 547.
S 1193 Cape Fear Botanical Garden Funds (reref CapExp Com) ..... 551, 772.
S 1194 UNC-C Library Expansion Funds (CapExp Com) ..... 558.
S 1195 Use Value/Donated Land (H Fin Com) ..... 558, 713, 728.
S 1196 Kinston Economic Development Funds (reref CapExp Com) ..... 558, 1001.

S 1197 Kinston Community Center Funds (CapExp Com) ..... 559.
S 1198 Head Start Capital Funds (CapExp Com) ..... 559.
S 1199 Pender County Youth Funds (reref CapExp Com) ..... 565, 774.
S 1200 Alternative Schools Commission
(Rules Com/see H 1319) ..... 565.
S 1201 Carolina Theatre Funds (Cap Exp Com) ..... 571.
S 1202 Poultry Canning Funds (Appr Com) ..... 571.
S 1203 Anson Alternative School Funds (reref CapExp Com) ..... 571, 774.
S 1204 Stanly Historic Preservation Funds (reref CapExp Com) ..... 571, 772.
S 1205 School Employees Convert Leave
(H 1203)(Pens&Ret Com)(In S 27) ..... 575.
S 1206 Veterans Retirement Benefits (held in Clerk's office) ..... 575.
S 1207 Restore Rosenwald School Funds
(H 1473)(CapExp Com) ..... 575.
S 1208 Poe Center for Health Education Funds
(H 1471)(Appr Com) ..... 575.
S 1209 Restore Yates Mill Funds (H 1478)(reref CapExp Com) ..... 575, 772.
S 1210 Lake Benson Park Funds (H 1476)(reref CapExp Com) ..... 575, 772.
S 1211 Little River/Land Funds (H 1477)(reref CapExp Com) ..... 575, 772.
S 1212 Northern Wake Senior Center Funds
(H 1479)(CapExp Com) ..... 575.
S 1213 Garner Community Center Funds
(H 1482)(CapExp Com) ..... 575.
S 1214 Oak View Plantation Funds
(H 1475)(reref CapExp Com) ..... 575, 772.
S 1215 Natural History Museum Funds
(H 1474)(CapExp Com) ..... 576.
S 1216 Trestle Replacement Funds (reref CapExp Com) ..... 583, 772.
S 1217 UNC-A Land Funds (CapExp Com)(In S 26) ..... 584.
S 1218 Nonpartisan Redistricting/Constitution (Rules Com) ..... 584.
S 1219 SBI Complex Funds (CapExp Com)(In S 26) ..... 584.
S 1220 Prison Consolidation Funds (CapExp Com) ..... 584.
S 1221 Judicial Center Funds (CapExp Com) ..... 584.
S 1222 Disabled Sportsman Program (ordered enrolled) .... 591, 635, 713, 729, 1212, 1216, 1218, 1251, 1320.
S 1223 Farm Loan Reserve Funds (reref CapExp Com) ..... 596, 1018.
S 1224 Avery Solid Waste Funds (CapExp Com) ..... 596.
S 1225 Diversified Opportunities Funds (CapExp Com) ..... 597.
S 1226 Glen Alpine Sewer Funds (CapExp Com) ..... 597.
S 1227 Property Rights/Just Compensation (LocGov Com) ..... 612.
S 1228 Manufactured Homes/Bill of Rights (reref J2 Com) ..... 612, 1028.
S 1229 Cherry Point Closure (Rules Com) ..... 612, 1532.
S 1230 Substance Abuse Changes (reref Appr Com) ..... 622, 750.
S 1231 Western Carolina Center Funds (CapExp Com) ..... 628.
S 1232 A + Schools Program Funds (Appr Com) ..... 628.
S 1233 Charlotte H. Brown Site (CapExp Com)(In S 14) ..... 628.
S 1234 Corporate Income Tax Rate (CapExp Com) ..... 629.
S 1235 Career Fire Fighter Retirement (Pens&Ret Com) ..... 635.
S 1236 Minority Males Commission/Funds
(Rules Com/see H 1319) ..... 642.
S 1237 Local Inspection ABC Premises (J1 Com) ..... 642.
S 1238 Project RAP/Cumberland Funds (reref CapExp Com) ..... 642, 1018.
S 1239 National Guard Armory Funds
(CapExp Com)(In S 26) ..... 642.
S 1240 Aerial Reserve Equipment Funds
(Appr Com)(In S 26) ..... 643.
S 1241 NCSU Toxicology Building Funds (CapExp Com) ..... 643.

S 1242 State Contract Bonding (StPers&StGov Com) ..... 652.
S 1243 Amend Rules 40.1 and 67A (Bill Deadline)
(adopted) ..... 646, 652, 654, 1533.
S 1244 Amend Septic Tank/Mobile Home Law
(E&NR Com) ..... 658.
S 1245 Intangibles Tax Exemption (H Fin Com) ..... 658, 1025, 1048, 1059.
S 1246 Mountain Island Lake Park Funds
(reref CapExp Com) ..... 658, 772.
S 1247 Triangle World Trade Funds (CapExp Com)(In S 26) ..... 665.
S 1248 Motor Vehicle Inspection Fees Increased
(Ch. 385) ..... 665, 724, 732, 744, 1078.
S 1249 Electrolysis Board Changes
(H Rules Com) ..... 665, 1047, 1142, 1143, 1154, 1166.
S 1250 Honoring the Charlotte Hornets (H fails to accept) ..... 683, 739, 746.
S 1251 Long-Term Care Medicaid/LRC
(Rules Com/see H 1319) ..... 683.
S 1252 Memorializing Warmoth Thomas Gibbs (Res. 20) ..... 695, 705, 709.
S 1253 Oak View Farm Funds (CapExp Com) ..... 695.
S 1254 Funds for Parks/Recreation (CapExp Com) ..... 695.
S 1255 Governor's Executive Institute Funds (Appr Com) ..... 695.
S 1256 Total Quality Management Program Funds
(Appr Com) ..... 695.
S 1257 Camel 24 Fellowship Funds (Appr Com) ..... 695.
S 1258 NCSU Centennial Center Funds
(CapExp Com)(In S 26) ..... 696.
S 1259 Raleigh Outer Loop (Transp Com) ..... 696.
S 1260 Triad International Trade Funds (Appr Com) ..... 702.
S 1261 Economic Impact of Rules Study
(Rules Com/see H 1319) ..... 702.
S 1262 African-American Center Study
(Rules Com/see H 1319) ..... 702.
S 1263 Guilford Juvenile Detention Facility (CapExp Com) ..... 702.
S 1264 Early Retirement Penalty/LRC
(reref Rules Com/see H 1319) ..... 702, 723.
S 1265 Mental Health Law Changes (Rules Com) ..... 702.
S 1266 Career Fire Fighters Benefits/LRC
(reref Rules Com/see H 1319) ..... 702, 723.
S 1267 Liability/Blood Services (Ch&HumRes Com) ..... 702.
S 1268 Alternate Revenue Source LRC Study
(Rules Com/see H 1319) ..... 711.
S 1269 Economic Development Zones Study/LRC
(Rules Com/see H 1319) ..... 711.
S 1270 LRC Study Bill (Rules Com/see H 1319) ..... 711.
S 1271 Free Trade Agreement Impact Study/
LRC (Rules Com/see H 1319) ..... 711.
S 1272 Logistics Facility Funds (CapExp Com) ..... 712.
S 1273 1993-94 Capital Budget (CapExp Com) ..... 712.
S 1274 Watershed Exemption (reref Const Com) ..... 725, 746.
S 1275 Mountain Island Lake Park Study (Rules Com) ..... 735.
S 1276 Certificate of Participation/Moratorium
(reref Fin Com) ..... 735, 1038.
S 1277 Mental Health Supportive Living Funds (Appr Com) ..... 735.
S 1278 Correction Enterprises Funds
(H Fin Com) ..... 735, 1102, 1104, 1120, 1127.
S 1279 Pre-1989 Loss Deduction Extended (Fin Com) ..... 736.
S 1280 UNC Gerontology Institute Proposal
(Rules Com/see H 1319) ..... 736.

S 1281 Educational Neglect Study
(Rules Com/see H 1319) ..... 736.
S 1282 Marine Sciences Study/UNC
(Rules Com/see H 1319) ..... 736.
S 1283 Bill Payment Agents/Tax (Rules Com) ..... 736.
S 1284 Northeastern Regional Economic Development
(Appr Com) ..... 736.
S 1285 Polk Replacement Funds (CapExp Com) ..... 736.
S 1286 Roanoke Island Historical Commission (Rules Com) ..... 736.
S 1287 Thomas Day House Funds (CapExp Com) ..... 736.
S 1288 Child Testimony by Television (J1 Com) ..... 736.
S 1289 Water Resources Access Funds (Appr Com) ..... 737.
S 1290 Refunding Bonds/Exceed Principal (Fin Com) ..... 737.
S 1291 Piedmont Triad Development Zone (EconDev Com) ..... 737.
S 1292 Historic Sites Programs Funds (Appr Com) ..... 737.
S 1293 Health Care Reform Commission
(Rules Com/see H 1319) ..... 737.
S 1294 Museum of Albemarle Funds
(CapExp Com)(In S 26 [Sec. 35]) ..... 737.
S 1295 Study School Sewer Systems
(Rules Com/see H 1319) ..... 737.
S 1296 Memorializing Henry McMillan Tyson
(H 1497)(ppi) ..... 751, 1005, 1090, 1093, 1103.
S 1297 1993-94 Adjournment Resolution (calendar) ..... 1139, 1198, 1237.
S 1298 Memorializing Thaddeus A. Eure (adopted) ..... 1245, 1533.
S 1299 1993-94 Adjournment Resolution (Res. 31) ..... 1252, 1316.

NUMERICAL INDEX

HOUSE OF REPRESENTATIVES

The identical bill number, when applicable, and the final action on each measure is noted following the title. When ratified, the Chapter Number of the Session Laws is reflected. (The abbreviated term appearing in parenthesis refers to standing committees—see page 1997).

Note: Certain bills not ratified, included by reference, or identifiable within another measure are reflected with the final action.

BILL/RESOLUTION NO.			Page Nos.
H	6	Obstructing Legislative Process (J1 Com)	273.
H	13	Mooresville Force Account Limit (Rules Com)	659.
H	18	Memorializing Luther Reginald Jeralds (Res. 3)	100, 107.
H	19	Bid Rejection Standard Clarified (S 746)(StPers&StGov Com)	177.
H	20	Liability for Unlawful Purchases (S 759)(J2 Com)	480.
H	22	Purchase and Contract Monitored (StPers&StGov Com)	480.
H	23	Consultant Services Defined (StPers&StGov Com)	158.
H	26	Exempt Campgrounds/Marinas (Ch. 349)	425, 760, 779, 1033.
H	27	Children in Vehicle Cargo Areas (J1 Com)	177, 557.
H	31	Modify Water Column Leases (S 96)(Ch. 322)	239, 609, 749, 763, 778, 1002.
H	33	Disclosure of Veterinary Records (S 36)(Ch. 5)	144, 145, 148, 149.
H	35	Agricultural/Forestry Commission (S 37)(reref Appr Com)	164, 176, 183, 205.
H	36	Landowner Protection (S 40)(J2 Com)	384.
H	40	Exceptional Children Study (Ch. 61)	145, 536, 543, 546.
H	41	Teacher Training Task Force (Rules Com)	155.
H	43	Whiteville School Board (Ch. 1)	57, 60, 61, 62.
H	46	Winston-Salem/Forsyth Assessments (Ch. 380)	147, 590, 1028, 1044, 1056, 1077.
H	47	Teacher Training Task Force Changes (S 124)(reref Appr Com)	458, 592.
H	49	K-12 Residence Clarification (S 151)(Ed/High Ed Com)	384.
H	56	Physician Assistant Peer Review (Ch. 176)	394, 620, 631, 644, 648.
H	57	K-1 Tax Reform to Partners (Ch. 314)	173, 748, 765, 775.
H	58	Fire/Rescue Board Change (Ch. 9)	151, 167, 174, 175.
H	61	Clarify Governor/Council of State (S 766)(Rules Com)	244.
H	71	Emergency Use of Prison Laundries (S 45)(reref J1 Com)	395, 746.
H	74	Modify Tax Secrecy Provision (Rules Com)	1012.
H	75	Intangibles Tax Filing Extension (Fin Com)	131.
H	77	Individual Income Tax Adjustments (Fin Com)	239.
H	80	Federal Determination/Withholding (H Fin Com)	1075, 1116, 1134, 1145.
H	81	Update I.R.C. Reference (Ch. 12)	145, 185, 205, 212, 217.
H	83	Increase Scrap Tire Disposal Tax (S 57)(Ch. 548)	226, 1035, 1096, 1119, 1145, 1314.
H	87	Disaster Leave Law (S 74)(Ch. 13)	151, 167, 190, 206, 213, 217.

H 91 State Waste Reduction (S 90)(StPers&StGov Com) ..... 212.
H 94 Abolish Energy Development Authority
(S 753)(Ch. 16) ..... 182, 236, 248, 255.
H 95 Capital Planning Called Meeting
(S 751)(reref Appr Com) ..... 440, 657.
H 97 Raffle Limit Increased (Ch. 219) ..... 346, 564, 578, 585, 641, 654, 655, 693.
H 101 Energy Policy for State Government (S 92)(Ch. 334) .... 161, 197, 213, 216, 234, 625, 628, 642, 1006, 1013, 1019.
H 102 Energy Efficient School Construction
(S 93)(Ch. 465) ..... 346, 745, 1118, 1151, 1201.
H 105 Raise Homestead Exemption
(S 440)(Ch. 360) ..... 665, 1025, 1044, 1053.
H 106 Study State Cytotechnology Salaries (S 224)(Ch. 427)
(In S 27 [Sec. 101.4]) ..... 425, 1035, 1061, 1103, 1138.
H 114 Lincoln/Duplin/Chapel Hill Tax Omnibus
(Ch. 549) ..... 684, 750, 1096, 1114, 1141, 1314.
H 115 Note Taking by Jurors (Ch. 498) ..... 189, 1151, 1199, 1207, 1222.
H 116 Evidence in Jury Room Allowed (J1 Com) ..... 189.
H 120 Open Meetings/Records Law Changes
(S/H conf com appt'd/see S 417) ..... 195, 206, 213, 430, 433.
H 124 Statewide Accounts Receivable Program
(Ch. 512) ..... 1065, 1093, 1116, 1146, 1243.
H 129 Cancer Coordination and Control Act
(S 225)(reref Appr Com) ..... 134, 149.
H 130 Site-Based Management Task Force Appointment
(StPers&StGov Com) ..... 395.
H 131 Extend Deed Curative (Ch. 80) ..... 137, 540, 550, 551.
H 135 Board of Governors Election (notification) ..... 173.
H 136 Local Sales Tax for Schools (Ch. 255) .. 541, 592, 664, 678, 689, 719.
H 141 PIN Access for Infractions (Ch. 39) ..... 314, 334, 337, 356, 390.
H 143 Greensboro Public Records/GIS
(Ch. 82) ..... 158, 474, 498, 517, 535, 556.
H 144 Greensboro Charter Changes (Ch. 6) ..... 127, 149, 156, 159.
H 152 Banner Elk Room Tax Changes
(Ch. 428) ..... 1002, 1028, 1095, 1115, 1138.
H 153 N.C. Rail Council (S 64)(Rules Com) ..... 513, 526.
H 156 Winston-Salem Sports Commission (Ch. 46) .. 141, 474, 498, 517, 523.
H 157 Columbus Building Construction Exemption
(Ch. 11) ..... 134, 149, 176, 182, 207.
H 160 Western Counties Road Renaming
(S 83)(Ch. 62) ..... 151, 475, 498, 518, 546.
H 162 Clayton Annexation (Ch. 63) ..... 177, 241, 413, 535, 542, 546.
H 163 Robeson Subdivision Definition
(Ch. 131/see H 544) ..... 273, 582, 599, 604.
H 166 Yadkin School Board Terms (Ch. 19) ..... 155, 213, 215, 233, 263.
H 167 Yadkin School Board Terms (Ch. 20) ..... 155, 213, 215, 233, 263.
H 173 Interest on Income Tax Refunds (Ch. 315) ..... 164, 749, 765, 775.
H 174 Electronic Funds Transfer (Ch. 450) ... 1066, 1115, 1133, 1145, 1200.
H 179 Environmental Reports/Technical Corrections Omnibus
(Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
H 180 Wilkes School Board Term (Ch. 14) ..... 155, 213, 216, 233, 236.

H 181 Commemorate First County Commissioners (Res. 4) ..... 141, 176, 183, 184.
H 182 Greensboro Private Sales (Ch. 92) ..... 155, 559, 567, 573.
H 186 Health and Safety Training (S 113)(Ch. 170) ..... 266, 630, 637, 644.
H 187 OSHA Review Board Decisions (S 109)(Ch. 474) ..... 346, 1103, 1121, 1210.
H 194 Flexible Benefits Study Created (S 120)(Rules Com) ..... 196.
H 198 New Bern Conveyance (Ch. 93) ..... 189, 559, 567, 573.
H 199 Invite U.S. Vice President Gore (Res. 2) ..... 84, 86, 90, 95, 1321.
H 203 Tattooing Regulated (reref Fin Com) ..... 346, 590.
H 204 Cary/Morrisville Exchange (S 215)(Ch. 27) .. 226, 275, 284, 308, 316.
H 207 Bostian Heights Fire District (Ch. 94) ..... 244, 559, 567, 573.
H 208 Polkville Deannexation (Ch. 28) ..... 164, 183, 275, 284, 309, 316.
H 209 Define Abandoned Cemetery (J2 Com) ..... 395.
H 210 Auditor Hotline Complaints Confidential (Ch. 152) ..... 127, 178, 611, 624, 627.
H 214 Rape/Abolish Spousal Defense (S 251)(Ch. 274) ..... 266, 705, 729, 734.
H 216 Domestic Violence Emergency (J1 Com) ..... 281.
H 218 Counselor Licensing (S 255)(Ch. 514) ..... 741, 1115, 1147, 1243.
H 220 Day Care Home Safety (S 227)(Rules Com) ..... 408.
H 221 CPR/Day Care Homes (S 397)(J1 Com) ..... 458.
H 222 Maximum Physical Ed. Class Size (S 445)(reref Ed/HighEd Com) ..... 145, 609, 617, 619, 636, 668, 703, 765.
H 225 Fireman's Fund Change (S 236)(Ch. 429) ..... 147, 288, 1104, 1121, 1138.
H 230 Juvenile Guardian ad Litem (S 434)(Ch. 537) .. 266, 1162, 1199, 1246.
H 233 Marriage and Family Therapists (S 478)(reref Fin Com) ..... 696, 749.
H 235 Prison Bond Funds/Inmate Labor (Ch. 550/see S 1077) ..... 1066, 1067, 1071, 1079, 1081, 1086, 1228, 1229, 1238, 1314.
H 246 Aberdeen 100th Anniversary (Res. 21) ..... 141, 1022, 1049, 1053.
H 249 Child Alcohol/Drug Abuse Plan (S 334)(Res. 27) ..... 1073, 1165, 1199, 1210.
H 250 Quality Improvement Report Endorsed (S 424)(Res. 28) ..... 1073, 1166, 1199, 1223.
H 251 Developmental Disabilities Policy Plan (Res. 29) ..... 1073, 1166, 1199, 1223.
H 252 Guilford Vote Early But Not Often (Const Com) ..... 227.
H 256 Extended School Services (S 448)(Ch. 132) ..... 384, 592, 603, 604.
H 257 School Administrator Programs (S 459)(Ch. 199/see S 27) ..... 458, 562, 633, 637, 645, 671.
H 265 Washington Property Exemption (Ch. 133) ... 173, 474, 581, 599, 605.
H 277 Structured Sentencing—2 (S 402)(Ch. 538/see S 401; H 280) ... 1075, 1212, 1220, 1223, 1246.
H 278 Misdemeanors/Felonies Classification (S 404)(Ch. 539) ..... 1075, 1212, 1221, 1224, 1313.
H 281 Criminal Justice Partnership Act (S 405)(Ch. 534) ... 1075, 1101, 1120, 1151, 1212, 1221, 1223, 1246.
H 283 Undisciplined Juveniles (Ch. 47) ..... 346, 445, 490, 523.
H 284 School Administration Standards Board/Fees (S 452)(Ch. 392) ..... 514, 526, 561, 1024, 1044, 1057, 1087.
H 292 GPAC/Education Continuum (Ch. 393/see S 389; S 390; S 391) ..... 352, 720, 1035, 1061, 1087.
H 296 Memorializing Donald Ross/Pinehurst (Res. 26) ..... 384, 1150, 1201.

H 297 Marine Fisheries Endorsement to Sell
(Ch. 515/see H 544) ..... 1039, 1092, 1116, 1147, 1198, 1243.
H 304 GPAC/Teacher Certification
(GovPerform Com/see S 349; S 350) ..... 384.
H 309 GPAC/Governor Analyze Agencies
(S 242)(GovPerform Com) ..... 384.
H 311 GPAC/Review Lateral Entry/Principals
(S 385)(Rules Com) ..... 384.
H 312 GPAC/Butner Public Safety Study
(S 285)(GovPerform Com) ..... 352.
H 318 Watermelon Festival (S 647)(Ch. 212) ..... 281, 625, 650, 655, 681.
H 319 Pasquotank/Camden Bear Hunting (Ch. 220) ..... 145, 673, 686, 693.
H 320 Currituck Deer/Bear Hunting (Ch. 221) ..... 155, 673, 686, 693.
H 339 Greensboro/Alamance Formal Bids (Ch. 153) ..... 377, 560, 567, 568, 578, 627.
H 341 GPAC/Compensation and Benefits Evaluations
(S 332)(GovPerform Com) ..... 352.
H 346 Multicounty ABC Elections
(S 425)(Ch. 193) ..... 385, 641, 653, 662, 664.
H 352 Medical/Mental Health Evaluation Plan
(S 496)(Rules Com) ..... 385.
H 356 DWI/Aggravating Factor (S 497)(J1 Com) ..... 458.
H 357 Juvenile Judge Certification (J1 Com) ..... 425.
H 358 Prosecutorial Child Protection
(S 492)(S/H conf com appt'd) ..... 440, 750, 765, 1135, 1143.
H 363 Child Abuse/Investigation/Prosecution
(S 493)(Rules Com) ..... 514, 526.
H 364 Juvenile Law/Child Protection
(S 487)(Ch. 516) ..... 458, 1151, 1153, 1154, 1243.
H 365 School Health Screening (S 488)(Ch. 124) ..... 346, 561, 569, 596.
H 379 Halifax Fire District Fees (Ch. 316) .... 239, 583, 674, 685, 697, 775.
H 380 New Bern Adjustment Board Vote (Ch. 177) ..... 189, 614, 623, 648.
H 382 Engineers and Surveyors Amendments (J2 Com) ..... 440.
H 385 DWI Amendments (S 446)(Ch. 285) ..... 395, 599, 601, 608, 638, 715, 717, 730, 734.
H 389 Issuance of Mitchell Gun Permits (Ch. 48) ... 196, 475, 498, 517, 523.
H 393 Memorializing Campbell/Penland Schools
(Res. 23) ..... 346, 1099, 1110.
H 395 Record Certified Copy (Ch. 288) ..... 182, 640, 653, 669, 740.
H 396 Local Indexing Rules (Ch. 178) ..... 513, 526, 635, 645, 648.
H 398 High Point Charter Changes (Ch. 275) .. 440, 583, 674, 685, 698, 734.
H 399 Alexander Fire District Expansion (Ch. 237) ..... 239, 559, 674, 686, 698, 701.
H 400 Redefine School Fund Availability
(S 235)(Ch. 179) ..... 314, 633, 643, 648.
H 401 NCCU Property (Ch. 430) ..... 408, 1104, 1122, 1138.
H 402 Child Support/School/Requirement (Ch. 335) ..... 409, 540, 550, 555, 561, 569, 579, 665, 670, 1008, 1013, 1019.
H 404 Felony Bomb Threats (Rules Com) ..... 1212.
H 405 Northwest Incorporated (S 473)(Ch. 222) ..... 212, 533, 650, 660, 666, 693.
H 406 Navassa ABC Store (Ch. 17) ..... 232, 241, 247, 255.
H 407 Commissioners Organizational Meeting (Ch. 95) .. 196, 559, 569, 573.
H 409 Hildebran Town Board (Ch. 238) ..... 266, 651, 662, 668, 701.
H 410 Beaufort/Washington School Merger (Ch. 55) ..... 227, 285, 466, 498, 516, 524, 532.

H 411 Perquimans Gun Permits (Ch. 64) ..... 196, 533, 542, 546.
H 412 Perquimans School Elections (Ch. 21) ..... 196, 246, 257, 263.
H 413 Perquimans Commissioner Elections (Ch. 96) ..... 196, 559, 567, 573.
H 416 No Shellfish Leases in Core Sound (Ch. 44) ..... 212, 418, 419, 430, 434, 448, 472, 510.
H 419 No Passing Stopped School Bus (J1 Com) ..... 480.
H 420 Brunswick Economic Development Commission (Ch. 24) ..... 227, 263, 276, 277.
H 423 Burlington Deannexation (Ch. 162) ..... 266, 533, 582, 598, 606, 614, 623, 631, 634.
H 424 Burlington Private Sale (Ch. 276) ..... 227, 559, 713, 727, 734.
H 426 Rockingham Merger Correction (S 498)(Ch. 15) ..... 227, 233, 236.
H 428 Gates/Repeal Turkey Hunting Ban (Ch. 65) ..... 440, 532, 542, 546.
H 429 Memorialize Congress/Health Care Reform (held in Clerk's office) ..... 220.
H 430 Greenville Motor Vehicle Tax Increased (Ch. 200) ..... 266, 475, 650, 660, 667, 672.
H 435 Old Fort Absentee Voting (Ch. 35) ..... 227, 324, 334, 339.
H 436 New Hanover/Reg. Personal Watercraft (S 507)(Ch. 125) ..... 273, 564, 578, 593, 596.
H 437 Trustee Powers Act (Ch. 377) ..... 346, 1038, 1061, 1068.
H 439 Speaker's Appointments (Ch. 563) ..... 514, 527, 1234, 1239, 1313.
H 440 Inviting Chief Justice Exum (Res. 6) .... 189, 197, 207, 214, 220, 221.
H 446 Farm Product Inspection and Grading (S 499)(Ch. 223) ..... 440, 581, 678, 691, 693.
H 448 Warrantless Arrest on School Grounds (S 506)(J1 Com) ..... 385.
H 449 Interest and Penalties on Refunds (reref PubUtil Com) ..... 440, 711.
H 450 Greensboro Supplemental Fire Fund (Ch. 431) ..... 319, 620, 1105, 1115, 1138.
H 452 Clarify Immunization Law (Ch. 134) ..... 281, 590, 603, 605.
H 453 Unopposed Candidates Elected (reref Const Com) ..... 353, 532, 543, 544.
H 456 New Bern Property Conveyance (Ch. 277/see H 544) ..... 220, 651, 662, 734.
H 457 Nurses Paid by Insurance (S 771)(Ch. 347) ..... 440, 724, 731, 741, 755, 766, 1033.
H 459 No Tobacco Sales to Minors (unf rpt) .. 513, 527, 585, 601, 605, 683.
H 461 Lowell Charter Revision (S 557)(Ch. 111) ..... 273, 399, 558, 566, 577, 580.
H 466 Prospective Revenues in Local Development (Ch. 246/see S 708; H 544; H 791) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
H 467 Register of Deeds Second Deputy (tabled) ..... 326, 725, 732, 744, 765, 769, 1000.
H 471 Vocational Education Technical Changes (Ch. 180) ..... 353, 561, 633, 643, 648.
H 473 North Carolina Appraisal Board (Ch. 419/see H 472; H 544) ..... 703, 740, 1037, 1076, 1084, 1089, 1110.
H 474 Promote Maritime Activity (Ch. 278) ..... 514, 527, 710, 729, 734.
H 476 Clarify Control Substance Exam Act (Ch. 213) .... 385, 666, 679, 681.
H 483 Dam Safety Law Improvements (S 571)(Ch. 394/see H 544) ..... 360, 650, 748, 759, 1016, 1088.

H 485 Navigation Rules (Ch. 361) ..... 395, 710, 729, 752, 756, 758, 1032, 1040, 1053.
H 486 Restrict Personal Watercraft (reref J1 Com) ..... 266, 609.
H 490 Indian Housing Authority Name (Ch. 201) ..... 314, 657, 669, 672.
H 491 Robeson Revolving Fund Repeal (Ch. 224) ... 256, 560, 674, 686, 693.
H 492 Boiling Spring Lakes Bird Sanctuary (Ch. 66) ..... 227, 532, 542, 546.
H 493 Southport No-Wake/Zone/Activities (Ch. 67) ..... 227, 532, 542, 546.
H 494 Teacher Scholarship Loan Changes (Ch. 260) ..... 360, 680, 706, 720, 722.
H 495 Savings Law Changes (Ch. 163) ..... 458, 605, 616, 624, 631, 634.
H 496 Trust Investments (Ch. 126) ..... 440, 557, 569, 596.
H 497 State Publications to State Personnel (StPers&StGov Com) ..... 360.
H 499 Drug Education School Fees (Ch. 395) ..... 326, 1024, 1045, 1057, 1069, 1088.
H 502 ABC Law Changes (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
H 504 OSHA Record Protection (Ch. 317) ..... 513, 527, 740, 756, 765, 775.
H 505 Council for Deaf Membership (Ch. 551) ..... 385, 695, 1043, 1061, 1314.
H 506 Durham City Elections in Orange (Ch. 68) ..... 314, 532, 542, 546.
H 507 Durham Housing Notices (Ch. 261) ..... 314, 675, 686, 692, 723.
H 508 Emergency Certification Period (Ch. 135) ..... 273, 590, 603, 605.
H 509 Inheritance Tax Filing Threshold (Ch. 362) ... 281, 1024, 1045, 1053.
H 513 Developmentally Disabled Entry/Exit Policy (Ch. 396)(In S 27) ..... 512, 527, 672, 690, 706, 744, 1029, 1088.
H 514 Youth Services Teachers' Certification (S 576)(Ch. 397) ..... 514, 524, 526, 773, 1035, 1062, 1088.
H 516 Alleghany Economic Development Conveyance (Ch. 31) ..... 256, 317, 326, 330.
H 517 Alleghany Commissioners Expanded (Ch. 49) ..... 257, 475, 498, 517, 523.
H 519 Mortuary Affairs Searches (Ch. 164) ..... 346, 352, 620, 632, 634.
H 520 Durham Meeting Notice (Ch. 279) ..... 257, 710, 727, 734.
H 521 Durham Manager Powers (Ch. 297) ..... 514, 527, 710, 726, 732, 741, 748.
H 522 Memorializing Willie C. Lovett (Res. 12) ..... 383, 391.
H 524 Family Business/Youth Employment (Ch. 239) ..... 512, 527, 630, 644, 654, 670, 701.
H 528 Iredell/Third Degree Trespass (J1 Com) ..... 257.
H 533 Private Personnel Service Reimbursement (Ch. 202) ..... 514, 527, 652, 669, 672.
H 536 Area Authority Property (reref Fin Com) ..... 584, 720, 1035.
H 538 Non-IV-D Income Withholding (Ch. 517/see H 544) ..... 441, 1151, 1152, 1199, 1207, 1243.
H 539 Business Corporation Act Amendments (S 582)(Ch. 552) ..... 514, 527, 640, 653, 670, 780, 1219, 1246, 1314.
H 541 Certified Public Accountant Domicile (Ch. 518) ..... 458, 1162, 1199, 1243.
H 542 Estate Amount Increases (Rules Com) ..... 1039.

H 544 Omnibus Technical Amendments (Ch. 553) .... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
References the following measures:
S 14 S 846 H 483
S 27 S 1124 H 530
S 90 S 1144 H 624
S 152 H 163 H 665
S 155 H 297 H 686
S 631 H 456 H 779
S 821 H 473 H 1016
H 545 Renunciation Amendments (Ch. 308) ..... 332, 740, 756, 759.
H 547 N.C. Seafood Park Authority/Fees (Ch. 323) ..... 281, 748, 763, 778, 1002.
H 548 Seafood Park Authority/No Guns (J1 Com) ..... 482.
H 550 Mining Act Improvements (S 624)(reref Fin Com) ..... 458, 1095.
H 551 No Drivers License Until Treatment (reref Ch&HumRes Com) ..... 635, 720.
H 552 Parent/Child Hospital Responsibility (S 539)(Ch. 386) ..... 326, 1030, 1059, 1062, 1063, 1072, 1078.
H 553 Gastonia Charter Amendments (Ch. 136) ..... 314, 582, 599, 605.
H 554 Employee Criminal Record Check/DHR (Ch. 350) ..... 385, 1011, 1030, 1033.
H 556 Amend Boiler and Pressure Vessel Act (Ch. 351) ..... 541, 630, 637, 748, 763, 778, 1034.
H 558 Clarify Community College Staff Status (Ch. 145) ..... 514, 527, 609, 617, 618.
H 559 Community College Trustee Regions (Ch. 69) ..... 385, 536, 543, 546.
H 561 Wage Clarifications (Ch. 214) ..... 385, 630, 644, 679, 681.
H 563 Precinct Boundary Cleanup (Ch. 352) ..... 425, 621, 632, 1034.
H 564 General Contractors' Fees (S 616)(Ch. 112) .. 441, 539, 548, 553, 580.
H 565 Copy State Building Keys/Misdemeanor (J1 Com) ..... 385.
H 567 LP-Gas Fee/Civil Penalty (Ch. 356) ... 441, 640, 748, 764, 779, 1052.
H 568 Taxpayer Identification Number on State Invoices (StPers&StGov Com) ..... 441.
H 569 Amend Vital Records Law (S 529)(Ch. 146) ..... 385, 574, 594, 618.
H 570 Clarify Sanitation Laws (S 597)(Ch. 262/see H 179) ..... 385, 570, 652, 670, 679, 684, 723.
H 575 Gastonia/Cabarrus County Zoning Map (Ch. 247) ..... 314, 651, 660, 677, 709.
H 578 UNC Capital Projects (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.
H 581 Differentiated Pay/School Employees (S 670)(Ch. 263) ..... 314, 592, 678, 691, 723.
H 586 Halifax Coroner Abolished (S 642)(Ch. 36) ..... 257, 324, 334, 339.
H 587 Nursing Home Regulation (S 569)(Ch. 499) ..... 281, 740, 756, 1030, 1103, 1122, 1152, 1199, 1222.
H 588 Wilmington Charter/Land Use (Ch. 318) ..... 385, 750, 761, 775.
H 589 Pasquotank Hunting/Dare Fishing (Ag/MarRes&W Com) ..... 326.
H 590 Currituck Volunteer Fire Departments' Purchases (Ch. 97) ..... 227, 560, 567, 573.
H 591 Honoring Town of Elon College (Res. 7) ..... 221, 227, 230.
H 599 Wage and Hour Notice (Ch. 203) ..... 513, 527, 630, 644, 646, 672.
H 600 Madison Road Hunting (Ch. 70) ..... 257, 532, 542, 546.

H 602 Trauma System Act of 1993 (Ch. 336) ..... 273, 590, 603, 617, 625, 636, 645, 707, 728, 1006, 1013, 1019.
H 604 Mountain County Road Districts (Ch. 378) ..... 591, 635, 1024, 1045, 1057, 1077.
H 606 Reinsurer Accreditation Fee (H Rules Com) ..... 441, 1117, 1147.
H 611 Vocational Rehabilitation Council Change (Ch. 248) ..... 513, 527, 694, 706, 709.
H 612 Area Mental Health Managed Care (S 554)(Rules Com) ..... 319.
H 613 Patient Records/EHNR Investigation (S 598)(H J2 Com) ..... 314, 1026, 1049.
H 616 Facilitate Year-Round Schools (Ch. 98) ..... 385, 561, 569, 573.
H 617 Extradition/Technical Amendment (Ch. 83) .. 386, 540, 552, 553, 556.
H 618 Licensed Real Estate Appraisers/DOT (Ch. 519) ..... 319, 1011, 1030, 1113, 1194, 1209, 1243.
H 619 Delay Sunset/Notice of Settlement (S 691)(J2 Com) ..... 240.
H 621 Trailer Couplings (Ch. 71) ..... 480, 534, 544, 546.
H 622 Insurer Financial Solvency (S 606)(Ch. 452) ..... 629, 724, 1093, 1116, 1148, 1200.
H 624 Nonprofit Corporation Act (S 585)(Ch. 398/see H 544) ..... 592, 688, 1025, 1046, 1058, 1088.
H 625 Neglected Juvenile Definition Change (S 568)(Ch. 324) ..... 482, 705, 714, 729, 744, 1002.
H 627 Day Care Enforcement (S 593)(Ch. 185) ..... 273, 639, 653, 656.
H 630 Drug Schedule Additions (Ch. 319) ..... 267, 748, 765, 775.
H 634 Alcohol in Cooking Extracts (Ch. 127) ..... 395, 554, 560, 596.
H 636 Underwater Archaeology Site Rules (Ch. 249) ..... 441, 694, 706, 709.
H 639 Teacher Assistant Leave Flexibility (S 664)(Ch. 475) ..... 458, 1035, 1108, 1122, 1129, 1210.
H 644 Improve Sedimentation Control (S 570)(E&NR Com) ..... 514, 528.
H 647 Mold Retention Act (Rules Com) ..... 535.
H 649 Thomasville Occupancy Tax (Ch. 453) ..... 684, 750, 1095, 1114, 1141, 1200.
H 650 Asbestos Program Penalties (J2 Com) ..... 458.
H 654 Expand Jobs Tax Credit (Ch. 45) ..... 441, 466, 491, 495, 510.
H 657 Administrative Hearings Mediation (S 986)(Ch. 363/see S 27) ..... 514, 528, 720, 1026, 1049, 1053.
H 658 Industrial Commission Mediation (S 984)(Ch. 399/see S 27) ..... 514, 528, 688, 699, 706, 1026, 1049, 1088.
H 659 Wage and Hour/Civil Penalties (Ch. 225) ..... 482, 673, 691, 694.
H 663 Agency Duties/Recycling Industry (Ch. 250) ..... 441, 695, 707, 709.
H 664 Education and Clean Water Bond Act (Fin Com)(In S 14) ..... 1073.
H 665 Credit Insurance Changes (S 672)(Ch. 226/see H 544) ..... 513, 528, 580, 600, 606, 694.
H 668 Repeal Labor Statute (Ch. 204) ..... 425, 652, 670, 672.
H 677 Buncombe Precincts Boundaries (Ch. 72) ..... 441, 532, 542, 546.
H 678 Wake Forest Charter Changes (Ch. 118) ..... 314, 582, 590.
H 680 Honor Late Governor Melville Broughton (S 638)(Res. 9) ..... 273, 280, 289, 321, 323.

H 681 Clean Air Act Implementation
(S 632)(Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
H 686 Local Economic Development
(Ch. 520/see H 544) ..... 752, 1028, 1060, 1069, 1083, 1243.
H 687 Amend Durham Charter/Rezoning (Ch. 264) . 326, 675, 686, 692, 723.
H 689 Third Degree Trespass (H J3 Com) ..... 386, 1204, 1208, 1214.
H 691 Forsyth Downtown School (S 666)(Rules Com) ..... 584.
H 692 Kinston Private Sales (S 635)(Ch. 265) ..... 441, 675, 687, 723.
H 694 Gaston School Elections (Ch. 73) ..... 332, 532, 542, 546.
H 696 Probation Extension Notification (Ch. 84) .... 386, 540, 553, 554, 556.
H 698 Felony Larceny Amount Flea Market Merchandise
(H Rules Com) ..... 346, 1152, 1203.
H 700 Sunset Beach Height Limits (Ch. 181) ..... 386, 613, 624, 648.
H 703 Nags Head Beach Regulation
(Ag/MarRes&W Com) ..... 441.
H 713 Mitchell Tax Collector Appointed (Ch. 99) ..... 441, 557, 567, 573.
H 715 Martin Pistol Permit Fee (Ch. 205) ..... 441, 650, 661, 667, 672.
H 720 Expand Child Care Credit (S 675)(Ch. 432) ... 482, 1037, 1103, 1138.
H 726 Carteret Commissioners Election (Ch. 113) ..... 514, 528, 560, 568, 578, 580.
H 728 Seat Belt/Admissible Evidence (H 697)(J1 Com) ..... 332.
H 729 Small Employer Health Plan
(S 696)(Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
H 731 Cabarrus Loudspeakers (Ch. 280) ..... 314, 710, 727, 734.
H 733 Gaston Long-Term Lease (LocGov Com) ..... 346.
H 734 Old Fort Annexation (Ch. 309) .... 459, 583, 724, 732, 742, 753, 759.
H 735 Surf City Force Account (Ch. 310) ..... 347, 675, 745, 753, 759.
H 736 Edgecombe School Merger/
Com. College Study/Cabarrus Election
(Ch. 468) ..... 386, 1118, 1142, 1201.
H 737 Black Creek Employee Voting (Ch. 186) ..... 347, 621, 631, 657.
H 740 Nursing Home Penalty Review Committee
(reref Appr Com) ..... 659, 1022, 1143.
H 743 Hazelwood/Waynesville Merger
(Ch. 353) ..... 459, 613, 749, 761, 777, 1034.
H 747 N.C. Veterinary Practice Act (Ch. 500) ..... 535, 657, 1036, 1099, 1100, 1101, 1124, 1126, 1130, 1149, 1203, 1222.
H 752 Child Caring License Exemption
(Ch&HumRes Com) ..... 442.
H 753 Cary Street Right-of-Way (Ch. 137) ... 514, 528, 574, 593, 602, 605.
H 757 Garner Infrastructure Reimbursements (Ch. 281) .. 480, 710, 727, 734.
H 759 Elizabeth City/Drug-Related Loitering (J1 Com) ..... 319.
H 762 Haywood/Predevelopment Changes (Ch. 282) ..... 332, 710, 727, 734.
H 763 Pender Sales Tax Distribution (S 707)(Fin Com) ..... 513, 528, 651.
H 765 Escheat/Abandoned Property/Mold Retention
(Ch. 541) ..... 347, 1163, 1203, 1223, 1313.
H 772 Statewide Early Voting (Const Com) ..... 512, 528.
H 779 Durham City/County Antidiscrimination
(Ch. 227/see H 544) ..... 353, 675, 687, 694.
H 780 Motor-Voter Provision Implementation (Ch. 74) ... 319, 532, 544, 546.
H 781 Durham Condemnations (Ch. 476) ..... 514, 528, 1004, 1015, 1018, 1029, 1210.
H 784 Natural Gas Study (Rules Com) ..... 535.

H 787 Permits/Waste Reduction Plans (Ch. 365) ..... 409, 750, 766, 773, 1000, 1016, 1068.
H 788 Report Burn Injuries (J2 Com) ..... 514, 528.
H 791 Greensboro Local Development (LocGov Com/see H 466) ..... 576.
H 792 Clay Coroner Abolished (Ch. 75) ..... 386, 533, 542, 546.
H 793 State Games Cars (Ch. 87) ..... 425, 554, 560, 565.
H 794 Durham Housing Code Complaints (Ch. 283) ..... 442, 710, 727, 734.
H 795 Health Care Solicitation/"Runners" (J2 Com) ..... 514, 528.
H 796 Durham County Road Closings (Ch. 76) ..... 442, 534, 542, 546.
H 799 Burke/Zoning Notice (Ch. 469) ..... 314, 710, 729, 741, 766, 1080, 1086, 1130, 1164, 1193, 1201.

References the following measures:
S 769 H 803
S 804 H 804
S 809 H 860
S 817 H 869
S 1082 H 870

H 801 Cabarrus Hunting (Ch. 100) ..... 482, 532, 543, 573.
H 802 Recyclable Weight Penalty (Ch. 426) ..... 1069, 1084, 1095, 1100, 1107, 1110.
H 803 Denton Zoning Notices (Ch. 154/see H 799) ..... 442, 613, 624, 627.
H 804 Wilkes/Watershed Zoning Notices (Ch. 101/see H 799) ..... 347, 533, 543, 573.
H 808 Wake ABC Distributions (Ch. 50) ..... 320, 466, 498, 517, 523.
H 811 Atlantic Beach Boundaries (Ch. 206) ... 459, 533, 650, 661, 667, 672.
H 812 Carteret/Craven Boundary (Ch. 207) ... 395, 533, 650, 661, 667, 672.
H 813 Dare/New Hanover Airport Authority (Ch. 251) ..... 353, 454, 650, 661, 667, 709.
H 814 Mecklenburg Park Ranger Powers (Ch. 477) ..... 347, 1011, 1023, 1099, 1117, 1210.
H 815 Multi-County Thoroughfares (Ch. 478) ..... 442, 746, 753, 1015, 1019, 1020, 1029, 1042, 1210.
H 817 Fire/Rescue Commission Membership (Ch. 155) ..... 442, 611, 624, 627.
H 818 Local Government Employee Politics (Ch. 298) ..... 425, 673, 691, 699, 721, 748.
H 819 Transylvania School Elections (Ch. 102) ..... 332, 532, 543, 573.
H 820 Pasquotank Subdivision Definition (Ch. 194) ..... 347, 651, 662, 664.
H 822 Amended Computer Crime Act (J1 Com) ..... 409.
H 823 Wake Gun Safety (J1 Com) ..... 481.
H 825 Garner Impact Fees (reref Fin Com) ..... 1054, 1110.
H 826 Senate President's Appointments (S 1124)(Ch. 302) ..... 514, 528, 755, 756.
H 827 Uniform Roadside Hunting (S 911)(reref J1 Com) ..... 514, 528, 609, 1058, 1093.
H 828 Asheville Charter Cleanup (Ch. 228) ..... 314, 675, 687, 694.
H 829 Mecklenburg Voting Machines (Rules Com) ..... 605.
H 833 Honoring James Paul Tyndall (Rules Com) ..... 347.
H 835 Firearms/Durham County Property (JI Com) ..... 377.
H 836 Winston-Salem Motor Vehicle Tax Increased (Ch. 56) ..... 326, 466, 498, 517, 525, 532.
H 837 Wrightsville Beach Eminent Domain (S 794)(Ch. 187) ..... 481, 613, 623, 631, 657.
H 838 Boone Force Account (Ch. 138) ..... 425, 583, 599, 605.
H 840 Charlotte Bid Limits (Ch. 229) ..... 386, 675, 687, 694.
H 841 Principal and Income Act (S 698)(Ch. 284) .. 409, 703, 719, 727, 734.

H 842 Lincoln/Redefine Subdivision (Ch. 195) ..... 442, 651, 662, 664.
H 843 Tax Expenditure/Reduction Report (Ch. 433) .. 622, 1095, 1122, 1138.
H 844 Alamance/Roofing Building Permit (Ch. 381) ..... 481, 750, 761, 1015, 1044, 1077.
H 847 Charlotte Sludge Facilities (Ch. 171) ..... 442, 613, 620, 637, 644.
H 849 Drivers License Reflect Race (Rules Com) ..... 643.
H 854 Oakboro Boundaries (S 789)(Rules Com) ..... 541.
H 856 Riegelwood Property Use (Ch. 266) .... 425, 651, 660, 668, 677, 723.
H 858 No Handguns Unless 18 (S 793)(J1 Com) ..... 481.
H 859 Granville Occupancy Tax (Ch. 454) ..... 684, 750, 1095, 1114, 1141, 1200.
H 860 Watershed Zoning Notices (Ch. 267/see H 799) ... 459, 676, 687, 723.
H 862 Mail-Order Pharmacy Register (Ch. 455) ..... 696, 1038, 1116, 1148, 1200.
H 863 Impersonating an Officer/Felony (J1 Com) ..... 481.
H 864 Stanly ABC Profit Distribution (LocGov Com) ..... 353.
H 865 Guilford Commissioners Election (S 909)(Ch. 521) ..... 353, 1111, 1143, 1145, 1197, 1198, 1243.
H 867 Newport Fire Department Funds Restriction (Ch. 77) ..... 513, 528, 533, 543, 547.
H 869 Stokes/Watershed Zoning Notice (S 855)(Ch. 139/see H 799) ..... 442, 583, 599, 605.
H 870 Watauga/Watershed Zoning Notice (Ch. 156/see H 799) ..... 459, 583, 599, 627.
H 873 Chiropractor Insurance Equality Act (Ch. 554) ..... 481, 1038, 1062, 1081, 1087, 1228, 1234, 1315.
H 874 Durham/Alleghany Motor Vehicle Tax Increased (Ch. 456) ..... 1097, 1116, 1133, 1141, 1200.
H 876 Waccamaw/Pamilco Rivers No-Wake Zone (Ch. 434) ..... 409, 694, 703, 1138.
H 877 Clarify Video Devices (Ch. 366) ..... 514, 529, 751, 766, 1016, 1068.
H 879 Oxford Sidewalks (Ch. 240) ..... 347, 560, 674, 686, 698, 701.
H 880 Durham Fair Housing (Rules Com) ..... 622.
H 881 Granville/Brunswick Fox Seasons (Ch. 208) ..... 442, 610, 614, 642, 646, 672.
H 882 Charlotte Bid Exemptions (Ch. 196) ..... 353, 614, 621, 637, 664.
H 883 Mecklenburg Building Code Exemption (Ch. 387) ..... 481, 1065, 1070, 1078.
H 888 Enfield Charter Revision (Ch. 479) ..... 541, 750, 1096, 1115, 1132, 1142, 1210.
H 890 Middlesex Annexation (Ch. 480) ..... 776, 1065, 1116, 1133, 1142, 1197, 1210.
H 898 Cary Motor Vehicle Tax Increase (S 820)(Ch. 325) ..... 347, 475, 749, 761, 762, 769, 777, 1002.
H 908 Indigents Suits/Appeals (Ch. 435) ..... 531, 640, 1036, 1104, 1138.
H 910 Massage Therapy Practice (reref Fin Com) .... 576, 1105, 1111, 1119.
H 914 Fees/Impaired Dentist Programs (Ch. 420) ..... 629, 672, 1036, 1099, 1100, 1110.
H 915 Health Care Consent/Minor (S 955)(J1 Com) ..... 512, 529.
H 920 Cut Unemployment Insurance Tax (S 852)(Ch. 85) ..... 481, 539, 548, 553, 557.
H 922 Waterslide/Pool Regulation (Ch. 215) ..... 459, 641, 653, 682.
H 923 Limited Liability Company Act (S 780)(Ch. 354) ..... 684, 705, 749, 764, 779, 1034.
H 924 Certify Local Property Mappers (S 833)(Ch. 326) ..... 592, 651, 749, 764, 779, 1002, 1099.

H 935 Delete Public Education Department Reference (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
H 936 Habitat for Humanity Tax Exemption (S 1108)(Ch. 230) ..... 584, 672, 691, 694.
H 937 Equitable Distribution Inventory (Ch. 209) ..... 515, 529, 620, 632, 644, 672.
H 938 Teaching Standards' Program Report (S 883)(Ch. 231) ..... 386, 680, 691, 694.
H 944 Wrongful Death/Medical Expenses (Ch. 299) . 395, 725, 732, 744, 748.
H 946 State Contracts/Handicapped (Ch. 252) ..... 513, 529, 695, 707, 709.
H 957 Smoking Regulated in Public (Ch. 367) ..... 512, 529, 760, 779, 1000, 1068.
H 969 Demolition Asphalt Use (S 932)(Ch. 86) ..... 409, 505, 520, 536, 557.
H 970 Parental Involvement in School (Ed/HighEd Com) ..... 360.
H 971 Local School Improvement Reports (Ch. 142) . 481, 592, 603, 608, 611.
H 976 Governor's Waste Management Board (Ch. 501) .... 1066, 1084, 1095, 1193, 1195, 1223.
H 977 Entry of Judgment Rule (J2 Com) ..... 481.
H 978 Alimony Law Changes (S 874)(J1 Com) ..... 512, 529.
H 981 Organic Products Certification (S 849)(Ch. 147) ... 425, 609, 617, 618.
H 982 Hauling N.C. Agricultural Commodities (Ch. 470) ..... 481, 534, 544, 574, 594, 1201.
H 986 Dangerous Dog Law (J1 Com) ..... 513, 529.
H 987 Optometrists Peer Review (Rules Com) ..... 1244.
H 988 Speech Assistant Licensing Exemption (J2 Com) ..... 1164.
H 991 Foreign Judgments Recognized (S 997)(Ch. 188) ..... 481, 635, 645, 646, 647, 652, 657.
H 992 Modify Industrial Development Fund (Ch. 444) ..... 1061, 1100, 1105, 1122, 1133, 1139.
H 998 Strengthen Litter Law (J1 Com) ..... 629.
H 1001 School Building Renovation (Ch. 416) .... 512, 529, 1012, 1031, 1099.
H 1002 Special Education Drivers Age (Ed/HighEd Com) ..... 459.
H 1003 NCSU Centennial Authority (S 1053)(H Appr Com) ..... 1130, 1148, 1198.
H 1004 Public Airport Signs (Ch. 51) ..... 395, 482, 498, 518, 523.
H 1005 Funeral Processions (Rules Com) ..... 585.
H 1007 Juvenile Code Revision Committee (S 881)(Rules Com) ..... 515, 529.
H 1008 Penalties/Weapons in School (S 891)(Ch. 558) ..... 512, 529, 752, 1047, 1061, 1064, 1123, 1125, 1127, 1129, 1247, 1250, 1315.
H 1009 School Crime Reports Required (S 879)(Ch. 327) ..... 459, 609, 711, 729, 744, 1002.
H 1015 Infraction Procedures (reref J2 Com) ... 459, 641, 654, 740, 756, 775, 1055, 1071, 1072, 1104, 1122.
H 1016 5-Year Drivers License Renewal (Ch. 368/see S 836; H 544) ..... 629, 673, 713, 755, 762, 1068.
H 1020 Animal Antifreeze Poison Prohibited (Ch. 143) ..... 515, 529, 581, 602, 608, 611.
H 1021 Business Licenses Report (Ch. 289) ..... 515, 529, 695, 707, 740.
H 1027 Forum Selection for N.C. Contracts (Ch. 436) ..... 512, 529, 1095, 1122, 1138.
H 1028 Taxpayer Rights (Rules Com/see S 832) ..... 712.
H 1029 Pesticide Applicator Licensing (Rules Com) ..... 1212.
H 1034 Contract to Unlicensed Contractor (J2 Com) ..... 409.

H 1035 Sentencing Commission Study Restitution (S 915)(Ch. 535/see H 1319) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1224, 1246.
H 1043 Health Care Power of Attorney (Ch. 523) ..... 512, 530, 1035, 1147, 1204, 1243.
H 1045 Nonemployee Building Inspectors (Ch. 232) .. 512, 530, 651, 662, 694.
H 1046 Governmental Change Purchasing Laws (Rules Com) ..... 696.
H 1047 OSHA Appeal Changes (Ch. 300) ..... 395, 700, 707, 748.
H 1049 Assault Company/Campus Police (J1 Com) ..... 629.
H 1050 DNA Database and Databank (Ch. 401)(In S 27) ..... 512, 530, 1030, 1049, 1088.
H 1053 Outdoor Advertising Limited (Ch. 524) ..... 513, 530, 1103, 1122, 1152, 1243.
H 1061 Underground Storage Tanks (S 928)(Ch. 402) ..... 659, 723, 1036, 1055, 1060, 1070, 1088.
H 1062 Death Penalty/Mentally Retarded (S/H conf com appt'd) ..... 426, 1058, 1104, 1107, 1124, 1127.
H 1077 Define Septage (S 980)(Ch. 173) ..... 512, 530, 570, 582, 601, 608, 644.
H 1082 Regulate Medical Equipment (reref Fin Com) ..... 541, 563.
H 1083 Pipeline Penalty Standards (Ch. 189) ..... 481, 534, 641, 654, 657.
H 1089 Legalize Some Pyrotechnics (Ch. 437) ... 482, 1011, 1031, 1050, 1138.
H 1091 Superior Court Mediated Settlement (J2 Com) ..... 512, 530.
H 1092 Juvenile Probation/School Protection (S 893)(Ch. 369) ..... 513, 530, 609, 760, 776, 1016, 1068.
H 1094 Delivery of Motor Vehicles (Ch. 328) ..... 512, 530, 621, 762, 1000, 1003.
H 1095 Motor Vehicles Insurance Repair Referrals (Ch. 525) ..... 512, 530, 621, 1147, 1204, 1244.
H 1098 Ads/Purchaser Protection (Rules Com) ..... 551.
H 1102 Pesticide Environmental Trust Fund (Ch. 481) ..... 512, 530, 581, 1037, 1100, 1118, 1210.
H 1109 Local Economic Development (Ch. 536) ..... 761, 1028, 1117, 1148, 1198, 1246.
H 1112 Time Limit/Unsolicited Calls (PubUtil Com) ..... 442, 557, 568, 579.
H 1115 Sex Exploitation Act (J1 Com) ..... 515, 530.
H 1119 Paternity Establishment/Trial (Ch. 333) ..... 512, 530, 555, 582, 602, 608, 1011.
H 1121 Water Supply Plans (Rules Com) ..... 1027.
H 1122 Unwrapped Food Samples Prohibited (H 886)(Ch. 346) ..... 482, 534, 710, 729, 756, 766, 1023.
H 1127 Pilot Mt. Park/Remove Land (Ch. 457) ..... 1054, 1095, 1120, 1146, 1200.
H 1131 Literacy Grant Study (Ch. 526/see H 1319) ..... 459, 636, 680, 1124, 1152, 1244.
H 1133 Resumption of Surname (reref J2 Com) ..... 442, 622.
H 1142 Substance Abuse Certification Act (S 890)(J2 Com) ..... 565, 1022.
H 1143 Breast Feeding Not Indecent (Ch. 301) ..... 442, 725, 732, 744, 748.
H 1149 Oral Surgery Regulation (Ch. 190) ..... 459, 620, 632, 657.
H 1150 DOT Road Abandonment Limited (Rules Com)(In S 27) ..... 676.

H 1151 Litter Law Enforcement (J1 Com) ..... 512, 530.
H 1157 Courts Commission Chairman (Ch. 438) ..... 442, 1054, 1072, 1138.
H 1158 Billboards (NC-752/US-52) (ordered enrolled) ..... 515, 531, 635, 645, 654, 670, 691, 1041, 1215, 1240, 1244, 1320.
H 1161 Brain Disorder/Insurance Study (Rules Com) ..... 741.
H 1167 Municipal Power Agency Investment (Ch. 445) ..... 592, 690, 760, 1096, 1126, 1139.
H 1172 Health Care Samaritans (Ch. 439) ..... 442, 1027, 1050, 1138.
H 1209 Elect State Board of Community Colleges (Res. 13) ..... 459, 487, 498, 518, 523, 571.
H 1212 Auctioneer Fees and Funds (Ch. 421) ... 597, 1037, 1099, 1100, 1110.
H 1216 Budget Continuation (S 975)(Ch. 253/see S 27) ..... 707, 709.
H 1226 Overloading Motor Vehicles (J1 Com) ..... 1207.
H 1247 State Board of Education Confirmation (Res. 14) ..... 513, 531, 571, 572, 576, 579.
H 1248 Confirmation Davis/Douglas/Harvey (Res. 15) ..... 587, 588.
H 1260 Martin Luther King Commission (Ch. 502)(In S 27) ..... 1054, 1202, 1208, 1223.
H 1274 Scrap Tire Tax (Ch. 364) ..... 1013, 1025, 1048, 1049, 1050, 1053.
H 1319 Legislative Research Commission Studies (ordered enrolled)(see S 1270) ..... 1249, 1320.
References the following measures:

S 13	S 194	S 739	S 1251
S 21	S 223	S 741	S 1261
S 22	S 250	S 756	S 1262
S 27	S 298	S 956	S 1264
S 56	S 314	S 993	S 1266
S 67	S 337	S 1092	S 1268
S 69	S 390	S 1156	S 1269
S 75	S 395	S 1159	S 1270
S 85	S 400	S 1167	S 1271
S 89	S 443	S 1172	S 1280
S 107	S 554	S 1178	S 1281
S 119	S 587	S 1181	S 1282
S 165	S 683	S 1192	S 1293
S 166	S 736	S 1200	S 1295
S 190	S 737	S 1236	H 1035
			H 1131

H 1355 Fee Increase Omnibus Bill (S 1139)(Ch. 320) .... 592, 768, 774, 1001.
H 1359 Historic Preservation Tax Credit (Ch. 527) ... 1055, 1116, 1152, 1244.
H 1467 Tax Law Changes (H Fin Com) ..... 592, 1117, 1134, 1146.
H 1492 Regulate Portable Toilets (Ch. 528) .... 1069, 1072, 1143, 1204, 1244.
H 1496 Honoring Washington/All America City (Res. 19) ..... 648, 657.
H 1497 Memorializing Henry McMillan Tyson (S 1296)(Res. 22) ..... 1092, 1099.
H 1498 Memorializing Raymond "Pete" Thompson, Sr. (Res. 24) ..... 1154, 1201.

ALPHABETICAL INDEX

АЛФАВИТЕН ИНДЕКС

ALPHABETICAL INDEX

Titles of the North Carolina General Statutes (see page 2005) form the basis for this alphabetical index with a cross-index to the subject matter. Local legislation is placed under the county it affects. For example, a bill allowing the City of Raleigh to levy an occupancy tax can be found under the heading **Taxation** (Occupancy) and also under **Wake County** (Raleigh), cross-indexed from **Occupancy Tax** to **Taxation**.

The identical bill number, when applicable, and the final action taken on the measure are noted following the title. When ratified, the Chapter Number of the Session Laws is reflected.

Bills included by reference or identifiable within another measure are reflected with the final action.

- A -

ABANDONED WELLS—see **Water**
ABC—see **Alcohol Regulation**
ABORTION—see **Maternal and Child Health**
ABSENCE, LEAVE OF—see Individual Senator
ABSENTEE BALLOT—see **Election** (Ballot)
ACADEMICALLY GIFTED—see **Education** (Exceptional Children)
ACCESS TO CIVIL JUSTICE ACT—see **Judicial Department**
ACCESS TO GOVERNMENT ACT—see **Open Meetings**
ACCOUNTANT—see **Certified Public Accountant**
ACCOUNTS RECEIVABLE PROGRAM, STATE-WIDE
H 124 (Ch. 512) ..... 1065, 1093, 1116, 1146, 1243.
ACID FREE PUBLICATIONS—see **Publications**
ACTIVITY BUS—see **Motor Vehicle** (School Bus)
ACTUARIAL NOTE—see **Rules**
ACTUARIES—see **Insurance**
ACUPUNCTURE—see **Medicine**
ADA (Americans With Disabilities Act)—see **Handicapped**
ADAP (Adult Developmental Activities Program)
—see **Mental Health** (Developmentally Disabled)
ADDENDUM ..... 1317.
Attachments to Legislation
S 26 (PCS 5721A) ..... 1512.
S 27 (PCS 4630) ..... 1330.
(PCS 4632) ..... 1322, 1330.
(PCCS 5780A) ..... 1409.
Editor's Notes ..... 1319.
Enrolled Bills Not Ratified ..... 1320.
Escort Committee for Vice President ..... 1321.
Message from House of Representatives ..... 1321.
Reports to General Assembly ..... 1320.
Resolutions From Other States ..... None.
ADDRESSES TO SENATE
Dorrance, Coach Anson (UNC Soccer) ..... 342.
Exum, Jr., Honorable James G. (Chief Justice) ..... 221, 1557.
Gore, Jr., Honorable Albert (Vice President) ..... 96, 1550.
Hunt, Jr., Honorable James B. (Governor) ..... 72, 1547.
Lynch, George ..... 287.

ADDRESSES TO SENATE (continued)
Marks, Kelly ..... 162.
Plemmons, Tiffani (Junior Miss America) ..... 1060.
Pratt, Sarah (North Carolina Teacher of the Year) ..... 639.
Shinn, George ..... 739.
Smith, Coach Dean (UNC Basketball) ..... 287.
Springer, Carolyn ..... 342.
Tyson, Christa (Miss North Carolina) ..... 167.
Wenstrom, Matt ..... 287.
Wicker, Honorable Dennis A. (Lieutenant Governor) ..... 8.
ADJOURNMENT
Daily ..... 28, 42, 44, 46, 49, 52, 55, 58, 61, 66, 72, 77, 85, 90, 96, 107, 112, 123, 129, 132, 135, 138, 143, 146, 148, 153, 157, 159, 162, 166, 170, 174, 179, 184, 190, 196, 206, 213, 222, 230, 235, 242, 255, 262, 267, 277, 286, 315, 323, 329, 338, 348, 357, 371, 380, 390, 400, 409, 426, 437, 443, 465, 496, 515, 522, 531, 537, 545, 550, 555, 562, 569, 572, 579, 588, 595, 604, 610, 617, 626, 633, 639, 647, 656, 663, 671, 681, 692, 700, 708, 721, 733, 738, 747, 758, 774, 1002, 1010, 1021, 1033, 1052, 1067, 1076, 1087, 1094, 1109, 1136, 1192, 1233, 1316.
Declared by President *Pro Tempore* ..... 1316.
In Memory
Allison, Davey ..... 1033.
Allsbrook, Julian R. ..... 262.
Eure, Thaddeus ..... 1192, 1316.
Jeralds, Luther R. "Nick" ..... 107.
Memorial Day ..... 572.
Royall, Margaret Best ..... 52.
Reconvening Date 1994 Session (May 24)
S 1297 (calendar) ..... 1139, 1198, 1237.
S 1299 (Res. 31) ..... 1252, 1316.
Sine Die
S 1297 (calendar) ..... 1139, 1198, 1237.
S 1299 (Res. 31) ..... 1252, 1316.
ADMINISTRATION DEPARTMENT
Agency Recycling Receipts Rules
S 1065 (Appr Com) ..... 424.
Budget and Management Office
Management and Productivity Section to Administration
S 241 (GovPerform Com/see H 369) ..... 88.
Current Operations Appropriations
S 27 [Part 7](Ch. 321) ..... 805.
Information Services Division
Employee Training Funds
S 27 [Sec. 29](Ch. 321) ..... 808.
Intergovernmental Relations Transfer/Governor's Office
S 368 (reref Appr Com/see H 369) ..... 117, 208.
Marine Affairs Transfer/
Department Environment, Health, and Natural Resources
S 27 [Sec. 28](Ch. 321) ..... 805.
S 244 (GovPerform Com/see S 315; H 369) ..... 89.
Minority Business Coordinator
S 132 (H Appr Com/see H 306) ..... 67, 75, 77, 110, 122, 123, 128, 219, 464, 472, 505.
Parking Revenue Van Pool/Transit Pass Subsidy
S 27 [Sec. 32](Ch. 321) ..... 808.

ADMINISTRATION DEPARTMENT (continued)
Purchase and Contract
Bids—see **Bids**
Contractual/Personal Services Defined
H 23 (StPers&StGov Com) ..... 158.
Legislative Contract Violation/Punishment
H 6 (J1 Com) ..... 273.
Liability for Unlawful Purchases
S 759 (reref J2 Com) ..... 251, 469, 501.
H 20 (J2 Com) ..... 480.
Management Information Systems/Reports
S 137 (reref GovPerform Com/see H 306) ..... 68, 75.
Monitor Purchasing Activity
H 22 (StPers&StGov Com) ..... 480.
Personal Computer Term Contract
S 740 (H 171)(reref Appr Com) ..... 249, 657.
Policy/Business Hiring Inmates
S 916 (J1 Com) ..... 313.
Priority of Purchase
S 148 (reref GovPerform Com/see S 315; H 306) ..... 69, 76, 77.
Procurement Practices Improved
S 27 [Sec. 76])(Ch. 321) ..... 835.
S 134 (reref GovPerform Com/see H 306) ..... 68, 75.
Purchasing Agent Gift Prohibited
S 760 (H 21)(H Fin Com) ..... 251, 417, 435.
Purchasing Law Update
H 1046 (Rules Com) ..... 696.
Purchasing Manual Rewrite
S 145 (recommit GovPerform Com/see S 315; H 306) ..... 69, 75, 111, 122, 129.
Purchasing/Reduction of Waste
S 90 (Ch. 197/see H 544) ..... 56, 223, 234, 658, 670, 671.
H 91 (StPers&StGov Com) ..... 212.
Staff Reduction/Redirection
S 131 (H 344)(reref GovPerform Com) ..... 67, 74.
S 136 (H 343)(reref GovPerform Com) ..... 68, 75.
Term Contract Requirements
S 140 (reref GovPerform Com/see H 306) ..... 68, 75, 111, 122, 128.
Vendor Invoice Reflect Taxpayer Identification Number
H 568 (StPers&StGov Com) ..... 441.
Science and Technology Board Transfer/
Commerce Department
S 189 (GovPerform Com/see S 315; H 294) ..... 81.
Secretary
Salary, Annual
S 27 [Sec. 50](Ch. 321) ..... 816.
SIPS Type One Transfer
S 263 (GovPerform Com/see H 369) ..... 93.
Surplus Property
Inventory Management System
S 144 (reref GovPerform Com/see H 306)(In S 27) ..... 69, 75.
Sale Proceeds
S 142 (reref Appr Com/see H 306) ..... 68, 75, 111.
State/Federal Site
S 143 (reref GovPerform Com/see H 306) ..... 69, 75, 111, 122, 128.
ADMINISTRATION OF ESTATES [G.S. 28A]—see **Estate**

ADMINISTRATIVE
Code, North Carolina—see **Publication**
Hearings—see **Judicial Department**
Law Judge—see **Judicial Department** (Judge)
Office of Courts (AOC)—see **Judicial Department**
Procedure Act [G.S. 150B]
Decision Procedures in Contested Cases
S 408 (reref J2 Com/see H 310) ..... 125, 286.
Economic Impact Assessments on Proposals
S 1012 (reref W&M Com) ..... 382, 418, 444, 451, 493, 495, 507, 516.
S 1261 (Rules Com/see H 1319) ..... 702.
Hearings Office Code Transfer
S 299 (GovPerform Com/see H 310) ..... 98.
OSHA Review Board Decisions Uniform
S 109 (H Bus&Labor Com) ..... 59, 242, 247, 277.
H 187 (Ch. 474) ..... 346, 1103, 1121, 1210.
State Personnel Appeals Changes
S 118 (H 193)(H J3 Com) ..... 62, 324, 335.
Rules Review Commission—see **Rules** (Review Commission)
School Administrative Unit—see **Education**
ADMINISTRATOR, SCHOOL—see **Education**
ADOLESCENT PREGNANCY—see **Maternal and Child Health**
ADOPTION [G.S. 48]—see **Child**
ADULT DAY CARE—see **Aged**
ADULT DEVELOPMENTAL ACTIVITY PROGRAM (ADAP)
—see **Mental Health** (Developmentally Disabled)
ADULTERY—see **Married Persons** (Divorce)
ADVERTISING
Billboard
Outdoor Advertising Limited
H 1053 (Ch. 524) ..... 513, 530, 1103, 1122, 1152, 1243.
Pilot Mountain State Park Prohibition
H 1158 (ordered enrolled) ..... 515, 531, 635, 645, 654, 670, 691, 1041, 1215, 1240, 1244, 1320.
Transportation Department Report on Fees
S 27 [Sec. 151](Ch. 321) ..... 888.
Contract Terms/Circulation Statement
H 1098 (Rules Com) ..... 551.
Outdoor Structure Permit Fee Increase
S 1227 (LocGov Com) ..... 612.
Travel and Tourism—see **Tourism**
ADVISORY BUDGET COMMISSION—see **Appropriations**
AERONAUTICS [G.S. 63]—see also Specific County
Aerial Rescue Equipment/National Guard
S 1240 (Appr Com)(In S 26) ..... 643.
Airborne and Special Operations Museum
S 1140 (H 1360)(CapExp Com) ..... 479.
Aircraft Sales Tax Conformed
S 659 (Ch. 507) ..... 211, 672, 690, 1242.
Airline Jet Fuel Inspection Fee Refund
S 786 (reref W&M Com) ..... 254, 649.
Airport
Traffic Control Signs
H 1004 (Ch. 51) ..... 395, 482, 498, 518, 523.

AERONAUTICS [G.S. 63](continued)
Airport Authority
Air Cargo—see **Air Cargo Airport Authority**
Dare County Membership
H 813 (Ch. 251) ..... 353, 454, 650, 661, 667, 709.
Laurinburg-Maxton Airport Authority Power
S 942 (Ch. 414) ..... 330, 411, 453, 470, 498, 1074, 1082, 1089, 1098.
Moore County Airport Authority Created
S 942 (Ch. 414) ..... 330, 411, 453, 470, 498, 1074, 1082, 1089, 1098.
New Hanover Project Authorization
H 813 (Ch. 251) ..... 353, 454, 650, 661, 667, 709.
Stanly County Expansion Funds
S 850 (reref CapExp Com)(In S 26) ..... 271, 773.
Aviation Appropriations Modified
S 27 [Sec. 153](Ch. 321) ..... 888.
CAP (Civil Air Patrol)
Tort Claim/Workers' Compensation Eligibility
S 652 (Ch. 389) ..... 210, 317, 327, 1078.
International Air Service Promotional Funds
S 26 [Sec. 67](Ch. 561) ..... 1284.
AFDC (Aid to Families With Dependent Children)—see **Child**
AFRICAN-AMERICAN CULTURAL CENTER—see **Museum**
AGED
Alzheimer's Disease—see **Alzheimer's**
Caregiver Support Funds
S 27 [Sec. 243](Ch. 321) ..... 944.
Day Care Services
S 990 (Appr Com) ..... 360.
Gerontology Institute at UNC
S 1280 (Rules Com/see H 1319) ..... 736.
Homestead Exemption—see **Taxation** (Property)
Hunting/Fishing License Age 65
S 126 (Ag/MarRes&W Com) ..... 63.
In-Home Services
Aide/Caregiver Support Funds
S 32 (Appr Com) ..... 47.
Long-Term Care—see **Medicine**
Medicaid—see **Medicaid/Medicare**
Nursing Homes—see **Medicine** (Long-Term Care)
Rest Home—see **Medicine** (Long-Term Care)
Senior Citizens' Center Funds
East Arcadia—Bladen County
S 943 (reref CapExp Com) ..... 331, 771.
Funds Increased
S 34 (Appr Com) ..... 47.
Northern Wake Senior Center
S 1212 (H 1479)(CapExp Com) ..... 575.
Satellite/New Services
S 27 [Sec. 244](Ch. 321) ..... 945.
Senior Citizens' Federation Funds
S 1028 (reref CapExp Com) ..... 391, 1009.
Senior Tarheel Legislature
S 479 (Ch. 503) ..... 154, 443, 477, 484, 1242.
Transportation Assistance Program Renamed
S 27 [Sec. 147](Ch. 321) ..... 884.

AGED (continued)
Tuition of Elderly [G.S. 115B]
Volunteers—see **Volunteers**
AGRICULTURAL FINANCE ACT [G.S. 122D]—see **Agriculture**
AGRICULTURE [G.S. 106]
Agricultural Finance Authority
Executive Director's Annual Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
Farm Loan Reserve Funds
S 1223 (reref CapExp Com) ..... 596, 1018.
Agriculture and Forestry Awareness Commission
—see **Boards and Commissions** (Legislative)
Agromedicine Efforts/ECU/NCSU
H 1102 (Ch. 481) ..... 512, 530, 581, 1037, 1100, 1118, 1210.
Animal—see **Animals**
Apiculture
Apiculture Services/NCSU
S 620 (H 755)(reref Appr Com) ..... 195, 557.
Aquaculture—see **Marine Resources**
Arboretum
North Carolina Arboretum
Board Membership
S 1020 (H Rules Com) ..... 383, 467, 503, 504.
Capital Improvement Funds
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
S 1177 (CapExp Com)(In S 14; S 26) ..... 521.
Botanical Garden Fund
S 1193 (reref CapExp Com) ..... 551, 772.
Commercial Driver Restricted License
S 1027 (Transp Com) ..... 391.
Commissioner
Salary, Annual
S 27 [Sec. 49](Ch. 321) ..... 815.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Cost Share Program/Technical Review Committee
S 27 [Sec. 261](Ch. 321) ..... 956.
Cotton Promotion Funds
S 26 [Sec. 8; 95](Ch. 561) ..... 1262, 1295.
Crop Production Survey Funds
S 866 (Appr Com) ..... 273.
Current Operations Appropriations
S 27 [Part 24](Ch. 321) ..... 954.
Department
Automated Network Funds
S 515 (Appr Com) ..... 172.
Capital Improvements Funds
S 26 [Part 23](Ch. 561) ..... 1294.
S 27 [Sec. 260; 260.1](Ch. 321) ..... 954.
Economic Development Primary Responsibility
S 185 (GovPerform Com/see H 294) ..... 80.
Museum of Natural Science Transfer
S 26 [Sec. 116](Ch. 561) ..... 1308.

AGRICULTURE [G.S. 106] (continued)
Department (continued)
Personnel Director
S 309 (GovPerform Com/see H 288) ..... 99.
Education Department Transfer Funds/NCSU
S 39 (H 34)(reref Appr Com)(In S 26) ..... 48, 561.
Employment Defined
Crab Harvesting
H 1047 (Ch. 300) ..... 395, 700, 707, 748.
Export Program/International Trade Office
S 1174 (Appr Com) ..... 521.
Extension Service
Retirement Refund Application Deadline Lifted
S 764 (reref Appr Com) ..... 252, 410.
Fair Multi-Purpose Exhibit Building Funds
S 762 (reref CapExp Com) ..... 252, 771.
Farm
Advertising/Pick Your Own
H 1053 (Ch. 524) ..... 513, 530, 1103, 1122, 1152, 1243.
Farm Loan Reserve Funds
S 1223 (reref CapExp Com) ..... 596, 1018.
Farm Product Inspection Account, Nonreverting
S 499 (H Agric Com) ..... 163, 175, 544, 549.
H 446 (Ch. 223) ..... 440, 581, 678, 691, 693.
Oak View Farm Capital Improvement
S 1253 (CapExp Com) ..... 695.
Taxed at Use Value
S 763 (reref W&M Com) ..... 252, 672, 690, 727.
Water Withdrawal Registration Fee Exemption
S 821 (Ch. 344/see H 544) ..... 262, 332, 539, 550, 1004, 1019, 1023.
Farmers
Future Farmers of America
Center Funds
S 26 [Sec. 60](Ch. 561) ..... 1282.
Special License Plate
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Farmers' Market
Domestic Market Expansion Funds
S 520 (H 511)(reref CapExp Com)(In S 27) ..... 172, 770.
Eastern North Carolina Agricultural Center Funds
S 486 (H 477)(CapExp Com)(In S 26) ..... 160.
Food Sample Restrictions Exemption
H 1122 (H 886)(Ch. 346) ..... 482, 534, 710, 729, 756, 766, 1023.
Piedmont Agricultural Marketing and Processing Center
S 553 (H 260)(CapExp Com)(In S 26) ..... 182.
Rocky Mount Reallocation of Funds
S 26 [Sec. 94](Ch. 561) ..... 1294.
Southeastern Market and Agricultural Center
S 1173 (H 1376)(CapExp Com)(In S 26) ..... 521.
Roseboro Water/Sewer Services Grant-in-Aid
S 26 [Sec. 96](Ch. 561) ..... 1295.

AGRICULTURE [G.S. 106] (continued)
Farmland Preservation/Dairy Farmer Study (LRC)
H 1319 [Sec. 2.1(41)](ordered enrolled)
(see S 1270; H 1060) ..... 1249, 1320.
Fences and Stock [G.S. 68]
Fertilizer
Commercial Fertilizer Penalties/Standards/
Labeling Requirements
S 550 (Ch. 216) ..... 181, 401, 483, 501, 622, 673, 692, 693.
Finance Act [G.S. 122D]
Farm Loan Reserve Interest/Administration
S 26 [Sec. 97](Ch. 561) ..... 1296.
Food Inspection/Regulation Expanded
S 745 (Appr Com)(In S 27) ..... 250.
Food Tax—see **Taxation** (Food and Beverage)
Forest—see **Foresters**
Genetic Engineering Review Board Membership
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Grassroots Science Program Funds
S 27 [Sec. 260.2](Ch. 321) ..... 955.
Horse—see **Animals**
Incinerator for Medical Waste
S 530 (H 655)(Appr Com)(In S 26) ..... 177.
Inspection/Grading of Products
S 499 (H Agric Com) ..... 163, 175, 544, 549.
H 446 (Ch. 223) ..... 440, 581, 678, 691, 693.
Labor
Alien Unemployment Eligibility
S 811 (Ch. 122) ..... 261, 429, 453, 596.
Laboratory
Ballentine Building Renovation Funds
S 485 (H 532)(CapExp Com) ..... 160.
Biological Pest Control Lab Funds
S 518 (reref CapExp Com) ..... 172, 770.
Lime and Landplaster Act Enforcement
S 519 (Ch. 144) ..... 172, 509, 512, 618.
Liquified Petroleum Violation Civil Penalty
H 567 (Ch. 356) ..... 441, 640, 748, 764, 779, 1052.
Maritime Museum—see **Museum**
Milk
Sanitation Inspection Program Funds
S 870 (Appr Com)(In S 27) ..... 279.
Mountain Research Center
Aquaculture Research Western Carolina University
S 27 [Sec. 96](Ch. 321) ..... 847.
S 156 (H 119)(Appr Com) ..... 70.
Mycotoxin Analysis/Research Funds/NCSU
S 1183 (H 1387)(Appr Com)(In S 26) ..... 524.
Natural Science Museum—see **Museum**
North Carolina State University—see **Higher Education** (UNC)
Occupational Diseases/Illnesses/Injuries Reported
S 533 (Ch. 486) ..... 180, 474, 544, 548, 554, 560, 591, 625, 632, 1222.
Organic Products Certification Program
S 849 (H Agric Com) ..... 271, 401, 421.
H 981 (Ch. 147) ..... 425, 609, 617, 618.
OSHA—see **Labor Department**

AGRICULTURE [G.S. 106] (continued)
Ostrich—see under this heading (Ratites)
Pest Control
Home Inspector License Exemption
S 617 (H Fin Com) ..... 194, 316, 412, 581, 600.
Laboratory—see under this heading (Laboratory)
Pesticide Applicator Licensing
H 1029 (Rules Com) ..... 1212.
Pesticide Assessment for Trust Fund
H 1102 (Ch. 481) ..... 512, 530, 581, 1037, 1100, 1118, 1210.
Pesticide Residue Laboratory Renovation
S 485 (H 532)(CapExp Com) ..... 160.
Pollution Control—see **Pollution Control**
Pork—see under this heading (Swine)
Poultry
Canning Funds/Shipment to Russia
S 1202 (Appr Com) ..... 571.
Mortality Recycling/Composting Study (LRC)
H 1319 [Sec. 2.1(23)](ordered enrolled)
(see S 1270; H 421) ..... 1249, 1320.
Producer Protection Act
S 476 (H 414)(Ag/MarRes&W Com) ..... 150.
Pseudorabies Control Program Funds
S 521 (H 656)(Appr Com) ..... 172.
Ratites
Meat Inspection Act Covers
S 70 (Ch. 311) ..... 53, 113, 149, 156, 158, 751, 773, 775.
Rural Economic Development Center Funds
—see **Economic Development**
State Board—see **Boards and Commissions** (Boards)
Swine
Farm Odor Abatement Study/NCSU
S 26 [Sec. 45](Ch. 561) ..... 1277.
S 926 (H 1159)(reref Appr Com)(In S 26) ..... 318, 1024, 1028.
Tour by Legislative Committees/Study
S 926 (H 1159)(reref Appr Com)(In S 26) ..... 318, 1024, 1028.
Tobacco
Cigarette Excise Tax
S 1025 (Ch. 442) ..... 391, 540, 548, 553, 1094, 1106, 1128, 1139.
Sales to Minor Defense
H 459 (unf rpt) ..... 513, 527, 585, 601, 605, 683.
Smoking in Public Places Regulated
H 957 (Ch. 367) ..... 512, 529, 760, 779, 1000, 1068.
Tobacco Farm Life Museum Funds
S 254 (H 197)(reref CapExp Com)(In S 27) ..... 92, 769.
Warehouse Study (LRC)
H 1319 [Sec. 2.1(35)](ordered enrolled)
(see S 1270; H 889) ..... 1249, 1320.
Vehicle Lighting Requirements Daylight Hours
S 38 (H 37)(Transp Com) ..... 48.
Vehicle Weight Limit Increased
H 982 (Ch. 470) ..... 481, 534, 544, 574, 594, 1201.
Venus's Flytrap—see **State** (Emblems)

AGRICULTURE [G.S. 106] (continued)
Veterinary
Inspection Fee Reduced/
Licensing Requirements/Board Membership
H 747 (Ch. 500) ..... 535, 657, 1036, 1099, 1100, 1101, 1124, 1126, 1130, 1149, 1203, 1222.
Records Disclosure Limited
S 36 (ppi) ..... 48, 139, 145, 158.
H 33 (Ch. 5) ..... 144, 145, 148, 149.
Warehouse
Warehouse Act Fund
S 26 [Sec. 95](Ch. 561) ..... 1295.
Watermelon
State Festivals Declared
S 647 (Rules Com) ..... 210.
H 318 (Ch. 212) ..... 281, 625, 650, 655, 681.
AGRICULTURE AND FORESTRY AWARENESS COMMISSION
—see **Boards and Commissions** (Legislative)
AGRONOMIC FACILITY—see **Agriculture**
AHEC (Area Health Education Center)—see **Health**
AIDS (Acquired Immune Deficiency Syndrome)
—see **Medicine; Public** (Health—Communicable Disease)
AIR—see **Pollution Control**
AIR CARGO AIRPORT AUTHORITY [G.S. 63A]
Appointment of Members
(Bradshaw; McLean; Myers)
H 439 [Sec. 11](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Global Transpark Development Zone
Created
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Matching Funds/
Global Transpark Foundation, Inc.
S 26 [Sec. 72](Ch. 561) ..... 1285.
AIRPORT—see **Aeronautics;** Specific County
ALAMANCE COUNTY—District 21—Senator George B. Daniel
Burlington
Burlington City School Private Sale
H 456 (Ch. 277/see H 544) ..... 220, 651, 662, 734.
Graham Township Tract Deannexation
H 423 (Ch. 162) ..... 266, 533, 582, 598, 606, 614, 623, 631, 634.
Lake Mackintosh Private Sale
H 424 (Ch. 276) ..... 227, 559, 713, 727, 734.
Courthouse Bidding Contract Exemption
H 339 (Ch. 153) ..... 377, 560, 567, 568, 578, 627.
Elon College 100th Anniversary Recognition
H 591 (Res. 7) ..... 221, 227, 230.
Roofing Building Permit
H 844 (Ch. 381) ..... 481, 750, 761, 1015, 1044, 1077.
Superior Court Judge Increase
S 27 [Sec. 200.5](Ch. 321) ..... 912.
ALARM SYSTEMS [G.S. 74D]
Licensing Board
State Facility/Services Use Fees
S 27 [Sec. 203](Ch. 321) ..... 923.

ALBERTSON, Charles W.—Senator Duplin, Jones (part), Onslow (part), Pender (part), Sampson (part)—**5th District**
Absent With Leave ..... 338, 426, 443, 448 (present), 1064.
Adjournment Motion—Second ..... 315, 531.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 35, 38, 39.
Standing—
Agriculture, Marine Resources, and Wildlife (Chairman)
Children and Human Resources (Vice-Chairman)
Appropriations—Appropriations on Department of Transportation—Local Government and Regional Affairs—Manufacturing and Labor
Conference—
S 485 ..... 758, 1032.
S 853 ..... 1109, 1231.
S 1222 ..... 1213, 1219.
H 416 ..... 434, 449.
Escorts—Bob J. Nash, U.S.D.A. Under Secretary ..... 1029.
Oath of Office ..... 7.
Remarks Spread—
Jeralds Eulogy ..... 106.
Thompson Eulogy ..... 1160.
Song/Initial Presentation ..... 1021.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 45, 46, 47, 342, 440, 499, 518, 519, 520, 521, 550, 551, 589, 590, 591, 775, 848, 849, 956, 1174, 1188, 1190, 1202, 1241.
Co-Sponsor ..... 35, 36, 37, 38, 39, 40, 70, 71, 72, 74, 75, 251, 254, 336, 337, 400, 446, 457, 478, 479, 484, 556, 572, 620, 674, 675, 676, 694, 770, 771, 852, 853, 865, 866, 876, 891, 892, 893, 906, 912, 913, 914, 915, 920, 949, 960, 969, 976, 1012, 1013, 1027, 1077, 1141, 1183, 1200, 1222, 1245, 1250, 1271.
ALCOHOL/DRUG ABUSE TREATMENT—see **Drugs** (Abuse)
ALCOHOL REGULATION [G.S. 18B]—see also Specific County
ABC Store Authorized/Navassa (Brunswick)
H 406 (Ch. 17) ..... 232, 241, 247, 255.
Alcohol Law Enforcement Division/ Crime Control Eliminated
S 416 (H 374)(reref Appr Com) ..... 126, 229.
Alcohol Law Enforcement Officer—see **Law Enforcement**
Alcoholic Beverage Control Laws Study (LRC)
H 1319 [Sec. 2.1(42)](ordered enrolled) (see S 1270; H 1093) ..... 1249, 1320.
Alcoholism and Chemical Dependency Program
S 1230 (reref Appr Com) ..... 622, 750.
Beer/Wine
Malt Beverage Sale/Possession Decriminalization
S 700 (recommit J2 Com) ..... 231, 445, 488.
Boards of Control, Local
Ad Valorem Tax Valuation (Wake)
H 808 (Ch. 50) ..... 320, 466, 498, 517, 523.
Commission
Chairman, Annual Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
DWI (Driving While Impaired)—see **Motor Vehicle**

ALCOHOL REGULATION [G.S. 18B] (continued)
Election
County Override of City Election
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Multicounty/City
S 425 (J1 Com) ..... 127.
H 346 (Ch. 193) ..... 385, 641, 653, 662, 664.
Fee Increase/Technical Amendments
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Hours of Sale (Mecklenburg)
S 797 (reref EconDev Com) ..... 260, 317, 326, 373, 404, 419.
Liability of Social Host
S 765 (J2 Com) ..... 252.
Liquor
Food Extract Use
H 634 (Ch. 127) ..... 395, 554, 560, 596.
Malt Beverage—see under this heading (Beer/Wine)
Permit
Residential/Sports Club Without Approval
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Restaurant Qualification
S 725 (H 894)(H J1 Com) ..... 238, 317, 328.
Sanitation Rules Applicability
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Youth Employment Exemption
H 524 (Ch. 239) ..... 512, 527, 630, 644, 654, 670, 701.
Zoning Regulations Satisfied
S 61 (H J1 Com) ..... 51, 416, 433.
Premise Inspection by Local Law Enforcement Officer
S 1237 (J1 Com) ..... 642.
Profit Distribution—see Specific County
Purchase/Possession of Eight Liters
S 790 (Ch. 508) ..... 259, 351, 370, 1242.
Sunday Sales/Consumption 12 Noon
S 726 (H 895)(Ch. 243) ..... 239, 374, 396, 420, 709.
Tax—see **Taxation**
Wine—see under this heading (Beer)
ALCOHOL/DRUG ABUSE—see **Drugs** (Abuse)
ALEXANDER COUNTY—District 27—Senator Donald R. Kincaid
—Senator Daniel R. Simpson
Fire District Expansion Procedures
H 399 (Ch. 237) ..... 239, 559, 674, 686, 698, 701.
ALIEN [G.S. 64]
Consular Office Notification of Committed National
S 26 [Sec. 86](Ch. 561) ..... 1290.
Employment Eligibility—see **Employment Security**
Immigration Agent Defined Law Enforcement Officer
S 508 (H J1 Com) ..... 171, 217, 230.
ALIMONY—see **Married Persons** (Divorce)
ALL-TERRAIN VEHICLE (ATV)—see **Motor Vehicle**
ALLEGHANY COUNTY—District 12—Senator Fred Folger, Jr.
—Senator A. P. Sands III
County Commissioners Increased to Five
H 517 (Ch. 49) ..... 257, 475, 498, 517, 523.
Economic Development Conveyance Prospective Revenue
H 516 (Ch. 31) ..... 256, 317, 326, 330.
Motor Vehicle Tax — $10.00
H 874 (Ch. 456) ..... 1097, 1116, 1133, 1141, 1200.

ALLRAN, Austin M.—Senator Catawba, Lincoln (part)
—26th District
Absent With Leave ..... 90, 91, 243.
Adjournment Motion—Second ..... 338, 639.
Certificate of Election ..... 6.
Committee Assignments ..... 37, 38, 39, 40, 41, 64, 65, 66, 122, 123.
Standing—
Manufacturing and Labor (Vice-Chairman)
Finance (Ranking Minority)
Judiciary II (Ranking Minority)
Ways and Means (Ranking Minority)
Children and Human Resources—Constitution and Election Laws—Economic Development/Travel and Tourism—State Personnel and State Government—Transportation
Conference—
S 431 ..... 780.
H 101 ..... 642, 1008.
H 747 ..... 1126, 1149.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 237, 429, 430, 431, 432, 433, 434, 435, 436, 437, 511, 636, 884, 996, 1045, 1046.
Co-Sponsor ..... 15, 16, 18, 25, 35, 48, 50, 72, 74, 75, 87, 91, 92, 93, 94, 95, 110, 111, 123, 124, 151, 337, 341, 342, 397, 419, 421, 422, 424, 446, 448, 449, 450, 451, 452, 500, 556, 572, 583, 607, 664, 665, 674, 675, 676, 694, 696, 715, 876, 900, 904, 906, 919, 934, 970, 976, 993, 1012, 1027, 1029, 1092, 1151, 1174, 1200, 1245, 1250.

ALTERNATIVE INCARCERATION PROGRAM—see **Prisons**

ALTERNATIVE OPERATOR SERVICE—see **Utilities** (Telephone)

ALTERNATIVE SCHOOL—see **Education** (Schools); **Studies** (LRC)

ALTERNATIVE YOUTH SERVICES, COMMUNITY-BASED
—see **Judicial** (Youth)

ALZHEIMER'S DISEASE
Alzheimer's Association Funds
S 18 (Appr Com) ..... 30.

AMATEUR SPORTS—see **Athletics**

AMBULANCE—see **Emergency Personnel/Services/Equipment**

AMUSEMENT
Device Inspection—see **Labor Department**

ANATOMICAL GIFT ACT, UNIFORM
Health Care Power of Attorney
S 477 (J1 Com) ..... 150.
H 1043 (Ch. 523) ..... 512, 530, 1035, 1147, 1204, 1243.

ANESTHESIA—see **Medicine**

ANIMAL
Antifreeze Placement Restrictions
H 1020 (Ch. 143) ..... 515, 529, 581, 602, 608, 611.
Dogs [G.S. 67]
Dangerous Dog Law Amendments
H 986 (J1 Com) ..... 513, 529.
Electronic Collar Removal Made Misdemeanor
S 1168 (J1 Com) ..... 521.
Tax on Shows/Exhibitions/Animals (Hertford)
H 888 (Ch. 479) ..... 541, 750, 1096, 1115, 1132, 1142, 1210.

ANIMAL (continued)
Fighting Offense Enabling Legislation
S 1116 (Rules Com) ..... 456.
Horses
Horse Racing in North Carolina
S 116 (H 42)(reref J1 Com) ..... 60, 341.
S 656 (held in Clerk's office) ..... 210.
Racing/Parimutuel Betting
S 116 (H 42)(reref J1 Com) ..... 60, 341.
Pet Trust Authorized
S 610 (reref J2 Com) ..... 194, 358.
Protect Animals [G.S. 19A]
Pseudorabies Control Program
S 521 (H 656)(Appr Com) ..... 172.
Rabies Vaccination Certificate Information Restricted
S 865 (Ch. 245) ..... 272, 486, 502, 709.
Residue Marketing Study
S 956 (Rules Com/see H 1319) ..... 344.
Strays [G.S. 79]
Wildlife—see **Wildlife**
ANNEXATION
—see **Local Government** (Cities and Towns); Specific County
ANNUAL LEAVE—see **State of North Carolina** (Personnel)
ANNUITY—see **Retirement**
ANSON COUNTY—District 17—Senator J. Richard Conder
—Senator Aaron W. Plyler
Alternative School for Disruptive Student Model
S 1203 (reref CapExp Com) ..... 571, 774.
ANTIQUE
License Plate to Parade/Public Event
S 162 (Ch. 440) ..... 70, 185, 275, 285, 310, 1012, 1038, 1106, 1127, 1138.
Vehicle License Plate
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
ANTITRUST—see **Commerce and Business**
AOC (Administrative Office of the Courts)—see **Judicial Department**
APA (Administrative Procedures Act)—see **Administrative** (Procedures Act)
APICULTURE—see **Agriculture**
APPEALS—see **Civil** (Procedure); **Criminal Procedure**
APPELLATE—see **Judicial Department**
APPELLATE COURT—see **Judicial Department** (Courts)
APPENDIX
Chapel Hill High School Vocal Ensemble ..... 5, 1546.
Districts—see under this heading (Senatorial Districts)
Executive Orders ..... 1535.
Halifax Resolves Commemoration ..... 259, 1563.
Pinecrest Air Force Junior ROTC, Southern Pines ..... 5, 1546.
Senate Simple Resolutions
S.R. 102 ..... 66, 1525.
S.R. 468 ..... 141, 1527.
S.R. 482 ..... 1029, 1527.
S.R. 823 ..... 289, 1528.
S.R. 951 ..... 510, 1529.
S.R. 1010 ..... 449, 1532.
S.R. 1229 ..... 612, 1532.

APPENDIX (continued)
Senate Simple Resolutions (continued)
S.R. 1243 ..... 654, 1533.
S.R. 1298 ..... 1245, 1533.
Senatorial Districts ..... 3, 1519.
Standing Committees ..... 1564.
Staff, Senate ..... 1570.
State of the Judiciary (Chief Justice) ..... 221, 1557.
State of the State (Governor) ..... 72, 1547.
United States Vice President Gore Address ..... 96, 1550.
APPLIANCE SERVICE AGREEMENT—see Warranty
APPOINTMENTS—see also Individual Senator
Boards and Commissions—see **Boards and Commissions**
Committees, Standing—see **Committees**
Confirmation/Consent—see **Confirmation**
Congressional District Representation
Psychology Board, N.C.
S 631 (H 929)(Ch. 375/see H 544) ..... 198, 242, 358, 539, 550, 1027, 1049, 1063, 1068.
Sheriff's Education and Training Standards Commission
S 785 (ordered enrolled) ..... 254, 317, 550, 555, 1231, 1237, 1245, 1249, 1250, 1315, 1320.
Governor
Agriculture, State Board
(Berry, Finch, Turner) ..... 659, 739.
Controller, State
(Renfrow) ..... 1009, 1034, 1055, 1097.
Education, State Board
(Davis, Douglas, Harvey) ..... 333, 587, 588.
Marine Fisheries Commission
S 97 (H 32)(Ch. 8/see S 27) ..... 57, 113, 128, 175.
Personnel Commission, State (Chairman)
(Sobol) ..... 552, 619, 626.
Teachers' and State Employees' Retirement System, Board of Trustees (Copley, Davis, Edgerton, Grice, Johnson, Wilkins, Wilson) ..... 1014, 1164.
Utilities Commission, North Carolina
(J. Hunt, R. Hunt, Thomas) ..... 389.
Lieutenant Governor
Constitutional Review Commission
S 21 (reref Appr Com/see H 1319) ..... 30, 404, 574.
Public Health Study Commission
S 69 (Rules Com/see H 1319) ..... 52.
President of the Senate
Child Care Issues Commission Established
S 89 (H 213)(Rules Com/see H 1319) ..... 56.
Recommendations
S 1124 (H 826)(Ch. 405/see H 544) .... 457, 462, 1079, 1084, 1088.
Art Museum Trustees
(Murphy; Sanford)[Sec. 1]
Building Commission, State
(Turner)[Sec. 20]
Child Day Care Commission
(Beerbower; Moss)[Sec. 4]
Cosmetic Art Examiners
(Frazier)[Sec. 2]
Criminal Justice and Education Standards Commission
(Farmer)[Sec. 3]

APPOINTMENTS (continued)
Lieutenant Governor (continued)
President of the Senate (continued)
Recommendations (continued)
S 1124 (continued)
Dietetics Nutrition Board
(Becker; Dove)[Sec. 7]
Disabilities, Governor's Advocacy Council for Persons
(Brantley; Elder; Harton; Johnson; Lewis;
Smith; Townsend; Williams)[Sec. 6]
Employee Deferred Compensation Plan Trustees
(Myers)[Sec. 5]
Fire and Rescue Commission
(Joyner)[Sec. 8]
Housing Finance Agency Board of Directors
(Antone; Clark; Rash)[Sec. 9]
Housing Partnership, North Carolina
(Alston; Bayer; Martin; Royster; Wood)[Sec. 10]
Indian Affairs Commission
(Townsend)[Sec. 11]
Low-Level Radioactive Waste Authority
(Hinnant)[Sec. 12]
Major Medical Plan Trustees, State Employees
(Elliott; Owen)[Sec. 15]
Math and Science School Trustees
(Gregory)[Sec. 19]
Medical Database Commission
(Copeland)[Sec. 13]—see H 544 [Sec. 83.1]
Mental Health, Developmental Disabilities, and
Substance Abuse Commission
(Chamings; Jernigan)[Sec. 14]
Ports Authority, North Carolina State
(Dawson)[Sec. 16]
Public Telecommunications, Commissioners
(Kennedy; Lofton)[Sec. 17]
Public Television Center, Trustees
(Hackney)[Sec. 25]
Rules Review Commission
(Henry; Redwine)[Sec. 18]
Seafood Industrial Park Authority
(Langley)[Sec. 23]
Science and Technology Board
(Coulter)[Sec. 22]
Sheriffs' Education and Training Commission
(Frye)[Sec. 21]
Teachers' and State Employees' Retirement System Trustee
(Weisel)[Sec. 30]
Teaching, Center for Advancement
(Fitzpatrick; Forde)[Sec. 24]
Teaching Fellows Commission
(Byrd)[Sec. 29]
Transportation Board
(Pappas)[Sec. 26]
Waste Management Board, Governors
(Hughes)[Sec. 27]
Wildlife Resources Commission
(Penchmann)[Sec. 28]

APPOINTMENTS (continued)
Lieutenant Governor (continued)
President of the Senate (continued)
Recommendations (continued)
Environmental Management Commission
H 826 (S 1124)(Ch. 302) ..... 514, 528, 755, 756.
(Epting; Glenn)
Public Health Study Commission
S 69 (Rules Com/see H 1319) ..... 52.
President *Pro Tempore* of the Senate
Advisory Budget Commission ..... 380.
Capital Planning Commission, North Carolina ..... 380.
Child Care Issues Commission Established
S 89 (H 213)(Rules Com/see H 1319) ..... 56.
Community College Capital Needs Commission
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .. 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Comprehensive Compensation System for State Employees
S 84 (H 192)(Ch. 388) ..... 55, 371, 544, 549, 555, 1073, 1076, 1078.
Constitutional Review Commission
S 21 (reref Appr Com/see H 1319) ..... 30, 404, 574.
Education Oversight Committee, Legislative ..... 622.
Education Support Services Commission
S 13 (H 11)(Rules Com/see H 1319) ..... 30.
Employee Hospital and Medical Benefits Committee ..... 380.
Ethics Committee, Legislative ..... 585.
Family Resources Interagency Task Force
S 12 (H 10)(CapExp Com) ..... 30, 124, 245, 1021.
Governmental Operations Commission, Joint Legislative ..... 112.
Health Care Cost Control Oversight Commission
S 41 (Ch&HumRes Com) ..... 48.
Highway Oversight Committee, Joint Legislative ..... 248.
Legislative Services Commission ..... 85.
New Licensing Boards, Legislative Committee ..... 112.
Public Health Study Commission
S 69 (Rules Com/see H 1319) ..... 52.
Rail Council, North Carolina
S 64 (Ch. 483) ..... 51, 263, 276, 1206, 1209, 1221.
H 153 (Rules Com) ..... 513, 526.
Recommendations
S 558 (Ch. 555) ..... 185, 419, 435, 1249, 1315.
Acupuncture Licensing Board
(Majebe; Paterson)[Sec. 10]
Air Cargo Airport Authority
(Barnes; Hayes; Holding)[Sec. 2]
Economic Development Board
(Edwards; Hoyle; Kaplan; Marshall)[Sec. 12]
Economic Development Commission, Southeastern N.C.
(Fore; Munn; Phipps; Smith; Sutton)[Sec. 9]
Economic Development Commission, Western N.C.
(Bacoate; Beal; Dixon; Huskins; Proffit)[Sec. 15]
Electrolysis Examiners, N.C. Board
(Anderson)[Sec. 3]
Genetic Engineering Review Board
(Sharpe)[Sec. 4]
Hazardous Waste Management Commission, N.C.
(Odom)[Sec. 11]

APPOINTMENTS (continued)
President *Pro Tempore* of the Senate (continued)
Recommendations (continued)
S 558 (continued)
Nursing Board of Directors, N.C. Center for
(Chamings)[Sec. 5]
Nursing Scholars Commission
(Boyette; Fearing; Schoen)[Sec. 6]
Pastoral Counselors, Board of Examiners/Fee-based Practicing
(Adams)[Sec. 7]
Principal Fellows Commission, N.C.
(Fishman)[Sec. 13]
Private Protective Services Board
(Ballance)[Sec. 1]
Real Estate Appraisal Board
(Faircloth)[Sec. 8]
School Technology, Commission
(Dillard; Mitchell; Murphy; Stepp)[Sec. 14]
Board of Education
S 28 (H Const Com) ..... 44, 245, 330, 353.
Senate Committees—see **Committees**
State Lottery Commission
S 11 (H Const Com/see H 38) ..... 29, 554, 591, 607, 615.
Utility Review Committee, Joint Legislative ..... 174.
Speaker of the House of Representatives
Recommendations
H 439 (Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Air Cargo Airport Authority
(Bradshaw; McLean; Myers)[Sec. 11]
Criminal Justice and Training Standards Commission, N.C.
(Farris)[Sec. 1]
Indian Affairs, State Commission
(Lowery)[Sec. 4]
Ports Authority, N.C. State
(Stevenson)[Sec. 2]
Property Tax Commission
(Cunningham)[Sec. 7]
Public Telecommunications N.C. Agency
(Swain; Thompson)[Sec. 9]
School of Science and Math, N.C. Board of Trustees
(Artis; Watts)[Sec. 3]
Science and Technology, N.C. Board
(Fletcher)[Sec. 10]
Teaching Fellows Commission, N.C.
(Bright)[Sec. 5]
Transportation, N.C. Board
(Burford)[Sec. 8]
Wildlife Resources Commission, N.C.
(Allen)[Sec. 6]
Board of Education
S 28 (H Const Com) ..... 44, 245, 330, 353.
Studies—see **Studies**
Vacancies
Legislative Recommendation by Governor
H 439 (Ch. 563) ..... 514, 527, 1234, 1239, 1313.
APPRAISAL OF REAL ESTATE
—see **Real Estate; Taxation** (Property)

APPRENTICESHIP [G.S. 94]
Apprenticeship Division Expansion/Labor
S 1136 (H 1342)(Appr Com) ..... 479.
APPROPRIATIONS
Alzheimer's Association Funds—see **Alzheimer's Disease**
Block Grant
Community Development Reports
S 27 [Sec. 299](Ch. 321) ..... 979.
Funds
S 27 [Part 4](Ch. 321) ..... 786.
Bond Revenue—see **Bonds; Revenue;** Specific Subject
Budget
Attachments to Legislation
Submitted
Conference Report/Dated July 8, 1993
S 27 [Sec. 320](Ch. 321) ..... 999.
Proposed Committee Substitute
S 26 (Ch. 561) ..... 1114.
S 27 [Sec. 252](Ch. 321) ..... 492.
Continuation
S 975 (Appr Com/see S 27) ..... 350.
H 1216 (Ch. 253/see S 27) ..... 707, 709.
Director
Funding Transfer Authorization/Report
S 27 [Sec. 210](Ch. 321) ..... 927.
Executive Budget Act
G.S. 143 Incorporated by Reference
S 27 [Sec. 319](Ch. 321) ..... 999.
Governor's Operating Budget
S 975 (Appr Com/see S 27) ..... 350.
H 1216 (Ch. 253/see S 27) ..... 707, 709.
Line Item
Energy Expense Separate Request
S 95 (H 103)(H Appr Com) ..... 57, 574, 615, 678, 689, 699.
Pilot Program Budgeting
S 27 [Sec. 13](Ch. 321) ..... 791.
Mental Health Area Authority Format/Report
S 27 [Sec. 220](Ch. 321) ..... 930.
Process Restructured to Program Format
S 261 (GovPerform Com/see H 330)(In S 27) ..... 92.
Program Budgeting
S 252 (H Appr Com) ..... 91, 245, 1017, 1134, 1221, 1223.
Reform Statements Repeal
S 26 [Sec. 8](Ch. 561) ..... 1262.
S 27 [Sec. 17-Repeals](Ch. 321) ..... 792.
School Boards, Local—see **Education**
Budget and Management, Office—see **Budget**
Capital Improvements
Capital Budget Process Restructured
S 260 (reref Appr Com/see H 330)(In S 27) ..... 92, 207.
Capital Improvements Act of 1993
S 26 (Ch. 561) ..... 44, 1074, 1076, 1114, 1205, 1252, 1313, 1315, 1512.
Amends:
S 27 [Sec. 3; 17.1(b); 18; 31; 73(f); 78(b); 91; 101.2; 113; 132(e); 138(j); 170; 189; 192; 206(b); 234(a); 254(b); 259; 287; 295; 307; 309; 313(a)]

APPROPRIATIONS (continued)
Capital Improvements (continued)
Capital Improvements Act of 1993 (continued)
Amends: (continued)
S 27 (continued)
Banking Commission Legal Council [Sec. 206(b)]
Child Protective Services [Sec. 234(a)]
Community College Libraries/Books [Sec. 113]
Community Penalties Programs [Sec. 189]
Domestic Violence Center Funds [Sec. 31]
Early Childhood Education and Development Initiatives [Sec. 254(b); 259]
Economic Development Commission, Regional [Sec. 309; 313(a)]
Highway Fund Availability [Sec. 18]
Indigent Attorney's Contract [Sec. 192]
Immunization Program Funds [Sec. 287]
MCNC Capital Equipment Quarterly Report [Sec. 295]
Medical School Assistance [Sec. 78(b)]
Repairs and Renovations Reserve Account [Sec. 17.1(b); 170]
School-based Administrator Salary [Sec. 132(e)]
Sick Leave Conversions [Sec. 73(f)]
Small School Formula [Sec. 138(j)]
Tourism State-wide Promotion [Sec. 307]
University of North Carolina Libraries Educational Consortia [Sec. 101.2]
University of North Carolina Libraries Funding [Sec. 91]
Water/Sewer Funds, Local [Sec. 3]
S 152 Indian Cultural Center [Sec. 1]
S 853 Global Transpark Zone
S 1088 Diesel Fuel Study
References:
S 14 Water/Sewer Bonds
Repeals:
S 27 [Sec. 17; 238]
Budget Reform Statement [Sec. 17]
Carolina Access Change [Sec. 238]
Colleges and Universities
S 26 [Part 15](Ch. 561) ..... 1276.
Community Colleges
S 26 [Part 16](Ch. 561) ..... 1279.
Correction Department
S 26 [Part 19](Ch. 561) ..... 1285.
Diversified Opportunities, Inc., Land Acquisition
S 1225 (CapExp Com) ..... 597.
Education Infrastructure Bond Act—see **Bonds** (Revenue)
Nonrecurring Expenditure Budget 1993-94
S 1273 (CapExp Com) ..... 712.
Western Carolina University Funds
S 1023 (H 918)(CapExp Com)(In S 26) ..... 391.
Without Appropriations
University of North Carolina Projects
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.

APPROPRIATIONS (continued)
Colleges and Universities
Tuition Revenues Reflected in Request
S 394 (GovPerform Com/see H 340) ..... 120.
UNC Budget Flexibility/Energy Conservation
S 91 (H 99)(reref Appr Com) ..... 56, 152.
Community Colleges
Funding Goal Legislative Intent
S 27 [Sec. 118](Ch. 321) ..... 855.
Contingency and Emergency Fund—see **Funds**
Correction Department
Facility Construction from Bond Proceeds
H 235 (Ch. 550/see S 1077) ..... 1066, 1067, 1071, 1079, 1081, 1086, 1228, 1229, 1238, 1314.
Current Operations
Annual Financial Model Requirement
S 138 (reref GovPerform Com/see H 330) ..... 68, 75, 110, 122, 128.
S 252 (H Appr Com) ..... 91, 245, 1017, 1134, 1221, 1223.
Appropriations Act of 1993
S 27 (Ch. 321) ..... 44, 460, 466, 477, 492, 494, 505, 510, 572, 595, 600, 610, 781, 1002, 1322, 1330, 1409, 1494.
References the following measures:
S 26 H 657
S 97 H 658
S 878 H 935
S 975 H 1216
H 257 H 1319
H 544
Earmarking Funds Versus Appropriations
Credit Balance to Capital Improvement
S 951 (adopted) ..... 331, 470, 492, 494, 500, 504, 510, 1529.
Economic Development Indicator for Budget Allocation
S 187 (GovPerform Com/see S 188; H 294) ..... 80.
Enabling Legislation—see **Enabling Legislation**
Executive Budget Act—see under this heading (Budget)
Expenditure Deviation Restrictions
S 27 [Sec. 9](Ch. 321) ..... 789.
Funds—see **Funds; Revenue**
General Fund Financial Model
—see under this heading (Current Operations)
Grant-in-Aid
Caring Program for Children
S 3 (Appr Com)(In S 27) ..... 29.
Child Caring Institution, Nonprofit
S 966 (H 1187)(Appr Com) ..... 345.
Chinqua-Penn Reopening Funds
S 858 (H 846)(reref CapExp Com)(In S 26) ..... 272, 771.
Developmental Day Care Centers
S 27 [Sec. 216](Ch. 321) ..... 929.
Family Resources Task Force/Human Resources
S 12 (H 10)(CapExp Com) ..... 30, 124, 245, 1021.
Historical Nonprofit Organization
S 26 [Sec. 36](Ch. 561) ..... 1274.
Medicaid Coverage/Children
S 4 (Appr Com) ..... 29.

APPROPRIATIONS (continued)
Grant-in-Aid (continued)
Rape Crisis Funds
S 502 (H 415)(Appr Com) ..... 168.
School Funding High/Low Performance
S 379 (reref Appr Com/see H 273) ..... 119, 201.
Highway Fund Expenditures Study
S 27 [Sec. 169](Ch. 321) ..... 893.
Instruction, Department of Public
Advanced Placement Pilot Program Matching Requirement
S 26 [Sec. 62](Ch. 561) ..... 1282.
Local Government—see **Local Government** (Finance)
Planning Office
Performance Budget Funds
S 253 (reref Appr Com/see H 330)(In S 27) ..... 92, 448.
Private Organization Financial Statement
S 27 [Sec. 45](Ch. 321) ..... 814.
Retired Employee—see **Retirement**
Salaries and Benefits—see **State of North Carolina** (Personnel—Salaries)
Schools—see **Education; Higher Education**
University of North Carolina—see **Higher Education**; under this heading (Colleges and Universities)
Vocational Education Distribution Formula
H 471 (Ch. 180) ..... 353, 561, 633, 643, 648.
AQUACULTURE—see **Marine Resources**
AQUARIUM—see **Marine Resources**
ARBITRATION—see **Civil** (Procedure); **Mediation**
ARBORETUM—see **Agriculture**
ARCHAEOLOGY—see **Archives and History**
ARCHITECT [G.S. 83A]
Landscape Architect [G.S. 89A]
Public Works—see **State** (Buildings)
School Construction Energy Efficient
S 93 (reref Appr Com) ..... 56, 152.
H 102 (Ch. 465) ..... 346, 745, 1118, 1151, 1201.
State Facility Energy Policy
S 92 (StPers&StGov Com) ..... 56.
H 101 (Ch. 334) ..... 161, 197, 213, 216, 234, 625, 628, 642, 1006, 1013, 1019.
ARCHIVES AND HISTORY [G.S. 121]
Historic Properties—see **Historic Properties**
Museum—see **Museum**
Underwater Archaeology Site Rules
H 636 (Ch. 249) ..... 441, 694, 706, 709.
ARMY—see **Military**
ARREST
Criminal—see **Criminal Law; Criminal Procedure**
House—see **Prison**
ARSON—see **Fire Protection**
ART
Art in State Buildings
S 605 (H 641)(H Appr Com)(In S 27) ..... 193, 657, 745, 1037, 1101.
Arts Center Funds (Lenoir County)
S 671 (H 693)(reref CapExp Com) ..... 217, 771.
Arts Council General Support Program Funds
S 26 [Sec. 37](Ch. 561) ..... 1274.
Carolina Theatre Project (Durham)
S 1201 (CapExp Com) ..... 571.

ART (continued)
Catawba Valley Center
S 996 (CapExp Com) ..... 376.
Drama
Center for the Book, N.C./Dramatist Laureate
S 594 (Res. 25) ..... 192, 419, 435, 1139, 1153, 1201.
Flat Rock Playhouse Funds/
Vagabond School of Drama, Inc.
S 1155 (H 1401)(CapExp Com) ..... 497.
Film School—see **Higher Education** (UNC)
Grassroots Arts Program Restriction Repeal
S 27 [Sec. 33](Ch. 321) ..... 808.
Museum [G.S. 140]—see **Museum**
Music
Brevard Music Center Renovation Funds
S 1022 (CapExp Com) ..... 391.
Class Size Limited
S 445 (Ed/HighEd Com) ..... 133.
H 222 (reref Ed/HighEd Com) ..... 145, 609, 617, 619, 636, 668, 703, 765.
North Carolina Symphony Funds
S 27 [Sec. 37](Ch. 321) ..... 809.
Penland/Campbell Schools Recognized
H 393 (Res. 23) ..... 346, 1099, 1110.
Richmond Community College Classroom Building
S 805 (H 893)(reref CapExp Com)(In S 14) ..... 260, 771.
ARTHRITIS
Patient Service Funds (Mecklenburg/Union)
S 1189 (H 1200)(reref CapExp Com) ..... 541, 774.
ARTWORK, SALE OF [G.S. 25C]
ASBESTOSIS
Asbestos Program Penalties
H 650 (J2 Com) ..... 458.
Asbestosis/Silicosis Exam Fees—see **Fees** (Environment)
ASHE COUNTY—District 12—Senator Fred Folger, Jr.
—Senator A. P. Sands III
Alcoholic Beverage Control Permit Issuance
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
ASPHALT—see **Transportation** (Roads and Highways)
ASSAULT—see **Criminal Law**
ASSESSMENT—see Specific County
Income Tax—see **Taxation** (Income)
Local Government—see **Local Government** (Finance)
Report [G.S. 120-149]
ASSESSOR/APPRAISER—see **Local Government; Taxation**
ATHLETICS
Amateur Sports Use State Vehicle
H 793 (Ch. 87) ..... 425, 554, 560, 565.
Athlete's Agent—see **Investment Adviser**
Commendation—see **Resolutions, Joint**
East Carolina University Minges Coliseum
S 1106 (H 1259)(CapExp Com)(In S 26) ..... 455.
Golf Course Construction/Robeson County
S 426 (H 295)(CapExp Com)(In S 26) ..... 127.
Official, Qualified Immunity
S 30 (Ch. 286) ..... 47, 468, 501, 665, 679, 680, 692, 734, 740.

ATHLETICS (continued)
Physical Education Class Size Limited
S 445 (Ed/HighEd Com) ..... 133.
H 222 (reref Ed/HighEd Com) ..... 145, 609, 617, 619, 636, 668, 703, 765.
Physical Fitness Community/School Pilot Program
S 444 (Appr Com) ..... 133.
Physical Fitness Study Continued
S 443 (Rules Com/see H 1319) ..... 133.
Sports Club
Alcoholic Beverage Control Permit Issuance
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Sports Event Vehicle License Plate
S 162 (Ch. 440) ..... 70, 185, 275, 285, 310, 1012, 1038, 1106, 1127, 1138.
Sports Festival—see **Celebrations/Festivals**
Winston-Salem Sports Commission Repealed (Forsyth)
H 156 (Ch. 46) ..... 141, 474, 498, 517, 523.
ATOMIC ENERGY—see **Energy** (Radiation); **Public** (Health—Hazardous Waste)
ATTORNEY [G.S. 84]
Attorney General
Banking Commission Counsel Assignment
S 26 [Sec. 83](Ch. 561) ..... 1289.
S 27 [Sec. 206](Ch. 321) ..... 924.
Charitable Solicitation from Human Resources Department
S 360 (reref Appr Com/see H 342) ..... 116, 220.
Legal Publication Review
S 26 [Sec. 81](Ch. 561) ..... 1288.
Motor Vehicle Process Service Officer Transfer
S 291 (H 338)(reref Appr Com) ..... 97, 228.
Motor Vehicles Division Legal Counsel
S 27 [Sec. 161](Ch. 321) ..... 891.
Personnel Director
S 309 (GovPerform Com/see H 288) ..... 99.
Salary
S 27 [Sec. 49](Ch. 321) ..... 815.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Personnel Additional Funds
S 27 [Sec. 207](Ch. 321) ..... 924.
State Officer—see **State** (Officer)
Banking Commission Legal Counsel
S 26 [Sec. 83](Ch. 561) ..... 1289.
S 27 [Sec. 206](Ch. 321) ..... 924.
Counselor Licensing Exemption
S 255 (reref W&M Com) ..... 92, 154, 266, 374, 673, 690.
H 218 (Ch. 514) ..... 741, 1115, 1147, 1243.
District Attorney—see **Judicial Department**
Education Assistance Foundation Funds
S 781 (H 782)(Appr Com)(In S 27) ..... 254.
Fees
Indigent Persons Attorney Fee Funds/Reserve
S 27 [Sec. 187; 195])(Ch. 321) ..... 904.
S 896 (H 931)(H Appr Com) ..... 311, 334, 344.

ATTORNEY [G.S. 84] (continued)
Fees (continued)
Justice Department Report on Collections
S 27 [Sec. 205](Ch. 321) ..... 924.
Mediated Settlement
H 1091 (J2 Com) ..... 512, 530.
Petroleum Overcharge Litigation
S 27 [Sec. 301](Ch. 321) ..... 980.
Wrongful Death Suit
H 944 (Ch. 299) ..... 395, 725, 732, 744, 748.
Indigent Representation
Contract Program
S 26 [Sec. 79](Ch. 561) ..... 1287.
S 27 [Sec. 192](Ch. 321) ..... 903.
Police Information Network Access
S 714 (recommit J1 Com) ..... 237, 282, 321, 322, 336, 337, 355.
H 141 (Ch. 39) ..... 314, 334, 337, 356, 390.
Power of Attorney [G.S. 32A]
Anatomical Gift Act/Health Care
H 1043 (Ch. 523) ..... 512, 530, 1035, 1147, 1204, 1243.
Education/Statutory Form
S 151 (Ed/HighEd Com) ..... 69.
H 49 (Ed/HighEd Com) ..... 384.
Health Care Agent Authorization
S 477 (J1 Com) ..... 150.
Minor/Health Care Consent
S 955 (Ch. 150) ..... 332, 445, 489, 612, 625, 627.
H 915 (J1 Com) ..... 512, 529.
Prepaid Legal Service Regulation
S 1187 (J2 Com) ..... 534.
Workers' Compensation Commission State Bar Member
S 540 (Mfg&Labor Com) ..... 180.
ATV (All-Terrain Vehicle)—see **Motor Vehicle**
AUCTIONEER [G.S. 85B]
Fee Schedule/Disbursement Record
H 1212 (Ch. 421) ..... 597, 1037, 1099, 1100, 1110.
AUDIT
Performance Audit
Governmental Operations Subcommittee Established
S 252 (H Appr Com) ..... 91, 245, 1017, 1134, 1221, 1223.
S 412 (reref Appr Com/see H 330)(In S 27) ..... 125, 245.
Recommendation Implementation Review
S 147 (reref Appr Com/see H 290) ..... 69, 76, 111.
Recommendations of Committee (see H 345)
Public Instruction Department Internal Audit
S 348 (reref Appr Com/see H 378) ..... 115, 200.
Revenue Department Interstate Operation Expanded
S 267 (GovPerform Com/see H 299) ..... 93.
AUDITOR, STATE
Appellate Reports/Warrant References Deleted
S 744 (Ch. 257) ..... 250, 340, 451, 488, 722.
Fire and Rescue Commission Membership
H 817 (Ch. 155) ..... 442, 611, 624, 627.
Fireman/Rescue Squad Workers' Pension/ Board Membership
H 58 (Ch. 9) ..... 151, 167, 174, 175.

AUDITOR, STATE (continued)
Hotline Complaints Confidential
H 210 (Ch. 152) ..... 127, 178, 611, 624, 627.
Legislative Audit Subcommittee/Governmental Operations
S 412 (reref Appr Com/see H 330)(In S 27) ..... 125, 245.
Legislative Compliance Review Commission Reports
S 395 (Rules Com/see H 1319) ..... 120.
Office of State Auditor
Current Operations Appropriations
S 27 [Part 13](Ch. 321) ..... 814.
Performance Audit—see **Audit**
Personnel Director
S 309 (GovPerform Com/see H 288) ..... 99.
Private Organization Financial Statement
S 27 [Sec. 45](Ch. 321) ..... 814.
Salary, Annual
S 27 [Sec. 49](Ch. 321) ..... 815.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
State Officer—see **State** (Officer)
AUTISM—see **Mental Health**
AUTOMOBILE
Insurance—see **Insurance**
Motor Vehicle—see **Motor Vehicle**
Registration Tag—see **Motor Vehicle** (License Plate)
State—see **Motor Vehicle** (State-Owned)
AUTOPSY—see **Medicine**
AVERY COUNTY—District 27—Senator Donald R. Kincaid
—Senator Daniel R. Simpson
Alcoholic Beverage Control Permit Issuance
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Banner Elk
Occupancy Tax Proceeds Amendments
H 152 (Ch. 428) ..... 1002, 1028, 1095, 1115, 1138.
Room Occupancy/Tourism Development Tax 6%
S 501 (Ch. 472) ..... 163, 233, 713, 726, 732, 741, 1113, 1144, 1197, 1210.
Solid Waste Transfer Station
S 1224 (CapExp Com) ..... 596.
AVIATION—see **Aeronautics**
AXLE WEIGHT LIMIT—see **Motor Vehicle** (Weight Limit)

- B -

BAIL BONDSMEN [G.S. 85C]
Educational Requirements for Licensure
S 603 (H 609)(Ch. 409) ..... 193, 428, 453, 1079, 1091, 1098.
BALLANCE, JR., Frank W.—Senator Bertie (part), Gates, Halifax (part), Hertford, Northampton, Vance (part), **Warren—2nd District**
Absent With Leave ..... 45, 357, 496, 501 (present), 522, 742, 1077.

BALLANCE, JR., Frank W.—Senator (continued)
Adjournment Motion—Second ..... 146, 255, 426, 495 (fails), 555, 774, 1315.
Certificate of Election ..... 6.
Committee Assignments ..... 34, 35, 36, 37, 38, 39, 40, 64, 1247.
Standing—
Judiciary I (Chairman)
Appropriations on Justice and Public Safety (Vice-Chairman)
Economic Development/Travel and Tourism (Vice-Chairman)
Rules and Operation of the Senate (Vice-Chairman)
Appropriations—Banks and Thrift Institutions—
Constitution and Election Laws—Insurance—
Local Government and Regional Affairs—
Manufacturing and Labor
Select—
S 906 (Worker's Compensation) ..... 540.
Statutory—
New Licensing Boards ..... 112.
Conference—
S 431 ..... 780.
S 1139 ..... 728, 768.
H 385 ..... 638, 717.
H 1062 ..... 1127.
Escorts—
Honorable James G. Exum, Jr., Chief Justice ..... 214.
Honorable Albert Gore, Jr., United States Vice President ..... 90.
Honorable James B. Hunt, Jr., Governor ..... 66, 67.
Sergeant-at-Arms-elect ..... 22.
Oath of Office ..... 7.
Remarks Spread—
Jeralds Eulogy ..... 103.
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 29, 68, 467, 539, 647, 673, 679, 680, 695, 700, 816, 915, 926, 926, 972, 1017, 1097, 1122, 1159, 1167, 1227.
Co-Sponsor ..... 22, 91, 92, 93, 94, 95, 122, 256, 336, 337, 341, 401, 402, 403, 404, 405, 419, 422, 423, 424, 476, 479, 541, 542, 572, 581, 664, 665, 672, 674, 676, 683, 693, 696, 714, 770, 771, 778, 779, 780, 793, 818, 835, 843, 873, 876, 878, 896, 911, 920, 934, 941, 949, 955, 964, 970, 1028, 1029, 1078, 1092, 1174, 1184, 1200, 1222, 1245, 1250, 1251.
BALLOT—see Elections
BANKRUPTCY
Motor Vehicle Franchise Termination
S 840 (Ch. 123) ..... 265, 469, 502, 596.
BANKS [G.S. 53]
Checks—see under this heading (Worthless Checks)
Commission
Legal Counsel Assigned
S 26 [Sec. 83](Ch. 561) ..... 1289.
S 27 [Sec. 206](Ch. 321) ..... 924.
Membership
S 513 (S/H conf com appt'd) ..... 172, 341, 355, 370, 658, 689, 719, 731.
Commissioner
Salary, Annual
S 27 [Sec. 51](Ch. 321) ..... 816.

BANKS [G.S. 53] (continued)
Credit Card
ABC Sales—see Alcohol Regulation
Advances/Joint Obligor
S 1119 (recommit J1 Com) ..... 457, 544, 555.
Insurance Solicitation Restriction
S 672 (Ins Com) ..... 218.
H 665 (Ch. 226/see H 544) ..... 513, 528, 580, 600, 606, 694.
Credit Union
Support Center Funds
S 1101 (reref CapExp Com) ..... 455, 1018.
Electronic Funds Transfer to Revenue Department
H 174 (Ch. 450) ..... 1066, 1115, 1133, 1145, 1200.
Escheat—see **Escheat; Estate**
Financial Institutions Regulatory Board Created
S 718 (J2 Com) ..... 238.
Interest
Home Loan Excessive Fee
S 681 (Ch. 339) ..... 224, 375, 396, 712, 762, 1005, 1015, 1020, 1023.
Refund on Overcollected Amounts
H 449 (reref PubUtil Com) ..... 440, 711.
Utility Security Deposit Transfer
S 813 (PubUtil Com) ..... 261.
International Finance Corporation Investments
S 481 (Ch. 105) ..... 154, 283, 310, 322, 580.
Loan
Contract with Forum Selection Provision
H 1027 (Ch. 436) ..... 512, 529, 1095, 1122, 1138.
Equity Line Spousal Veto
S 778 (H J2 Com) ..... 253, 343, 355.
Farm Loan—see **Agriculture**
Mortgage Foreclosure—see **Mortgages**
Nationwide Interstate Banking
S 876 (H 963)(Ch. 175) ..... 279, 328, 382, 398, 648.
S 936 (H 463)(Ch. 191) ..... 325, 401, 454, 489, 664.
Omnibus Banking Amendments Bill
S 513 (S/H conf com appt'd) ..... 172, 341, 355, 370, 658, 689, 719, 731.
Reciprocal Interstate Banking Act
S 876 (H 963)(Ch. 175) ..... 279, 328, 382, 398, 648.
Regulatory Agency Study
S 264 (H 271)(GovPerform Com) ..... 93.
Savings and Loan [G.S. 54B]
Conversion to Bank
H 495 (Ch. 163) ..... 458, 605, 616, 624, 631, 634.
Interstate Branch Banking
S 936 (H 463)(Ch. 191) ..... 325, 401, 454, 489, 664.
Savings Bank Act [G.S. 54C]
Statement Signature/Publication
H 495 (Ch. 163) ..... 458, 605, 616, 624, 631, 634.
Uniform Commercial Code—see **Code**
Worthless Check $1,000/Class J Felony
H 698 (H Rules Com) ..... 346, 1152, 1203.
Worthless Check Restitution/Fees
S 535 (Ch. 374) ..... 180, 417, 435, 1039, 1048, 1062, 1068.

BAR, STATE—see Judicial Department

BARBERS [G.S. 86A]
Certifications/License/Fee Increase
S 648 (H StGov Com) ..... 210, 554, 640, 653.
BASIC EDUCATION PLAN—see Education
BASNIGHT, Marc—Senator Beaufort (part), Bertie (part), Camden, Chowan, Currituck, **Dare,** Hyde, Pasquotank, Perquimans, Tyrrell, Washington (part)—**1st District**
President Pro Tempore
Adjournment Motion .... 28, 42, 44, 46, 49, 52, 55, 58, 61, 66, 72, 77, 85, 90, 96, 107, 112, 123, 129, 132, 135, 138, 143, 146, 148, 153, 159, 162, 166, 170, 174, 179, 184, 196, 222, 230, 235, 242, 255, 262, 267, 277, 286, 315, 323, 329, 338, 348, 357, 371, 380, 390, 400, 409, 426, 437, 443, 465, 496, 515, 522, 531, 537, 545, 550, 555, 562, 569, 579, 588, 595, 604, 610, 617, 626, 639, 647, 656, 663, 671, 681, 692, 700, 708, 721, 733, 738, 747, 774, 1002, 1010, 1021, 1033, 1052, 1067, 1076, 1087, 1094, 1109, 1136, 1233.
Appointments
Advisory Budget Commission ..... 380.
Capital Planning Commission, North Carolina ..... 380.
Education Oversight Committee, Legislative ..... 622.
Employee Hospital and Medical Benefits Committee ..... 380.
Ethics Committee, Legislative ..... 585.
Governmental Operations Commission, Joint Legislative ..... 112.
Highway Oversight Committee, Joint Legislative ..... 248.
New Licensing Boards, Legislative Committee ..... 112.
Services Commission, Legislative ..... 85.
Utility Review Committee, Joint Legislative ..... 174.
Certificate of Election ..... 6.
Committee Assignments—None.
Oath of Office ..... 7, 14.
President *Pro Tempore* Nominated/Election ..... 12.
Presides Daily Session ..... 444, 488, 508, 718, 765, 1150, 1167, 1203, 1223, 1247.
Remarks Spread—
Acceptance Speech ..... 15.
Committee Appointments ..... 42.
Eure Eulogy ..... 1137.
Hunt Resignation ..... 1227.
Jeralds Eulogy ..... 106.
Thompson Acknowledgment ..... 348.
Thompson Eulogy ..... 1156.
Recess ..... 32, 96, 418, 483, 526, 585.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 1, 991, 1286, 1298.
Co-Sponsor ..... 572, 674, 676, 852, 906, 919, 954, 976, 983, 1012, 1250.
BASTARDY [G.S. 49]—see **Child** (Parents)
BATTERED SPOUSE—see Married Persons
BEACH
—see **Environment, Health, and Natural Resources** (Coastal Area)
BEACH AND FAIR PLAN—see Insurance
BEAR HUNTING—see Wildlife

BEAUFORT COUNTY—District 1—Senator Marc Basnight
—District 9—Senator Ed N. Warren
Community College Campus Building Construction
S 1182 (CapExp Com)(In S 14) ..... 523.
Estuarine Educational Center Funds
S 26 [Sec. 110](Ch. 561) ..... 1307.
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
Rest Area on Highway 264
S 26 [Sec. 69](Ch. 561) ..... 1284.
Roadside Hunting Exemption
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
School Merger with Washington City
H 410 (Ch. 55) ..... 227, 285, 466, 498, 516, 524, 532.
Washington
All-America City Recognition
H 1496 (Res. 19) ..... 648, 657.
Chamber of Commerce Real Estate Conveyance
H 265 (Ch. 133) ..... 173, 474, 581, 599, 605.
Pamlico River No-wake Zone
H 876 (Ch. 434) ..... 409, 694, 703, 1138.
School Merger
H 410 (Ch. 55) ..... 227, 285, 466, 498, 516, 524, 532.
BEAVER—see **Wildlife**
BED AND BREAKFAST INN—see **Hotel and Restaurant**
BEE—see **Agriculture** (Apiculture)
BEER/WINE—see **Alcohol Regulation**; Specific County
BERTIE COUNTY—District 1—Senator Marc Basnight
—District 2—Senator Frank W. Ballance, Jr.
Juvenile Court Jurisdiction Pilot Program
H 283 (Ch. 47) ..... 346, 445, 490, 523.
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
Teacher Education Consortium
S 27 [Sec. 131](Ch. 321) ..... 861.
BIAS IN BUSINESS [G.S. 75B]—see **Discrimination**
BICYCLE—see **Boating and Water Safety; Motor Vehicle**
BIDS
Bid Law and Reciprocity Study (LRC)
H 1319 [Sec. 2.1(30)(ordered enrolled)
(see S 1270; H 716) ..... 1249, 1320.
Bid Review Expedited
S 133 (reref GovPerform Com/see H 306) ..... 68, 75.
Bid-Rigging Statute of Limitations Extended
S 796 (Ch. 441) ..... 260, 405, 421, 1039, 1095, 1129, 1138.
Charlotte Bid Limits Threshold (Mecklenburg)
H 840 (Ch. 229) ..... 386, 675, 687, 694.
Community College Capital Improvements
S 26 [Sec. 29](Ch. 561) ..... 1270.
Electronic Equipment Exemption, Charlotte (Mecklenburg)
H 882 (Ch. 196) ..... 353, 614, 621, 637, 664.
Energy Policy State Construction
S 92 (StPers&StGov Com) ..... 56.
H 101 (Ch. 334) ..... 161, 197, 213, 216, 234, 625, 628, 642, 1006, 1013, 1019.

BIDS (continued)
Exemption for Contract Under $50,000
H 1034 (J2 Com) ..... 409.
Force Account
Boone/Junaluska Area Water/Sewer Line (Watauga)
H 838 (Ch. 138) ..... 425, 583, 599, 605.
Mooresville Limit Increase/$250,000
S 103 (Ch. 3) ..... 59, 79, 90, 127, 132, 133.
H 13 (Rules Com) ..... 659.
Surf City Waterline Replacement (Pender)
H 735 (Ch. 310) ..... 347, 675, 745, 753, 759.
Garner Infrastructure Exemption (Wake)
H 757 (Ch. 281) ..... 480, 710, 727, 734.
Governmental Contract Threshold Raised
H 1046 (Rules Com) ..... 696.
Highway Small Project Exemptions
S 26 [Sec. 65](Ch. 561) ..... 1283.
Municipal Power Construction Exemption
S 470 (H 443)(Ch. 182) ..... 144, 167, 244, 257, 656.
Plumbing/Fire Sprinkler Separate Bid
S 1098 (Mfg&Labor Com) ..... 455.
Protest Procedures/Purchasing Manual
S 145 (recommit GovPerform Com/see S 315; H 306) ..... 69, 75, 111, 122, 129.
Purchase and Staff Reduction
S 131 (H 344)(reref GovPerform Com) ..... 67, 74.
S 136 (H 343)(reref GovPerform Com) ..... 68, 75.
Rejection of Competitive Bids Standards
S 746 (H StGov Com) ..... 250, 403, 421, 435.
H 19 (StPers&StGov Com) ..... 177.
Requirements for Public Contracts
H 339 (Ch. 153) ..... 377, 560, 567, 568, 578, 627.
State Capitol Restoration Prequalification
S 27 [Sec. 27](Ch. 321) ..... 805.
Term Contract Requirements, State
S 140 (reref GovPerform Com/see H 306) ..... 68, 75, 111, 122, 128.
Upset Bid Procedure in Foreclosure
S 834 (H 1120)(Ch. 305) ..... 265, 414, 436, 462, 492, 636, 740, 757, 758, 759.

BIGAMY—see **Married Persons**

BILL INTRODUCTION/RULE—see **Enabling Legislation; Rules**

BILLBOARDS—see **Advertising**

BILLS OF LADING [G.S. 21]

BINGO—see **Criminal Law** (Gambling)

BIOTECHNOLOGY CENTER, NORTH CAROLINA
Economic and Corporate Development Program Funds/Reports
S 27 [Sec. 303](Ch. 321) ..... 981.
Economic Development
Activity Comprehensive Review
S 186 (GovPerform Com/see S 188; H 294) ..... 80.
Institute for Information Self-Sufficient 2000
S 188 (H Appr Com/see H 294) ..... 80, 224, 464, 472.
Minority Universities Program Development Funds
S 26 [Sec. 99](Ch. 561) ..... 1296.

BIRD HUNTING—see **Wildlife**

BIRTH CONTROL—see **Maternal and Child Health; Medicine**

BIRTH REGISTRATION—see **Public** (Health)

BIRTH-RELATED NEUROLOGICAL IMPAIRMENT TRUST FUND—see **Funds**
BLACK MOUNTAIN MENTAL RETARDATION CENTER
Closing Date of 1995
S 280 (reref Appr Com/see H 370)(In S 27) ..... 94, 203.
BLACKMON, John Gerald—Senator Mecklenburg (part)—35th District
Absent With Leave ..... 84, 556, 562, 1067, 1077, 1087, 1193, 1205 (present).
Adjournment Motion—Second ..... 61, 138.
Certificate of Election ..... 7.
Committee Assignments ..... 34, 35, 36, 38, 40, 41, 64, 65, 66, 122, 123.
Standing—
Appropriations on Justice and Public Safety (Ranking Minority)
Environment and Natural Resources (Ranking Minority)
Appropriations—Economic Development/
Travel and Tourism—Judiciary I—
Local Government and Regional Affairs—
Rules and Operation of the Senate—Transportation
Select—
Government Performance Audit (Ranking Minority)
Conference—
S 1139 ..... 728, 768.
H 385 ..... 638, 717.
Escorts—George Shinn ..... 739.
Oath of Office ..... 7.
Remarks Spread—
Thompson Eulogy ..... 1160.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... None.
Co-Sponsor ..... 25, 87, 93, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 251, 341, 342, 396, 401, 402, 403, 404, 405, 419, 421, 422, 429, 430, 431, 432, 433, 434, 435, 436, 437, 446, 453, 482, 506, 511, 570, 571, 572, 615, 674, 676, 684, 685, 686, 694, 736, 737, 767, 768, 782, 793, 813, 852, 864, 876, 897, 898, 906, 912, 913, 914, 915, 916, 934, 952, 966, 970, 976, 1012, 1174, 1189, 1194, 1222, 1245, 1246, 1250, 1251.
BLADEN COUNTY—District 18—Senator R. C. Soles, Jr.
—District 30—Senator David Parnell
East Arcadia Senior Center Funds
S 943 (reref CapExp Com) ..... 331, 771.
Southeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
BLIND, AID TO [G.S. 111]—see **Handicapped** (Visually Impaired)
BLOCK GRANT FUNDS—see **Appropriations**
BLOOD RELATED SERVICES LIABILITY—see **Liability; Public Health**
BOARD OF GOVERNORS—see **Higher Education** (UNC)
BOARDS AND COMMISSIONS
Agency Transfer—see **Executive Reorganization**
Appointments—see **Appointments**
Authority
Bridge Authority Established, N.C.
S 917 (H Transp Com) ..... 313, 1041, 1059, 1065.

BOARDS AND COMMISSIONS (continued)
Authority (continued)
Energy Development Authority Abolished—G.S. 159F—Repealed
S 753 (StPers&StGov Com) ..... 251.
H 94 (Ch. 16) ..... 182, 236, 248, 255.
North Carolina State University Centennial Authority Created
S 1053 (H Appr Com) ..... 408, 751, 1096, 1119, 1144.
H 1003 (H Appr Com) ..... 1130, 1148, 1198.
Park Authority Created, North Carolina
S 733 (H Appr Com) ..... 249, 564, 748, 762, 777.
Ports Authority, State
Board Enlarged/Appointment President *Pro Tempore*
Membership Restriction Lifted
S 196 (H Rules Com) ..... 81, 324, 336, 337, 356.
Seafood Industrial Park Authority
Maritime Activity Promotion
H 474 (Ch. 278) ..... 514, 527, 710, 729, 734.
Strategic Planning Authority Created
S 150 (EconDev Com) ..... 69, 77.
Boards
Acupuncture Licensing Board Created
S 422 (H 261)(Ch. 303) ..... 126, 154, 276, 327, 336, 344, 752, 757, 759.
Arboretum, North Carolina
S 1020 (H Rules Com) ..... 383, 467, 503, 504.
Barber Examiners
Certification/Education/Licensing
S 648 (H StGov Com) ..... 210, 554, 640, 653.
Community Colleges, State Board ..... 131, 563, 566, 567, 568, 571.
Comprehensive Major Medical Plan Board of Trustees, North Carolina Teachers' and State Employees'
Authority Defined/Monthly Meeting Required
S 742 (reref Appr Com) ..... 250, 372.
Cosmetic Art Examiners
Esthetic Services Nonregulated
S 857(Ch&HumRes Com) ..... 272.
Counselors, Licensed Professional
Created
S 255 (reref W&M Com) ..... 92, 154, 266, 374, 673, 690.
H 218 (Ch. 514) ..... 741, 1115, 1147, 1243.
Criminal Justice Partnership Advisory Board
Created
S 405 (J1 Com) ..... 125.
H 281 (Ch. 534) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1223, 1246.
Dental Examiners
Education Requirement Exemption Authority
S 889 (Ch. 307) ..... 310, 427, 473, 494, 506, 703, 740, 757, 759.
Hygienist Representation Increase
S 845 (J2 Com) ..... 271.
Impaired Dentist Program Authorization
H 914 (Ch. 420) ..... 629, 672, 1036, 1099, 1100, 1110.

BOARDS AND COMMISSIONS (continued)
Boards (continued)
Economic Development Board
Created
S 184 (H Bus&Labor Com/see H 294) ..... 80, 393, 405, 406.
S 504 (H 724)(H Bus&Labor Com)(In S 27) ..... 168, 402, 464, 477, 483.
Membership
S 26 [Sec. 12](Ch. 561) ..... 1264.
S 27 [Sec. 313(a)](Ch. 321) ..... 990.
Economic Development Board to Council
S 193 (reref GovPerform Com/see H 294) ..... 81, 229, 246.
Education, State Board
Appointment/Confirmation ..... 333, 587, 588.
Teaching Standards Program Report
S 883 (H Rules Com) ..... 289, 447, 1124, 1150.
H 938 (Ch. 231) ..... 386, 680, 691, 694.
Electrolysis Board of Examiners
Out-of-State Electrolysis School Approval
S 1249 (H Rules Com) ..... 665, 1047, 1142, 1143, 1154, 1166.
Financial Institutions Regulatory Board Created
S 718 (J2 Com) ..... 238.
Firemen and Rescue Squad Workers' Pension Fund Board of Trustees
State Auditor Membership Repealed
H 58 (Ch. 9) ..... 151, 167, 174, 175.
General Contractors Licensing Board
License Renewal Fee
S 616 (Fin Com) ..... 194.
Genetic Engineering Review Board/Agriculture Department
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Health Board
Membership/Chiropractor
S 867 (H 1088)(Ch&HumRes Com) ..... 278.
Health Plan Purchasing Alliance Board, State
Established
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
Home Inspector Licensure Board Established
S 617 (H Fin Com) ..... 194, 316, 412, 581, 600.
Interior Designers, Certified
Created
S 900 (H 266)(reref Fin Com) ..... 312, 578, 735.
Marriage and Family Therapy Licensure Board
Created
S 478 (Ch&HumRes Com) ..... 154, 316.
H 233 (reref Fin) ..... 696, 749.
Massage Therapy
Massage Therapy Practice Act
H 910 (reref Fin Com) ..... 576, 1105, 1111, 1119.
Medical Examiners Board
Education/Fees/Per Diem Amendments
S 719 (H 721)(H Fin Com) ..... 238, 1058, 1085, 1116, 1148.

BOARDS AND COMMISSIONS (continued)
Boards (continued)
Medical Examiners Board (continued)
Medical Practice Parameter Advisory Committee
Created
S 554 (H 612)
(reref Rules Com/see H 729; H 1319) ..... 182, 236, 248, 267, 703.
S 1054 (H StGov Com) ..... 408, 474, 503.
H 612 (S 554)(Rules Com) ..... 319.
Membership/Responsibilities Expanded
S 341 (H 347)(Ch. 241) ..... 114, 154, 351, 369, 379, 708.
Mortuary Affairs
Inspections Authority and Scope
S 407 (H J2 Com) ..... 125, 176, 182.
Naturopathic Board of Examiners
Created
S 419 (H 353)(J1 Com) ..... 126, 155.
Nursing Board of Directors, N.C. Center
Licensing Rules Criteria
S 1007 (Ch. 198) ..... 377, 414, 444, 659, 670, 671.
Nursing Home Penalty Review Board
Membership/Patient Relative Inclusion
H 740 (reref Appr Com) ..... 659, 1022, 1143.
Optometry, Board of Examiners
Peer Review Authority
H 987 (Rules Com) ..... 1244.
Partnership for Children, Inc., Board of Directors
S 27 [Sec. 254](Ch. 321) ..... 948.
Pesticide Board
Applicator Licensing
H 1029 (Rules Com) ..... 1212.
Pharmacy
Medical Equipment Home Use Regulated
S 848 (reref Fin Com) ..... 271, 467.
Psychology Board, N.C.
Residence Requirement to Congressional District
Psychology Practice Act Amendments
S 631 (H 929)(Ch. 375/see H 544) ..... 198, 242, 358, 539, 550, 1027, 1049, 1063, 1068.
Radiation Technology Board
Created
S 972 (J1 Com) ..... 350, 537.
Real Estate Appraisal Board, N.C.
Created [G.S. 93E]
H 473 (Ch. 419/see H 472; H 544) ..... 703, 740, 1037, 1076, 1084, 1089, 1110.
School Administrators Professional Standards Board
Created
S 452 (held in Clerk's office) ..... 137.
H 284 (Ch. 392) ..... 514, 526, 561, 1024, 1044, 1057, 1087.
Science and Technology
Transfer/Administration to Commerce Department
S 189 (GovPerform Com/see S 315; H 294) ..... 81.
Speech and Language Pathologist and Audiologist Examiners
Paraprofessional Assistant Program/Licensure
H 988 (J2 Com) ..... 1164.

BOARDS AND COMMISSIONS (continued)
Boards (continued)
Substance Abuse Professional Certification Board
Created/Fees
S 890 (reref J2 Com) ..... 311, 1022.
H 1142 (J2 Com) ..... 565, 1022.
Teachers' and State Employees' Retirement System, Board of Trustees
Appointment/Confirmation ..... 1014, 1164.
Teaching Standards Board, Professional
Created
S 883 (H Rules Com) ..... 289, 447, 1124, 1150.
H 938 (Ch. 231) ..... 386, 680, 691, 694.
Transportation
Membership/Rail Council Chair
S 64 (Ch. 483) ..... 51, 263, 276, 1206, 1209, 1221.
H 153 (Rules Com) ..... 513, 526.
University of North Carolina Board of Governors
—see **Higher Education**
Veterinary Medical Board
Membership/Scope of Authority
Residency Requirement
H 747 (Ch. 500) ..... 535, 657, 1036, 1099, 1100, 1101, 1124, 1126, 1130, 1149, 1203, 1222.
Waste Management Board, Governor
Reorganization/Transfer
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.
Wastewater System Contractors Licensing Board
Created
S 978 (H 953)(reref Fin Com) ..... 359, 597, 1071.
Commissions
Advisory Budget Commission ..... 380.
Aquarium Commission
Reorganization/Transfer
S 27 [Sec. 28](Ch. 321) ..... 805.
S 244 (GovPerform Com/see S 315; H 369) ..... 89.
Banking Commission
Membership
S 513 (S/H conf com appt'd) ..... 172, 341, 355, 370, 658, 689, 719, 731.
Blind Commission
Authority/Membership
S 26 [Sec. 89] (Ch. 561) ..... 1291.
Powers/Duties Rewritten
S 561 (H 635)(Rules Com) ..... 186.
Budget Practices Study Commission
Created
S 27 [Sec. 22](Ch. 321) ..... 796.
Building Commission, State
Single Prime Contract/Capital Projects
S 139 (reref GovPerform Com/see H 306) ..... 68, 75.
Cancer Control—see **Cancer**
Capital Planning Commission
Appointment ..... 380.
Meeting Called by Five Members
S 751 (reref Appr Com) ..... 251, 403.
H 95 (reref Appr Com) ..... 440, 657.

BOARDS AND COMMISSIONS (continued)
Commissions (continued)
Cemetery Commission
Merger Study
S 190 (reref Rules Com/see H 294; H 1319) .... 81, 229, 246, 1234.
Child Care Issues
Membership/Secretary of Environment, Health, and Natural Resources
S 89 (H 213)(Rules Com/see H 1319) ..... 56.
Citizens Law Enforcement Review Commission
Established
S 683 (reref Rules Com/see H 1319) ..... 225, 673.
Community College System, Future
Monitoring Committee
S 505 (H Educ Com) ..... 168, 414, 431, 463, 483.
Constitutional Review Commission
S 21 (reref Appr Com/see H 1319) ..... 30, 404, 574.
Courts Commission
Chairman Appointment Governor/Chief Justice
H 1157 (Ch. 438) ..... 442, 1054, 1072, 1138.
Criminal Case Disposition Study Commission
Established
S 250 (Rules Com/see H 1319) ..... 91.
Education Commission, State
Created
S 391 (H Educ Com/see H 292) ..... 120, 258, 329, 336.
H 292 (Ch. 393/see S 389; S 390; S 391) ..... 352, 720, 1035, 1061, 1087.
Education Standards and Accountability Commission
Created
S 878 (H 972)(Ch. 117/see S 27) ..... 279, 356, 370, 379, 589.
Performance Standards/Reports
S 27 [Sec. 39.3](Ch. 321) ..... 810.
S 878 (H 972)(Ch. 117/see S 27) ..... 279, 356, 370, 379, 589.
Education Support Services to Children and Families
S 13 (H 11)(Rules Com/see H 1319) ..... 30.
Environmental Management Commission
Dam Safety Law Amendments/Rules
S 571 (H Rules Com) ..... 187, 339, 539, 548, 560, 628, 636, 637.
H 483 (Ch. 394/see H 544) ..... 360, 650, 748, 759, 1016, 1088.
Laboratory Certification Requirement Authority
S 1112 (H 1137)(Ch. 496) ..... 456, 504, 724, 732, 743, 754, 1195, 1208, 1222.
Membership
S 653 (J1 Com) ..... 210.
Ethics Commission, State
Established
S 399 (H 272)(reref J2 Com) ..... 121, 188.
Fire and Rescue Commission
Auditor Membership Deleted
H 817 (Ch. 155) ..... 442, 611, 624, 627.
Certification Board Staff/Reimbursement
S 27 [Sec. 41](Ch. 321) ..... 812.
S 640 (H 482)(Appr Com) ..... 209.
Subsistence and Travel Reimbursement
S 27 [Sec. 41](Ch. 321) ..... 812.

BOARDS AND COMMISSIONS (continued)
Commissions (continued)
Gaming Commission
Created
S 656 (held in Clerk's office) ..... 210.
General Statutes—see **General Statutes**
Health Care Cost Control Oversight Commission
Established
S 41 (Ch&HumRes Com) ..... 48.
Health Care Reform Commission
S 1293 (Rules Com/see H 1319) ..... 737.
Health Planning Commission
Created
S 2 (Ins Com) ..... 29.
S 554 (reref Rules Com/see H 729; H 1319) ..... 182, 236, 248, 267, 703.
H 612 (Rules Com) ..... 319.
Health Services Commission
Food Sample Rules/Restrictions
H 1122 (H 886)(Ch. 346) ..... 482, 534, 710, 729, 756, 766, 1023.
Occupational Health Reporting Rules
S 533 (Ch. 486) ..... 180, 474, 544, 548, 554, 560, 591, 625, 632, 1222.
State Health Director Annual Report
H 179 (Ch. 513/see S 597; H 570) .... 177, 1107, 1120, 1121, 1243.
High Rock Lake Marine Commission
Established
S 724 (Ch. 355) ..... 238, 418, 615, 622, 630, 1052.
Indian Affairs/Human Relations Commission
Transfer to Governor's Office/Type I
S 279 (GovPerform Com/see H 369) ..... 94.
Industrial Commission—see **Industrial Commission**
Information Resource Management Commission
Agency Managers of Information/Telecommunications
S 315 (H Appr Com/see H 322) . 108, 219, 465, 473, 476, 483, 505.
Funds
S 747 (Appr Com) ..... 250.
Internal Management Improvement Plan
S 328 (GovPerform Com/see S 315; H 322) ..... 109.
Network Ownership Transfer/AOC
S 27 [Sec. 186](Ch. 321) ..... 901.
Legislative Commissions—see under this heading (Legislative)
Local Government Commission
Certificate of Participation Approval
S 1276 (reref Fin Com) ..... 735, 1038.
Lottery Commission, State
S 11 (H Const Com/see H 38) ..... 29, 554, 591, 607, 615.
Marine Fisheries Commission
Commercial Fisherman's Spouse Appointment
S 97 (H 32)(Ch. 8/see S 27) ..... 57, 113, 128, 175.
Membership Expanded
S 27 [Sec. 263](Ch. 321) ..... 956.
Martin Luther King, Jr. Commission
Created
H 1260 (Ch. 502)(In S 27) ..... 1054, 1202, 1208, 1223.
Program Development/Support Funds
S 27 [Sec. 32.1](Ch. 321) ..... 808.

BOARDS AND COMMISSIONS (continued)
Commissions (continued)
Medical Care Commission, N.C.
Abortion Clinic Rules Authority
S 641 (J2 Com) ..... 209.
Nursing Home Regulation
S 569 (reref Ch&HumRes Com) ..... 186, 399.
H 587 (Ch. 499) ..... 281, 740, 756, 1030, 1103, 1122, 1152, 1199, 1222.
Mental Health, Developmental Disabilities, and Substance Abuse Services
Rule/Fee Authority
S 621 (Ch. 384) ..... 195, 282, 582, 600, 606, 1078.
Mining Commission Membership
S 653 (J1 Com) ..... 210.
Minority Male Status Commission
S 1236 (Rules Com/see H 1319) ..... 642.
Museum of Natural Sciences Advisory Commission Renamed
S 26 [Sec. 116](Ch. 561) ..... 1308.
Mutual Burial Association
Merger/Study
S 190 (reref Rules Com/see H 294; H 1319) .... 81, 229, 246, 1234.
Parole Commission Terms Staggered
S 633 (Ch. 337) ..... 199, 509, 512, 1003, 1019, 1023.
Personnel Commission, State
Appointment/Confirmation ..... 552, 619, 626.
Comprehensive Compensation System/State Employees
S 84 (H 192)(Ch. 388) ..... 55, 371, 544, 549, 555, 1073, 1076, 1078.
Employee Training Roles Established
S 288 (reref Appr Com/see H 288) ..... 97, 393.
Political Patronage Rules
S 287 (GovPerform Com/see H 288) ..... 97.
Principal Fellows Commission
Established
S 27 [Sec. 85](Ch. 321) ..... 840.
Proposed
S 462 (H 254)(reref Appr Com) ..... 140, 447.
Racing Commission, N.C.
S 116 (H 42)(reref J1 Com) ..... 60, 341.
Real Estate
Appraisal Board Separated [G.S. 93E]
H 473 (Ch. 419/see H 472; H 544) ..... 703, 740, 1037, 1076, 1084, 1089, 1110.
Education Requirements for Brokers/Salesmen
S 913 (Ch. 492) ..... 313, 387, 615, 624, 1222.
Redistricting Advisory Commission, Temporary
Created
S 1218 (Rules Com) ..... 584.
Regional Economic Development Commission
S 1284 (Appr Com) ..... 736.
Northeastern N.C.
S 27 [Sec. 309.1](Ch. 321) ..... 986.
Southeastern, N.C.
S 27 [Sec. 309.2](Ch. 321) ..... 988.
Western, N.C.
S 27 [Sec. 309](Ch. 321) ..... 985.

BOARDS AND COMMISSIONS (continued)
Commissions (continued)
Roanoke Island Historical Commission
Enabling Legislation
S 1286 (Rules Com) ..... 736.
School Facility Needs Commission
Administration
H 935 (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
School Technology Commission
Created
S 27 [Sec. 135](Ch. 321) ..... 867.
S 1002 (reref Appr Com) ..... 361, 384.
Sentencing and Policy Advisory, N.C.
Extended
S 27 [Sec. 200.1](Ch. 321) ..... 906.
S 847 (reref Appr Com) ..... 271, 417.
Membership Expanded/
Restitution Policy Study
S 915 (J1 Com) ..... 313.
H 1035 (Ch. 535/see H 1319) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1224, 1246.
Sheriff's Education and Training Standards Commission
Membership Expanded/
Congressional District Representation
S 785 (ordered enrolled) ..... 254, 317, 550, 555, 1231, 1237, 1245, 1249, 1250, 1315, 1320.
Social Services Commission
Abortion Fund Eligibility Rules
S 27 [Sec. 259.1](Ch. 321) ..... 952.
Study Commissions—see **Studies**
Tryon Palace Commission Membership Revision
S 994 (Ch. 109) ..... 375, 476, 503, 580.
Veteran Affairs Commission
Transfer to Governor's Office/Type I
S 279 (GovPerform Com/see H 369) ..... 94.
Watershed Improvement Commission
Reorganization
S 1121 (Ch. 391) ..... 457, 504, 674, 706, 714, 1087.
Wildlife Resources Commission
Membership Enlarged/Appointments
S 591 (H Rules Com) ..... 192, 557, 649, 660, 678, 688.
Workforce Preparedness
Created
S 1013 (H Rules Com) ..... 382, 394, 630, 1105, 1108.
Literacy Program Study
H 1131 (Ch. 526/see H 1319) .... 459, 636, 680, 1124, 1152, 1244.
Committees
Cancer Coordination and Control Advisory Committee
Established
S 27 [Sec. 288](Ch. 321) ..... 975.
S 226 (H 128)(Appr Com)(In S 27) ..... 87.
Child Medical/Mental Health Evaluation Interagency Committee
S 496 (Ch. 357) ..... 161, 191, 205, 213, 235, 1027, 1051, 1052.
H 352 (Rules Com) ..... 385.
Employee Hospital and Medical Benefits
Member Appointed ..... 380.

BOARDS AND COMMISSIONS (continued)
Committees (continued)
Juvenile Code Revision Committee
Recreated
S 881 (Rules Com) ..... 288.
H 1007 (Rules Com) ..... 515, 529.
Land Records Management Program
Advisory Committee Appointment/Secretary of State
S 748 (Ch. 258) ..... 250, 467, 501, 722.
Legislative—see Committees; under this heading (Legislative)
Councils
Aging, Governor's Advisory Council
Membership/Department of Public Instruction
H 935 (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
Building Code
Toilet Facilities Standards/Construction Site
H 1492 (Ch. 528) ..... 1069, 1072, 1143, 1204, 1244.
Deaf and Hard of Hearing
Membership Reconstituted
H 505 (Ch. 551) ..... 385, 695, 1043, 1061, 1314.
Economic Development Council
Established
S 193 (reref GovPerform Com/see H 294) ..... 81, 229, 246.
Housing Coordination and Policy Council
Created
S 27 [Sec. 305](Ch. 321) ..... 982.
Interagency Coordinating Council
Renamed/Expanded
S 544 (Ch. 487) ..... 181, 215, 544, 549, 1195, 1208, 1222.
Persons with Disabilities, Governor's Advocacy Council
Transfer to Governor's Office/Type I
S 279 (GovPerform Com/see H 369) ..... 94.
Pollution Prevention Advisory Council
Created
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.
Rail Council, N.C.
Created/Transportation Department
S 64 (Ch. 483) ..... 51, 263, 276, 1206, 1209, 1221.
H 153 (Rules Com) ..... 513, 526.
Vocational Rehabilitation Advisory Council
H 611 (Ch. 248) ..... 513, 527, 694, 706, 709.
Women, North Carolina Council
Displaced Homemaker—see **Married Persons**
Transfer to Governor's Office/Type I
S 279 (GovPerform Com/see H 369) ..... 94.
Legislative
Agriculture and Forestry Awareness Commission
Animal Residue Marketing Study
S 956 (Rules Com/see H 1319) ..... 344.
Name/Membership Changed
S 37 (Ch. 23) ..... 48, 139, 145, 277.
H 35 (reref Appr Com) ..... 164, 176, 183, 205.
Alternative Schools Commission
Created
S 1200 (Rules Com/see H 1319) ..... 565.

BOARDS AND COMMISSIONS (continued)
Legislative (continued)
Child Care Issues
S 89 (H 213)(Rules Com/see H 1319) ..... 56.
Child Support Oversight Commission
Created
S 314 (H 272)(reref Appr Com/see H 1319) ..... 100, 208, 466.
Children with Special Needs
Exceptional Children Study/DPI
H 40 (Ch. 61) ..... 145, 536, 543, 546.
Public Instruction Superintendent Membership
S 546 (Ch. 58) ..... 181, 246, 259, 538.
Teacher Training Task Force Report
H 41 (Rules Com) ..... 155.
Early Childhood Education and Development Initiative Oversight
Membership/Purpose/Report
S 27 [Sec. 259](Ch. 321) ..... 952.
Economic Incentives to Lure Industry Study Commission
S 26 [Sec. 103](Ch. 561) ..... 1298.
Education at UNC, Commission on the Status
Established
S 27 [Sec. 101.5](Ch. 321) ..... 849.
Education Oversight Committee
Appointment of Member ..... 622.
Funding Contingency
S 27 [Sec. 317](Ch. 321) ..... 998.
S 459 (Ed/HighEd Com) ..... 140.
H 257 (Ch. 199) ..... 458, 562, 633, 637, 645.
Teacher Education Report
S 218 (Ch. 43) ..... 84, 165, 169, 510.
Teacher Training Task Force Report Forwarded
H 41 (Rules Com) ..... 155.
Teaching Standards Program Report
S 883 (H Rules Com) ..... 289, 447, 1124, 1150.
H 938 (Ch. 231) ..... 386, 680, 691, 694.
Environmental Review Commission
Governmental Operations Commission Reports
H 179 (Ch. 513/see S 597; H 570) .... 177, 1107, 1120, 1121, 1243.
Ethics Committee
Appointment of Member ..... 585.
Fiscal Trends and Reform Commission
Fiscal Relationship State/Local Governments Subcommittee
S 194 (H 267)(Rules Com/see H 1319) ..... 81.
Governmental Operations Commission
Appointment of Members ..... 112.
Audit Subcommittee Created
S 252 (H Appr Com) ..... 91, 245, 1017, 1134, 1221, 1223.
S 412 (reref Appr Com/see H 330)(In S 27) ..... 125, 245.
Business License Information Office Report Repealed
S 216 (Ch. 446) ..... 83, 215, 229, 1139.
Cancer Coordination and Control Report
S 225 (Ch&HumRes Com) ..... 87.
H 129 (reref Appr Com) ..... 134, 149.
Day Care/County Administration
S 231 (H 211)(Appr Com) ..... 87.
Day Care County Program Encouragement
S 232 (H 206)(Rules Com) ..... 87.

BOARDS AND COMMISSIONS (continued)
Legislative (continued)
Governmental Operations Commission (continued)
Environmental Issues Report
H 179 (Ch. 513/see S 597; H 570) .... 177, 1107, 1120, 1121, 1243.
Library System Report Repealed
S 217 (Ch. 447) ..... 84, 215, 229, 1139.
Organizational Staffing Analyses State Agencies
S 242 (H StGov Com) ..... 88, 412, 434.
H 309 (GovPerform Com) ..... 384.
Teacher Education Report Redirected
S 218 (Ch. 43) ..... 84, 165, 169, 510.
UNC Vending Operation Report Revised
S 219 (Ch. 406) ..... 84, 544, 549, 1078, 1091, 1098.
Highway Oversight Committee, Joint
—see under this subheading (Transportation)
Information Technology Oversight Committee Created
S 741 (Rules Com/see H 1319) ..... 250.
Legislative Compliance Review Commission Created
S 395 (Rules Com/see H 1319) ..... 120.
Legislative Research Commission
Studies—see Studies (LRC)
Legislative Services Commission
Appointment of Members ..... 85.
Employee Opinion Survey
S 311 (H Appr Com/see H 288)(In S 27) ..... 100, 393, 406.
Equal Employment Opportunity Monitoring/Reporting
S 289 (H Appr Com/see H 288) ..... 97, 393, 406.
Human Resources Management Office/
Temporary Employee Study
S 308 (reref Appr Com/see H 373) ..... 99, 393.
Human Resources Management Officer Proposed
S 297 (GovPerform Com/see H 290) ..... 98.
Journal Indexing Procedures Established
S 354 (reref Rules Com/see H 290) ..... 115, 412.
Legislative Services Officer Role/Responsibilities
S 355 (GovPerform Com/see H 290) ..... 116.
Meet Quarterly
S 252 (H Appr Com) ..... 91, 245, 1017, 1134, 1221, 1223.
S 259 (GovPerform Com/see H 290) ..... 92.
S 308 (reref Appr Com/see H 373) ..... 99, 393.
New Licensing Boards Committee
Appointment of Members ..... 112.
Partnership for Quality Growth
Established
S 736 (Rules Com/see H 1319) ..... 249.
Funds
S 737 (Appr Com/see H 1319) ..... 249.
Public Health Programs Organization Commission
Proposed
S 298 (H 289)(reref Rules Com/see H 1319) ..... 98, 320.
Strategic Planning Authority
S 150 (EconDev Com) ..... 69, 77.
Transportation Oversight Committee
Highway Oversight Committee Appointments ..... 248.
Named
S 27 [Sec. 169.2](Ch. 321) ..... 893.

BOARDS AND COMMISSIONS (continued)
Legislative (continued)
UNC Undergraduate Education Commission
S 1150 (Rules Com) ..... 480.
Utility Review Committee
Appointment of Members ..... 174.
Water/Sewer Facility Sale Gains
S 190 (reref Rules Com/see H 294; H 1319) .... 81, 229, 246, 1234.
Sunset Dates Established/Restructured
S 312 (H 317)(GovPerform Com/see S 315) 100
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Task Force—see **Task Force**
BOATING AND WATER SAFETY (G.S. 75A)—see also Specific County
Boat
Certificate of Number Fee Increase
S 590 (Ch. 422) ..... 192, 557, 641, 653, 662, 1066, 1090, 1105, 1110.
Cape Carteret Regulations (Carteret)
S 507 (J1 Com) ..... 168.
H 436 (Ch. 125) ..... 273, 564, 578, 593, 596.
Coastal Boating Guide
S 27 [Sec. 291](Ch. 321) ..... 977.
Inland Navigation Rules/Enforcement
H 485 (Ch. 361) ..... 395, 710, 729, 752, 756, 758, 1032, 1040, 1053.
Lakes—see **Marine Resources**
Marina
Public Utility Definition Exemption
H 26 (Ch. 349) ..... 425, 760, 779, 1033.
New Hanover County Regulations
S 507 (J1 Com) ..... 168.
H 436 (Ch. 125) ..... 273, 564, 578, 593, 596.
Personal Watercraft Hours of Operation
H 486 (reref J1 Com) ..... 266, 609.
Vessel License, Consolidated
H 297 (Ch. 515/see H 544) ..... 1039, 1092, 1116, 1147, 1198, 1243.
Wake Zones
Pamlico/Waccamaw Rivers
H 876 (Ch. 434) ..... 409, 694, 703, 1138.
Southport (Brunswick)
H 493 (Ch. 67) ..... 227, 532, 542, 546.
Waste Storage on Vessels
S 100 (H 125)(Ch. 466) ..... 57, 113, 128, 1078, 1092, 1111, 1125, 1163, 1201.
BOILER REGULATIONS—see **Labor Department**
BOMB THREAT—see **Criminal Law** (Felony)
BONDS
Bail Bond—see **Bail Bondsmen; Criminal Procedure**
Economic Development—see **Economic Development**; Specific County
General Obligation
Headstart Bond Act
S 1087 (H 1312)(Bonds Com) ..... 439.
International Finance Corporation Guarantee
S 481 (Ch. 105) ..... 154, 283, 310, 322, 580.
Local Government—see **Local Government** (Finance)
Lottery Revenue—see **Criminal Law** (Gambling)
Prison Bond Appropriation—see **Prisons**

BONDS (continued)
Purchase Money Refinancing/Consumer Credit Sales
S 125 (Ch. 370) ..... 63, 223, 234, 240, 1003, 1017, 1018, 1040, 1043, 1063, 1068.
Refunding Bonds Exceeding Principal
S 1290 (Fin Com) ..... 737.
Revenue
Capital Needs State/Local
S 951 (adopted) ..... 331, 470, 492, 494, 500, 504, 510, 1529.
Clean Water Bonds
S 65 (H 60)(reref Bonds Com/see S 14) ..... 51, 258.
H 664 (Fin Com)(In S 14) ..... 1073.
Discretionary Repayment
S 678 (failed 2nd rdg) ..... 218, 414, 724, 732, 742.
Education/Clean Water Bonds
H 664 (Fin Com)(In S 14) ..... 1073.
Education Infrastructure Bond Act
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .. 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Energy Conservation Bonds
S 95 (H 103)(H Appr Com) ..... 57, 574, 615, 678, 689, 699.
Local Infrastructure Authority Created
S 694 (Fin Com) ..... 226.
North Carolina State University Centennial Authority
S 1053 (H Appr Com) ..... 408, 751, 1096, 1119, 1144.
H 1003 (H Appr Com) ..... 1130, 1148, 1198.
Public Facilities Bonds/$900,000,000
S 824 (CapExp Com) ..... 264.
Regional Facility Authority
S 1053 (H Appr Com) ..... 408, 751, 1096, 1119, 1144.
H 1003 (H Appr Com) ..... 1130, 1148, 1198.
Special Obligation—see under this heading (Revenue)
Surety [G.S. 58]
Examination/Fee License Applicant
S 922 (H Rules Com) ..... 318, 703, 1037, 1102.
Insurance and Fidelity Bonds for State Agencies
S 27 [Sec. 11](Ch. 321) ..... 791.
Job Listing Service Requirement
S 657 (Ch. 172) ..... 210, 454, 488, 636, 646, 648.
Mining Permit Requirement
S 624 (E&NR Com) ..... 195.
H 550 (reref Fin Com) ..... 458, 1095.
Minority Contractor Study
S 26 [Sec. 39](Ch. 561) ..... 1274.
Mortgage in Lieu of Bond
S 908 (J1 Com) ..... 312.
Replacement Bond
S 155 (Ch. 485/see H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
H 74 (Rules Com) ..... 1012.
Small Business Contractor on State Project
S 1242 (StPers&StGov Com) ..... 652.
BOOKS—see **Education** (Textbooks); **Publications**
BOUNDARIES [G.S. 38]—see **State** (Boundaries); Specific County
BRAILLE—see **Handicapped** (Visually Impaired)

BREAKING AND ENTERING—see **Criminal Law**
BREAST FEEDING—see **Child**
BREATHALYZER—see **Alcohol Regulation**
BRIBERY—see **Criminal Law**
BRIDGE—see **Transportation**
B.R.I.D.G.E. (Building, Rehabilitating, Instructing, Developing, Growing, and Employing) **YOUTHFUL OFFENDERS PROGRAM**—see **Judicial Department** (Youth) —see **Offenders Program**
BROUGHTON, MELVILLE—Memorializing Former Governor
S 638 (Rules Com) ..... 209.
H 680 (Res. 9) ..... 273, 280, 289, 321, 323.
BRUNSWICK COUNTY—District 18—Senator R. C. Soles, Jr.
Boiling Spring Lakes
Wildlife Reserve/Bird Sanctuary Created
H 492 (Ch. 66) ..... 227, 532, 542, 546.
Calabash/Carolina Shores Village Division
S 667 (H LocGov 1 Com) ..... 211, 241, 372, 378, 386.
Carolina Shores Incorporated
S 667 (H LocGov 1 Com) ..... 211, 241, 372, 378, 386.
Economic Development Commission Name Change
H 420 (Ch. 24) ..... 227, 263, 276, 277.
Fox Hunting/Trapping Season Established
H 881 (Ch. 208) ..... 442, 610, 614, 642, 646, 672.
Navassa ABC Store Authorized
H 406 (Ch. 17) ..... 232, 241, 247, 255.
Northwest Community Recreation Building Funds
S 1016 (CapExp Com) ..... 383.
Northwest Incorporated
S 473 (LocGov Com) ..... 144.
H 405 (Ch. 222) ..... 212, 533, 650, 660, 666, 693.
School Pay Date Changed
S 27 [Sec. 144](Ch. 321) ..... 878.
Southeastern North Carolina Regional Economic Development Commission —see **Economic Development**
Southport
Waterway Regulations/No-wake Zone
H 493 (Ch. 67) ..... 227, 532, 542, 546.
Sunset Beach
Structure Height Limited
H 700 (Ch. 181) ..... 386, 613, 624, 648.
BUDGET
Appropriations—see **Appropriations**
Budget and Management Office
Advance Planning Reserve Fund Report
S 26 [Sec. 117; 121](Ch. 561) ..... 1311, 1312.
Director
Compensation and Benefits Review
S 332 (GovPerform Com) ..... 109.
H 341 (GovPerform Com) ..... 352.
Format Restructured to Programs
S 261 (GovPerform Com/see H 330)(In S 27) ..... 92.
Performance Measurement System for State Agencies
S 252 (H Appr Com) ..... 91, 245, 1017, 1134, 1221, 1223.
Privatization of State Services Recommendation
S 146 (reref GovPerform Com/see S 315; H 306) ..... 69, 75, 111, 122, 129.
Project Reserve Fund
S 26 [Sec. 118](Ch. 561) ..... 1311.

BUDGET (continued)
Budget and Management Office (continued)
Reorganization Transfer/Management and Productivity
S 241 (GovPerform Com/see H 369) ..... 88.
Single Sum Appropriation Pilot Program Expanded
S 262 (reref Appr Com/see H 330) ..... 92, 245.
State Workers' Compensation Office—see **Workers' Compensation**
Strategic Planning Process
S 253 (reref Appr Com/see H 330)(In S 27) ..... 92, 448.
Budget Practice Study Commission—see **Studies** (Independent)
BUILDING
Access to Facility
S 873 (H 985)(Ch. 412) ..... 279, 417, 436, 462, 493, 1054, 1063, 1091, 1098.
Code
Inspector Private Contract
H 1045 (Ch. 232) ..... 512, 530, 651, 662, 694.
Liquified Petroleum Gas Piping System
H 567 (Ch. 356) ..... 441, 640, 748, 764, 779, 1052.
Mecklenburg County Residential Plan Exemption
S 897 (Ch. 491) ..... 311, 416, 432, 433, 1206, 1209, 1222.
H 883 (Ch. 387) ..... 481, 1065, 1070, 1078.
Officials Qualification Board/
Residential Building Code
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Toilet Facilities Requirements
H 668 (Ch. 204) ..... 425, 652, 670, 672.
H 1492 (Ch. 528) ..... 1069, 1072, 1143, 1204, 1244.
Violation Penalty by Local Government Authority
S 164 (H 190)(Ch. 329) ..... 73, 387, 398, 712, 762, 1005, 1011.
Wastewater System Emergency Connection
S 980 (reref Fin Com) ..... 359, 506.
H 1077 (Ch. 173) ..... 512, 530, 570, 582, 601, 608, 644.
Commission—see **Boards and Commissions; State** (Buildings)
Construction—see **Construction**
Improvement Contractor License Required
S 871 (H Fin Com) ..... 279, 474, 682, 696, 704, 714.
Public [G.S. 129]
State Office—see **State** (Buildings)
Statutory Construction [G.S. 12]
BUNCOMBE COUNTY—District 28—Senator Herbert L. Hyde
—Senator Dennis Winner
—District 42—Senator Robert Carpenter
Asheville
Charter Obsolete Provisions Repealed
H 828 (Ch. 228) ..... 314, 675, 687, 694.
Beaver Season Exemption
S 457 (Ch. 33) ..... 137, 160, 164, 178, 339.
Precinct Boundaries Restored
H 677 (Ch. 72) ..... 441, 532, 542, 546.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
BURIAL—see **Cemeteries; Mortuary**

BURKE COUNTY—District 27—Senator Donald R. Kincaid
—Senator Daniel R. Simpson
—District 28—Senator Herbert L. Hyde
—Senator Dennis Winner
Alcoholic Beverage Control Permit Issuance
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Connelly Springs Mayor/Alderman Election
S 510 (Ch. 37) ..... 171, 241, 247, 373.
Election Day/School Holiday
S 795 (Ch. 90) ..... 260, 388, 415, 432, 573.
Glen Alpine Sewer Line Construction Funds
S 1226 (CapExp Com) ..... 597.
Hildebran
Commissioners Five-Member/Staggered Terms
H 409 (Ch. 238) ..... 266, 651, 662, 668, 701.
Thoroughfare Construction Implementation
S 942 (Ch. 414) ..... 330, 411, 453, 470, 498, 1074, 1082, 1089, 1098.
H 815 (Ch. 478) ..... 442, 746, 753, 1015, 1019, 1020, 1029, 1042, 1210.

BURNING—see **Fire Protection; Medicine**
BUS—see **Motor Vehicle; Utilities Commission**
BUSINESS—see **Commerce and Business**
BUSINESS DEVELOPMENT CORPORATION [G.S. 53A]
—see **Corporations**

- C -

CABARRUS COUNTY—District 22—Senator Fletcher L. Hartsell, Jr.
Board of Education
Vacancy Election
H 736 (Ch. 468) ..... 386, 1118, 1142, 1201.
Community College Trustee Association/Region Two
H 559 (Ch. 69) ..... 385, 536, 543, 546.
Deer Hunting Permission/Stationary Stand
H 801 (Ch. 100) ..... 482, 532, 543, 573.
Public Address Systems Allowed
H 731 (Ch. 280) ..... 314, 710, 727, 734.
Thoroughfare Construction Assistance
H 815 (Ch. 478) .... 442, 746, 753, 1015, 1019, 1020, 1029, 1042, 1210.
Zoning Authority to Planning Agency
H 575 (Ch. 247) ..... 314, 651, 660, 677, 709.
CABLE TELEVISION—see **Utilities** (Telecommunications)
CALDWELL COUNTY—District 27—Senator Donald R. Kincaid
—Senator Daniel R. Simpson
Carolina and Northwestern Railroad Authority Established
S 682 (H 695)(Ch. 235) ..... 225, 358, 377, 388, 684, 698, 701.
Granite Falls
Economic Development Prospective Revenue
H 466 (Ch. 246/see S 708; H 544; H 791) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
Prison Bonds/50-Bed Expansion
S 1077 (H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.
CAMA (Coastal Area Management Act)
—see **Environment, Health, and Natural Resources**

CAMDEN COUNTY—District 1—Senator Marc Basnight
Bear Hunting Season Extended
H 319 (Ch. 220) ..... 145, 673, 686, 693.
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
CAMEL 24 FELLOWSHIP—see **Corporation** (Nonprofit)
CAMPAIGN—see **Elections**
CAMPGROUND
Public Utility Definition Exemption
H 26 (Ch. 349) ..... 425, 760, 779, 1033.
CAMPS, DAY—see **Child**; Specific County
CAMPS, SUMMER—see **Child**; **Mental Health** (Autism); Specific County
CAMPUS—see **Higher Education**
Police—see **Law Enforcement** (Police)
CANCER
Advisory Committee on Cancer Coordination and Control
Established
S 27 [Sec. 288](Ch. 321) ..... 975.
Funds
S 226 (H 128)(Appr Com)(In S 27) ..... 87.
Control Program
Additional Funds 1992-93
S 106 (H 107)(Appr Com) ..... 59.
Federal Poverty Level
S 105 (H 109)(Appr Com)(In S 27) ..... 59.
Funds 1993-95
S 104 (H 108)(Appr Com)(In S 27) ..... 59.
Coordination and Control Act
S 225 (Ch&HumRes Com) ..... 87.
H 129 (reref Appr Com) ..... 134, 149.
Health Insurance Coverage
S 622 (Ch. 506) ..... 195, 428, 453, 492, 1211, 1213, 1242.
Prescription Drug Insurance Coverage
S 935 (Ins Com) ..... 325.
Prostate-Specific Antigen Test Insurance Coverage
S 500 (Ch. 269) ..... 163, 243, 258, 277, 712, 730, 733.
CANCER COORDINATION AND CONTROL ADVISORY COMMITTEE
—see **Cancer**
CANDIDACY—see **Elections**
CAP (Civil Air Patrol)—see **Aeronautics**
CAP, PRISON—see **Prison** (Jail—Population)
CAPE FEAR BOTANICAL GARDEN
Capital/Operating Expenses
S 1193 (reref CapExp Com) ..... 551, 772.
CAPE FEAR PILOTAGE COMMISSION—see **Navigation**
CAPE HATTERAS LIGHTHOUSE LICENSE PLATE
—see **Motor Vehicle** (License Plate)
CAPITAL
Crime—see **Criminal Law**
Expenditures—see **Appropriations**
Improvements—see **Appropriations**; **State** (Buildings)
Planning Commission—see **Boards and Commissions** (Commissions)
Punishment—see **Criminal Law**; **Criminal Procedure**
CAPITOL, STATE—see **State** (Buildings)
CARAT (Congestion Avoidance and Reduction for Autos and Trucks)
—see **Transportation** (Traffic)

CARDIOPULMONARY RESUSCITATION (CPR)
—see **Emergency Services/Personnel/Equipment**
CARE FACILITIES, LONG-TERM [G.S. 131D]
—see **Medicine** (Long-Term Care)
CARPENTER, Robert C.—Senator Buncombe (part), Cherokee, Clay, Graham, Haywood (part), Henderson (part), Jackson (part), **Macon** (part), Polk, Transylvania (part)—**42nd District**
Absent With Leave ..... 84, 157, 1067, 1077.
Adjournment Motion—Second ..... 77, 123, 242, 604, 692.
Certificate of Election ..... 7.
Committee Assignments ..... 33, 34, 39, 40, 63, 64, 65.
Standing—
Appropriations on Department of Transportation (Ranking Minority)
Economic Development/Travel and Tourism (Ranking Minority)
Pensions and Retirement (Ranking Minority)
Appropriations—Banks and Thrift Institutions—
Judiciary II—Public Utilities—
Rules and Operation of the Senate—Transportation
Conference—
H 120 ..... 434.
Oath of Office ..... 7.
Bills and Resolutions-(Senate Bill Numbers)
Primary Sponsor ..... 18, 73, 83, 88, 222, 396, 406, 512, 678, 694, 784, 872, 887, 946, 947, 948, 970, 1005, 1051.
Co-Sponsor ..... 25, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 50, 65, 66, 67, 68, 156, 237, 251, 341, 342, 400, 419, 422, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 440, 446, 453, 457, 478, 487, 488, 490, 492, 493, 494, 495, 496, 497, 499, 500, 506, 511, 513, 526, 527, 528, 529, 572, 674, 676, 696, 731, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 852, 853, 876, 884, 900, 904, 906, 911, 912, 913, 914, 915, 919, 934, 941, 949, 999, 1012, 1013, 1022, 1029, 1047, 1061, 1143, 1174, 1175, 1190, 1200, 1206, 1245, 1250, 1251.
CARTERET COUNTY—District 3—Senator Beverly M. Perdue
—District 4—Senator John Codington
Atlantic Beach
Boundary Include Area "The Pocket"
H 811 (Ch. 206) ..... 459, 533, 650, 661, 667, 672.
Board of Commissioners Districts/Terms
H 726 (Ch. 113) ..... 514, 528, 560, 568, 578, 580.
Boundary Line Between Craven County
H 812 (Ch. 207) ..... 395, 533, 650, 661, 667, 672.
Cape Carteret
Atlantic Ocean/Watercraft Regulation
S 507 (J1 Com) ..... 168.
H 436 (Ch. 125) ..... 273, 564, 578, 593, 596.
Cherry Point Naval Aviation Depot Closure
S 1229 (Rules Com) ..... 612, 1532.
Core Sound Shellfish Leases
H 416 (Ch. 44) ..... 212, 418, 419, 430, 434, 448, 472, 510.

CARTERET COUNTY (continued)
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Morehead City
Seafood Laboratory Program/NCSU
S 27 [Sec. 99])(Ch. 321) ..... 848.
S 420 (H 259)(reref CapExp Com) ..... 126, 769.
Newport
Fire Department Funds Expenditure Restriction
H 867 (Ch. 77) ..... 513, 528, 533, 543, 547.
Prison Bond/100-Bed Expansion
S 1077 (H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.
Roadside Hunting Exemption
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Superior Court Judge Increase
S 27 [Sec. 200.5](Ch. 321) ..... 912.
CASWELL COUNTY—District 21—Senator George B. Daniel
District Attorney/District 9A
S 27 [Sec. 200.4(l)](Ch. 321) ..... 911.
Film Technology Institute
S 958 (CapExp Com) ..... 345.
Judicial/Prosecutorial District Transfer—9A
S 27 [Sec. 200.4](Ch. 321) ..... 906.
S 810 (Appr Com)(In S 27) ..... 248.
911 Communications Tower Funds
S 26 [Sec. 9](Ch. 561) ..... 1263.
Union Tavern-Thomas Day House Restoration
S 1287 (CapExp Com) ..... 736.
CATAWBA COUNTY—District 26—Senator Austin M. Allran
Carolina and Northwestern Railroad Authority Established
S 682 (H 695)(Ch. 235) ..... 225, 358, 377, 388, 684, 698, 701.
Catawba Valley Arts and Science Center Funds
S 996 (CapExp Com) ..... 376.
Condemnation Commissioner Approval
S 87 (H J2 Com) ..... 56, 79, 89, 110, 121, 134, 138, 142, 145, 147, 151, 156.
Enabling Legislation
S 1046 (Rules Com) ..... 407.
Juvenile Court Jurisdiction Pilot Program
S 436 (J1 Com) ..... 130.
H 283 (Ch. 47) ..... 346, 445, 490, 523.
Superior Court Judge Increase
S 27 [Sec. 200.5](Ch. 321) ..... 912.
CELEBRATIONS/FESTIVALS
Celebrations
Bicentennial Observance Funds, UNC-CH
S 1138 (reref CapExp Com)(In S 26) ..... 479, 772.
Festivals
Shakespeare Festival Funds
S 1134 (reref CapExp Com) ..... 479, 772.
Watermelon State Festival Declared
S 647 (Rules Com) ..... 210.
H 318 (Ch. 212) ..... 281, 625, 650, 655, 681.

CEMETERIES [G.S. 65]
Abandoned Cemetery Defined
H 209 (J2 Com) ..... 395.
Burial Association
Cemetery Commission/Merger Study
S 190 (reref Rules Com/see H 294; H 1319) ..... 81, 229, 246, 1234.
Statutory Citation Reference
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Cemetery Lot Trust Valid
S 610 (reref J2 Com) ..... 194, 358.
Commission
Regulation of Cemeteries Study (LRC)
H 1319 [Sec. 2.1(57)](ordered enrolled)
(see S 1270; H 1320) ..... 1249, 1320.
Old Chapel Hill Cemetery Improvement Funds
S 844 (H 927)(reref CapExp Com) ..... 270, 771.
CENTENNIAL CAMPUS—see **Higher Education** (UNC-NCSU)
CENTENNIAL CELEBRATIONS—see **Celebrations/Festivals**
CERCLA/SARA (Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act) —see **Public Health** (Hazardous Waste)
CERTIFICATE
Appropriateness—see **Historic Properties**; Specific County
Need—see **Medicine**
Participation—see **Local Government**
Public Advantage—see **Medicine** (Hospital)
CERTIFIED PUBLIC ACCOUNTANT (CPA) [G.S. 93]
Certification Residency Requirement
H 541 (Ch. 518) ..... 458, 1162, 1199, 1243.
Education Requirements for Certification
S 629 (ppi) ..... 198, 454, 488, 501, 512.
General Statute Renamed Certified Public Accountant
H 541 (Ch. 518) ..... 458, 1162, 1199, 1243.
Government Accounting Principle—see **Controller**
CHAMBER OF COMMERCE—see **Commerce and Business**
CHAPEL HILL, UNC—see **Higher Education** (UNC)
CHAPLAIN—see **Prayers**
CHARITY
Facilities [G.S. 131C]—see **Corporations** (Nonprofit)
Organization—see **Corporations** (Nonprofit); **Taxation**
Solicitations—see **Corporations** (Nonprofit)
CHATHAM COUNTY—District 16—Senator Howard N. Lee
—Senator Russell G. Walker
Community College Trustee Association/Region Four
H 559 (Ch. 69) ..... 385, 536, 543, 546.
Industrial Development Revenue Allocation
S 809 (Ch. 358/see H 799) ..... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.
Low-Level Waste Site Grant
S 26 [Sec. 106](Ch. 561) ..... 1305.
Omnibus Bill
S 809 (Ch. 358/see H 799) ..... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.

CHATHAM COUNTY (continued)
Pittsboro
Horton Middle School Pedestrian Signal
S 1080 (Appr Com) ..... 438.
Peddler Privilege License Tax Levy
S 808 (Ch. 449) ..... 261, 583, 674, 685, 697, 1079, 1110, 1121, 1144, 1200.
S 903 (H Fin Com) ..... 312, 466, 499, 519.
Sidewalk Cuts/Powell Bill Funds
S 809 (Ch. 358/see H 799) ..... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.
Watershed Protection Ordinance Zoning Notice
S 809 (Ch. 358/see H 799) ..... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.
CHECKS, WORTHLESS—see **Banks; Criminal Law**
CHELATION THERAPY—see **Medicine** (Complementary)
CHEMICAL ANALYSIS—see **Motor Vehicle** (DWI)
CHEMICAL DEPENDENCY—see **Drugs**
CHEROKEE COUNTY—District 42—Senator Robert C. Carpenter
Fort Butler Park Funds
S 784 (Appr Com) ..... 254.
Roads Named Unincorporated Areas
S 83 (H ppi) ..... 55, 135, 142.
H 160 (Ch. 62) ..... 151, 475, 498, 518, 546.
Roadside Hunting Exemption
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
CHILD
Abortion—see **Maternal and Child Health**
Abuse
Abuse/Neglect/Prosecution Joint Training
S 493 (reref Rules Com) ..... 161, 454, 477, 1003.
H 363 (Rules Com) ..... 514, 526.
Child Fatality Task Force Recommendations
S 487 (J1 Com) ..... 160.
H 364 (Ch. 516) ..... 458, 1151, 1153, 1154, 1243.
Civil Action Statute of Limitation/Personal Injury
S 905 (H 1108)(reref Appr Com) ..... 312, 437, 611.
Criminal Investigations/Prosecution Training
S 493 (reref Rules Com) ..... 161, 454, 477, 1003.
H 363 (Rules Com) ..... 514, 526.
Day Care Operator Criminal Record Check
S 336 (H 200)(J2 Com) ..... 113.
Investigation Record Confidential
S 860 (Ch. 461) ..... 272, 352, 368, 379, 1004, 1140, 1154, 1200.
Juvenile Guardian *ad litem* Hearing
S 434 (J1 Com) ..... 130.
H 230 (Ch. 537) ..... 266, 1162, 1199, 1246.
Maltreatment Evaluation/Education Center Funds
S 489 (H 351)(reref Appr Com) ..... 160, 337, 603.
Medical/Mental Health Evaluation Committee
S 496 (Ch. 357) ..... 161, 191, 205, 213, 235, 1027, 1051, 1052.
H 352 (Rules Com) ..... 385.

CHILD (continued)
Abuse (continued)
Multidisciplinary State Child Fatality Prevention System
S 490 (H 367)(reref Appr Com) ..... 160, 288.
Prosecutorial Child Protection Initiatives
S 492 (J2 Com) ..... 161.
H 358 (S/H conf com appt'd) ..... 440, 750, 765, 1135, 1143.
Sexual Victim Evaluation Program
S 1069 (reref CapExp Com)(In S 26) ..... 424, 1018.
Social Services Employee Immunity
S 340 (H 242)(J2 Com) ..... 114.
Testimony in Court by Television
S 1288 (J1 Com) ..... 736.
Adoption
Adoptions Statutes Rewrite (Uniform State Law)
S 607 (reref J2 Com) ..... 194, 274.
Children's Home Society Adoption Resource Center
S 454 (H 475)(Appr Com)(In S 26) ..... 137.
Hard to Place Child Subsidy
S 27 [Sec. 235](Ch. 321) ..... 942.
Medicaid Coverage
S 338 (H 245)(reref Appr Com) ..... 114, 167.
AFDC (Aid to Families With Dependent Children)
Emergency Assistance Expanded
S 423 (H 350)(Appr Com)(In S 27) ..... 127.
Income/Standard of Need Rule
S 27 [Sec. 228; 229](Ch. 321) ..... 940.
Medicaid Need Level Standard Increased
S 1076 (H 1451)(Appr Com) ..... 425.
Medicaid Payment Increased
S 1041 (H 1450)(reref Appr Com) ..... 407, 538.
Norplant Birth Control Availability
S 1154 (reref Appr Com) ..... 497, 590.
Pregnant Woman Eligibility
S 27 [Sec. 230](Ch. 321) ..... 941.
10% Increase in Payment
S 1041 (H 1450)(reref Appr Com) ..... 407, 538.
Bastardy—see under this heading (Parents)
Breast Feeding/Indecency Laws
H 1143 (Ch. 301) ..... 442, 725, 732, 744, 748.
Care—see under this heading (Day-Care)
Chemically Dependent—see **Drugs** (Abuse); **Education**
Child Fatality Prevention System
S 27 [Sec. 285](Ch. 321) ..... 967.
S 494 (H 359)(Ch&HumRes Com)(In S 27) ..... 161.
Child Fatality Protection Team
S 27 [Sec. 285](Ch. 321) ..... 967.
S 490 (H 367)(reref Appr Com) ..... 160, 288.
Child Protective Services Funds
S 26 [Sec. 14](Ch. 561) ..... 1265.
S 27 [Sec. 234(a)](Ch. 321) ..... 941.
Childhood Hunger Study
S 27 [Sec. 94](Ch. 321) ..... 846.
Children and Families, Commission—see **Boards and Commissions**
Corporal Punishment as Discipline
S 227 (H 220)(Ch. 268) ..... 87, 150, 236, 248, 733.
S 228 (held in Clerk's office) ..... 87.
H 220 (S 227)(Rules Com) ..... 408.

CHILD (continued)
Custody
Custody Act [G.S. 50A]—see **Judicial Department** (Courts); **Married Persons** (Divorce)
Custody and Visitation Programs Study
S 27 [Sec. 200](Ch. 321) ..... 906.
Magistrate/Domestic Violence Orders
H 216 (J1 Com) ..... 281.
Day Care
Allocation Formula/Funds
S 27 [Sec. 246; 247; 249](Ch. 321) ..... 946, 947.
Cardiopulmonary Resuscitation (CPR) Training, Pediatric
S 397 (J1 Com) ..... 121.
H 221 (J1 Com) ..... 458.
Caring Program for Children, Inc.
S 3 (Appr Com)(In S 27) ..... 29.
Child Care Issues Commission
—see **Boards and Commission** (Legislative)
Child Care Tax Credit
Increase
S 675 (Fin Com) ..... 218.
H 720 (Ch. 432) ..... 482, 1037, 1103, 1138.
Nonresident
S 157 (reref Fin Com) ..... 70, 124.
Child Day Care Commission
Commissioners Appointed (Moss; Beerbower)
S 1124 [Sec. 4](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Corporal Punishment Banned
S 228 (held in Clerk's office) ..... 87.
Corporal Punishment by Family
S 227 (H 220)(Ch. 268) ..... 87, 150, 236, 248, 733.
H 220 (S 227)(Rules Com) ..... 408.
County Administration Funds
S 231 (H 211)(Appr Com) ..... 87.
County Program Capital Improvements
S 26 [Sec. 85](Ch. 561) ..... 1290.
County Program Encouragement
S 232 (H 206)(Rules Com) ..... 87.
Criminal Record Check Mandatory
S 336 (H 200)(J2 Com) ..... 113.
Developmental Day Care Centers
Grant-in-Aid Fund Transferred to Public Instruction
S 27 [Sec. 216](Ch. 321) ..... 929.
Eligibility Increase/Funds
S 229 (H 202)(reref Appr Com) ..... 87, 139.
Funding Allocation/Reversion/Timetable
S 27 [Sec. 253](Ch. 321) ..... 948.
Health Services Commission
Nutrition Standards Set by Director
H 179 (Ch. 513/see S 597; H 570) .... 177, 1107, 1120, 1121, 1243.
Income Tax Credit Increased
S 675 (Fin Com) ..... 218.
H 720 (Ch. 432) ..... 482, 1037, 1103, 1138.
Infant/Toddler Staff Ratio
S 256 (Appr Com) ..... 92.
License Exemption Religious/Fraternal Facility Repeal
H 752 (Ch&HumRes Com) ..... 442.

CHILD (continued)
Day Care (continued)
Licensure Requirements/Enforcement
S 593 (Ch&HumRes Com) ..... 192.
H 627 (Ch. 185) ..... 273, 639, 653, 656.
Nonprofit Agency Grant-in-Aid
S 966 (H 1187)(Appr Com) ..... 345.
Pediatric CPR Training Requirement
S 397 (J1 Com) ..... 121.
H 221 (J1 Com) ..... 458.
Policy/Procedure Requirements Enforcement
S 593 (Ch&HumRes Com) ..... 192.
H 627 (Ch. 185) ..... 273, 639, 653, 656.
Rate Structure Changes/Funds
S 230 (H 201)(reref Appr Com) ..... 87, 139.
Rates/Subsidy
S 27 [Sec. 248](Ch. 321) ..... 946.
Revolving Loan Fund
Investments/Expenditure Authority
S 27 [Sec. 256](Ch. 321) ..... 951.
Divorce—see **Married Persons** (Divorce)
Driving While Impaired Sentencing Factor
S 497 (J1 Com) ..... 161.
H 356 (J1 Com) ..... 458.
Early Childhood Education and Development
Funds
S 26 [Sec. 13; 15](Ch. 561) ..... 1265.
S 27 [Sec. 254(b); 259](Ch. 321) ..... 950, 952.
Initiatives
S 27 [Sec. 254](Ch. 321) ..... 948.
S 676 (H 718)(Ch&HumRes Com) ..... 218.
Legislative Oversight Committee, Joint
S 27 [Sec. 259](Ch. 321) ..... 952.
Early Intervention Services—see **Handicapped**
Exceptional Children—see **Education**
Family Preservation Services Funds
S 491 (H 362)(Appr Com) ..... 160.
Fatality Review and Prevention System
S 494 (H 359)(Ch&HumRes Com)(In S 27) ..... 161.
Foster Care
Allowance for Special Needs
S 27 [Sec. 231](Ch. 321) ..... 941.
Board Rate Increased to $300
S 1035 (Appr Com) ..... 392.
Training/Reimbursement Rate/Special Needs
S 1034 (Appr Com) ..... 392.
Guardian—see **Judicial Department**
Guns at School—see **Criminal Law** (Weapons)
Handicapped—see **Handicapped**
Head Start—see **Education**
Homeless—see **Home**
Inmate Visitation—see **Prison**
Juvenile—see **Judicial Department**
Detention Center—see **Prison**
Kindergarten—see **Education**
Labor—see **Labor** (Wage and Hour)
Maternal and Child Health Division/DHR—see **Maternal and Child Health**

CHILD (continued)
Medical and Mental Health Evaluation Plan
S 496 (Ch. 357) ..... 161, 191, 205, 213, 235, 1027, 1051, 1052.
H 352 (Rules Com) ..... 385.
Medicaid—see **Medicaid**
Mental Health Programs/Treatment—see **Mental Health**
Minor—see **Judicial Department** (Juvenile); **Minor**
Parents
Paternity Establishment/Trial
S 953 (J2 Com) ..... 332.
H 1119 (Ch. 333) ..... 512, 530, 555, 582, 602, 608, 1011.
Surrogate—see **Parents**
Weapon Storage
S 19 (H 158)(J1 Com) ..... 30.
Poison Control—see **Maternal and Child Health; Poison**
Pregnancy Prevention—see **Maternal and Child Health**
Protective Services—see **Social Services**
Restraint—see **Motor Vehicle** (Seat Belt)
Rights of Children [G.S. 49A]
Sexual Offense
Testimony by Television
S 1288 (J1 Com) ..... 736.
Special Needs—see **Education** (Exceptional); **Mental Health** (Developmental Disability)
Support—see **Judicial Department** (Clerk of Court); **Married Persons** (Divorce)
Vaccine Injury—see **Public** (Health)
Vehicle Cargo Area Restriction
H 27 (J1 Com) ..... 177, 557.
Welfare [G.S. 110]
Youth Services—see **Judicial Department**
CHILDREN AND FAMILIES, N.C. COMMISSION—see **Boards and Commissions**
CHIROPRACTOR—see **Medicine**
CHLOROFLUROCARBON/(CFC) EMISSIONS—see **Pollution Control**
CHOWAN COUNTY—District 1—Senator Marc Basnight
Northeastern North Carolina Regional Economic Development Commission—see **Economic Development**
Teacher Support, Collaborative
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
CHRISTMAS TREE—see **Foresters**
CHURCH—see **Religious Groups**
CIGARETTE TAX—see **Taxation** (Tobacco)
CITIES AND TOWNS [G.S. 160A]—see **Local Government**; Specific County
CITIZENSHIP [G.S. 13]
CIVIC CENTER—see Specific County
CIVIC CLUB LICENSE PLATE—see **Motor Vehicle** (License Plate)
CIVIL
Air Patrol (CAP)—see **Aeronautics**
Law
Filing Procedure/Special Education Law
S 559 (Ch. 270) ..... 186, 445, 488, 733.
Liability—see **Liability**
Penalty—see **Taxation**; under this heading (Remedies)

CIVIL (continued)
Procedure [G.S. 1]
Appeals
Indigents/Paupers
H 908 (Ch. 435) ..... 531, 640, 1036, 1104, 1138.
Arbitration of Medical Malpractice Action
S 41 (Ch&HumRes Com) ..... 48.
Damages—Larceny/Shoplifting/Embezzlement/False Pretense
S 937 (H Rules Com) ..... 325, 1055, 1071.
Evidence—see **Evidence**
Indigents/Paupers Litigation
H 908 (Ch. 435) ..... 531, 640, 1036, 1104, 1138.
Judgment
Date Entry/Rules of Procedure
H 977 (J2 Com) ..... 481.
Enforcement of Judgments [G.S. 1C]
Entry of Judgment Rule—Number 58
S 931 (Rules Com) ..... 319.
Wage and Hour Act Assessment
H 659 (Ch. 225) ..... 482, 673, 691, 694.
Liability for Damage by Minor
S 431 (Ch. 540) ..... 130, 445, 476, 760, 767, 776, 780, 1040, 1217, 1313.
Products Liability Repose (10 Years)
S 108 (H 184)(H J1 Com) ..... 59, 242, 247, 276.
Rules of Procedure [G.S. 1A]
Judgment Date Entry
H 977 (J2 Com) ..... 481.
Paternity Action/Evidence
H 1119 (Ch. 333) ..... 512, 530, 555, 582, 602, 608, 1011.
Statute of Limitations
Bid Rigging Statute Extended
S 796 (Ch. 441) ..... 260, 405, 421, 1039, 1095, 1129, 1138.
Sexual Abuse Action
S 905 (H 1108)(reref Appr Com) ..... 312, 437, 611.
Solicitations Jurisdiction of Court
S 679 (H 832)(Ch. 338) ..... 224, 327, 336, 1023.
Tort Liability/Health Care Personnel
H 1172 (Ch. 439) ..... 442, 1027, 1050, 1138.
Trial
Paternity Suit Priority
S 953 (J2 Com) ..... 332.
H 1119 (Ch. 333) ..... 512, 530, 555, 582, 602, 608, 1011.
Trustee Powers Act
S 697 (J2 Com) ..... 226.
Witness
OSHA Employee/Third Party Litigation
S 618 (J1 Com) ..... 195.
Remedies [G.S. 99A]
Air Pollution Control
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Building Code Violation/Local Government Penalty
S 164 (H 190)(Ch. 329) ..... 73, 387, 398, 712, 762, 1005, 1011.
Community Penalties Program Funds
S 26 [Sec. 78](Ch. 561) ..... 1287.
S 27 [Sec. 189](Ch. 321) ..... 903.

CIVIL (continued)
Remedies [G.S. 99A](continued)
Funds—see **Taxation**
Household Hazardous Disposal Site
S 54 (reref Fin Com) ..... 50, 564.
Liquified Petroleum Violations
H 567 (Ch. 356) ..... 441, 640, 748, 764, 779, 1052.
Mining Assessment Collection
S 624 (E&NR Com) ..... 195.
H 550 (reref Fin Com) ..... 458, 1095.
Misdemeanor Classification—see **Criminal Law** (Misdemeanor)
Motor Fuel Marketing Violations
S 343 (J1 Com) ..... 114.
Natural Gas Pipeline Safety Penalty
S 732 (H PubUtil Com) ..... 244, 324, 337.
Ordinance—see Specific County
OSHA Review Board Decision
S 109 (H Bus&Labor Com) ..... 59, 242, 247, 277.
H 187 (Ch. 474) ..... 346, 1103, 1121, 1210.
School Administrator Violation
S 452 (held in Clerk's office) ..... 137.
H 284 (Ch. 392) ..... 514, 526, 561, 1024, 1044, 1057, 1087.
Sexual Exploitation Act—see **Criminal Law** (Sexual Offense)
Veterinary Board Authorization
H 747 (Ch. 500) ..... 535, 657, 1036, 1099, 1100, 1101, 1124, 1126, 1130, 1149, 1203, 1222.
White Goods Disposal
S 60 (H 67)(Ch. 471) ..... 51, 223, 682, 696, 704, 713, 1075, 1082, 1090, 1091, 1111, 1135, 1140, 1196, 1197, 1210.
Rights [G.S. 99D]
Civil Rights Ordinances (Orange)
S 807 (LocGov Com) ..... 261.
S 809 (Ch. 358/see H 799) ..... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.
CLARK, JR., LeRoy (Reading Clerk)—see **Reading Clerk**
CLAY COUNTY—District 42—Senator Robert C. Carpenter
Campbell Folk School Recognized
H 393 (Res. 23) ..... 346, 1099, 1110.
Coroner Office Abolished
H 792 (Ch. 75) ..... 386, 533, 542, 546.
Economic Development Prospective Revenue Consideration
H 686 (Ch. 520/see H 544) ..... 752, 1028, 1060, 1069, 1083, 1243.
Roadside Hunting Exemption
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Western North Carolina Regional Economic Development Commission —see **Economic Development**
CLEAN AIR ACT—see **Pollution Control**
CLEAN RISK—see **Insurance** (Motor Vehicle)
CLEAN WATER ACT [G.S. 159G]—see **Water**
CLERKS OF COURT—see **Judicial Department; State** (Personnel—Salaries)

CLEVELAND COUNTY—District 25—Senator David Hoyle
—District 37—Senator Ollie Harris
Commissioners Districts/Election
S 720 (Ch. 89) ..... 238, 359, 378, 573.
Economic Development Prospective Revenue
H 466 (Ch. 246/see S 708; H 544; H 791) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
Kings Mountain
Board of Education At-Large Seat
S 458 (Ch. 34) ..... 140, 165, 169, 339.
Mental Health/Developmental Disabilities/
Substance Abuse Building
S 721 (CapExp Com) ..... 238.
Polkville Deannexation
H 208 (Ch. 28) ..... 164, 183, 275, 284, 309, 316.
Superior Court Judges Increased
S 27 [Sec. 200.5](Ch. 321) ..... 912.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
COASTAL AREA
Beach Access—see **Environment, Health, and Natural Resources** (Coast)
Beach/Harbor Development Projects
S 26 [Sec. 107](Ch. 561) ..... 1305.
Boating Guide—see **Boating and Water Safety**
Commercial Nets/Fishing Study (LRC)
—see **Studies** (Legislative Research Commission)
Dredging Projects Funds
S 1170 (H 1415)(CapExp Com)(In S 26) ..... 521.
Environmental Issues
—see **Environment, Health, and Natural Resources**
Fort Fisher Shoreline Protection
S 438 (CapExp Com) ..... 130, 770.
Marine Resources—see **Marine Resources**
Partnership for the Sounds Contracted Services
S 26 [Sec. 110](Ch. 561) ..... 1307.
COCAINE—see **Criminal Law** (Felony; Murder); **Medicine** (Drugs)
COCHRANE, Betsy L.—Senator Davidson (part), **Davie,** Forsyth (part), Rowan (part)—**38th District**
Minority Whip
Absent With Leave ..... 85, 648, 1067.
Adjournment Motion—Second ..... 49, 157, 213, 267, 409, 747.
Certificate of Election ..... 7.
Committee Assignments ..... 34, 35, 36, 39, 64, 65, 66, 131.
Standing—
Appropriations on Natural and Economic Resources (Vice-Chairman and Ranking Minority)
Environment and Natural Resources (Vice-Chairman)
Education/Higher Education (Ranking Minority)
Public Utilities (Ranking Minority)
Appropriations—Banks and Thrift Institutions—Children and Human Resources—Children and Human Resources on Veteran and Military Affairs, and Senior Citizens—State Personnel and State Government
Select—
Government Performance Audit

COCHRANE, Betsy L.—Senator (continued)
Committee Assignments (continued)
Statutory—
Legislative Ethics Committee ..... 585.
Legislative Services Commission ..... 85.
Conference—
S 27 ..... 600, 781.
H 120 ..... 434.
H 1062 ..... 1127.
Escorts—Honorable James B. Hunt, Jr., Governor ..... 67.
Minority Whip ..... 24.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 31, 32, 33, 34, 442, 723, 728, 886, 1121, 1191.
Co-Sponsor ..... 6, 15, 16, 17, 18, 25, 35, 48, 50, 65, 67, 89, 117, 153, 251, 342, 396, 424, 425, 440, 446, 472, 484, 500, 502, 511, 516, 534, 541, 542, 553, 570, 571, 572, 607, 617, 663, 665, 674, 675, 676, 694, 696, 733, 734, 735, 770, 818, 821, 848, 852, 858, 875, 876, 884, 904, 906, 919, 934, 949, 952, 970, 976, 993, 1012, 1013, 1027, 1029, 1093, 1129, 1135, 1174, 1175, 1176, 1180, 1200, 1222, 1250, 1260.

CODE
Administrative—see **Publications**
Building—see **Building**
Enforcement, Local—see Specific County
Ethics—see **Ethics**
Housing—see **Housing**; Specific County
Internal Revenue—see **Taxation**
Juvenile—see **Judicial Department**
Officials Qualification Board—see **Building**
Uniform Commercial
Funds Transfers
S 483 (H 546)(Ch. 157) ..... 157, 414, 434, 634.
Layaway Contract Clarification
S 709 (Ch. 340) ..... 232, 239, 405, 421, 422, 1003, 1019, 1023.
Lease Transaction Regulation
S 899 (Ch. 463) ..... 311, 486, 502, 1069, 1147, 1154, 1201.
Termination Statement Fee
S 701 (Fin Com) ..... 231.

CODINGTON, John—Senator Carteret (part), **New Hanover** (part), Onslow (part), Pender (part)—**4th District**
Absent With Leave ..... 84, 410, 1067, 1077.
Adjournment Motion—Second ..... 647, 758.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 35, 37, 41, 64, 65.
Standing—
Appropriations on General Government (Ranking Minority)
Appropriations—Children and Human Resources—
Insurance—Judiciary I—Ways and Means
Conference—
S 853 ..... 1109, 1231.
Oath of Office ..... 7.

CODINGTON, John—Senator (continued)
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 453, 507, 706, 707, 794, 1166, 1206.
Co-Sponsor ..... 18, 25, 50, 251, 342, 396, 397, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 440, 446, 479, 500, 511, 572, 607, 672, 674, 675, 676, 694, 719, 852, 853, 872, 875, 876, 884, 900, 906, 910, 912, 913, 914, 934, 966, 970, 1012, 1029, 1054, 1070, 1174, 1200, 1245, 1250, 1251.
COLLECTIVE BARGAINING—see **Labor**
COLLEGE—see **Higher Education**
COLUMBUS COUNTY—District 18—Senator R. C. Soles, Jr.
Economic Development Prospective Revenue
H 466 (Ch. 246/see S 708; H 544; H 791) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
Fairbluff
Southeastern Watermelon Festival
S 647 (Rules Com) ..... 210.
H 318 (Ch. 212) ..... 281, 625, 650, 655, 681.
Natural Gas Line to Industrial Park
S 1004 (CapExp Com)(In S 26) ..... 376.
Riegelwood Sanitary District Property Acquisition
H 856 (Ch. 266) ..... 425, 651, 660, 668, 677, 723.
Social Services Building Contract Exemptions
H 157 (Ch. 11) ..... 134, 149, 176, 182, 207.
Southeastern North Carolina Regional Economic Development Commission —see **Economic Development**
Waccamaw River No-Wake Zone
H 876 (Ch. 434) ..... 409, 694, 703, 1138.
Whiteville Education Board Appointments
H 43 (Ch. 1) ..... 57, 60, 61, 62.
COMMERCE AND BUSINESS [G.S. 66]
Advertising in Written Periodicals
H 1098 (Rules Com) ..... 551.
Applied Manufacturing Center/NCAT&T
S 26 [Sec. 49](Ch. 561) ..... 1278.
Automobile Manufacturing Facility Funds
S 26 [Sec. 27](Ch. 561) ..... 1269.
Bankruptcy—see **Banks**
Business and Consumer Advisory Council Renamed
H 611 (Ch. 248) ..... 513, 527, 694, 706, 709.
Business Enterprise Center/WCU
S 1015 (H 1191)(CapExp Com) ..... 383.
Business Investment Tax Credit
S 1141 (H 1362)(Ch. 443/see H 544) ..... 479, 650, 662, 669, 1012, 1038, 1107, 1128, 1139.
Business License Information Office Application System
S 26 [Sec. 41](Ch. 561) ..... 1275.
Chamber of Commerce—see Specific County
Commercial Loan—see **Banks**
Community In-Plant Training Programs
S 27 [Sec. 104](Ch. 321) ..... 851.
Corporations—see **Corporations**
Department of Commerce—see **Commerce Department**
Dispute Settlement—see **Mediation Services**

COMMERCE AND BUSINESS [G.S. 66] (continued)
Durham Service Corp Funds
S 1090 (Appr Com) ..... 439.
Family Business/Youth Employment
H 524 (Ch. 239) ..... 512, 527, 630, 644, 654, 670, 701.
Flea Market—see under this heading (Speciality Market)
Foreign Business—see **Corporations**; under this heading (International)
Franchise Tax—see **Taxation**
Health Care Reform Act
S 2 (Ins Com) ..... 29.
Income Tax—see **Taxation**
Industrial Development
Industrial Development Fund Qualification
H 992 (Ch. 444) ..... 1061, 1100, 1105, 1122, 1133, 1139.
Manufacturing Directory Proceeds for Advertising
S 27 [Sec. 297](Ch. 321) ..... 979.
Open Meetings Law Exemption
S 417 (H J2 Com) ..... 126, 171, 178.
H 120 (S/H conf com appt'd) ..... 195, 206, 213, 430, 433.
Pulp/Paper Manufacturing Program Technology Funds
S 27 [Sec. 81](Ch. 321) ..... 839.
Rural Economic Development Act Eligibility
S 503 (H 479)(reref CapExp Com)(In S 26; S 27) ..... 168, 770.
International
Finance Corporation Investments
S 481 (Ch. 105) ..... 154, 283, 310, 322, 580.
Piedmont Triad International Trade Council Funds
S 1260 (Appr Com) ..... 702.
Research Triangle World Trade Corporation Funds
S 1247 (CapExp Com)(In S 26) ..... 665.
Investment Tax Credit Expanded
S 1141 (H 1362)(Ch. 443/see H 544) ..... 479, 650, 662, 669, 1012, 1038, 1107, 1128, 1139.
Itinerant Merchant—see under this heading (Speciality Market)
Layaway Contracts/Escheats Law
S 709 (Ch. 340) ..... 232, 239, 405, 421, 422, 1003, 1019, 1023.
Leave Policy, Family/Medical
S 29 (H 53)(J2 Com) ..... 45.
License—see **License**
Loan Broker Fee Collection
S 681 (Ch. 339) ..... 224, 375, 396, 712, 762, 1005, 1015, 1020, 1023.
Loss/Income Tax Deduction Prior to 1989
S 1279 (Fin Com) ..... 736.
Manufacturing Directory, N.C.
Industrial Promotion—see under this heading (Industrial Development)
Minimum Wage—see **Labor** (Wage and Hour)
Minority—see **Minorities**
Mobile Office Sales Tax
S 154 (Ch. 484) ..... 70, 139, 147, 151, 1195, 1207, 1208, 1221.
Molds
Mold Lien and Retention Act
H 647 (Rules Com) ..... 535.
Retention of Molds, Dyes, Forms, and Patterns
H 765 (Ch. 541) ..... 347, 1163, 1203, 1223, 1313.

COMMERCE AND BUSINESS [G.S. 66] (continued)
Monopolies
Motor Fuel Marketing Act
S 343 (J1 Com) ..... 114.
Telephone Unsolicited Call Time Limitation
H 1112 (PubUtil Com) ..... 442, 557, 568, 579.
North American Free Trade Agreement Impact Study (LRC)
S 1271 (Rules Com/see H 1319) ..... 711.
Ports
Agriculture Export Program Funds
S 1174 (Appr Com) ..... 521.
Ports Authority, State
Appointment (Dawson)
S 1124 [Sec. 16](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Appointment (Stevenson)
H 439 [Sec. 2](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Membership Restriction Lifted
S 196 (H Rules Com) ..... 81, 324, 336, 337, 356.
Status and Separate Agency Study
S 27 [Sec. 314.1](Ch. 321) ..... 997.
Prison Industry—see **Prison**
Recycled Products Tax Credit Study (LRC)
H 1319 [Sec. 2.1(44)](ordered enrolled)(see S 1270; H 1132) 1249, 1320.
Regulated Metals Purchase/Secondary Metal Recycler
S 1006 (Ch. 295) ..... 376, 410, 511, 512, 738, 745, 747.
Sales and Use Tax Collection Discount
S 153 (H 645)(Fin Com) ..... 70.
Small Business
Community Colleges/Small Business Center Program
S 505 (H Educ Com) ..... 168, 414, 431, 463, 483.
Health Insurance Coverage/Claims
S 602 (H 610)(Ch. 408) ..... 193, 428, 453, 491, 1079, 1091, 1098.
Health Plan
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
Highway Projects
S 26 [Sec. 65](Ch. 561) ..... 1283.
Payment/Performance Bond Law
S 1242 (StPers&StGov Com) ..... 652.
Specialty Market
Merchandise Source Evidence
H 698 (H Rules Com) ..... 346, 1152, 1203.
Privilege License Requirements
S 1146 (H Rules Com) ..... 480, 683, 699, 704, 719, 727, 754, 763, 778.
Privilege License Tax Repeal
S 661 (Fin Com) ..... 211.
Retailers Sales License Displayed
S 183 (Ch. 372) ..... 80, 139, 148, 152, 1038, 1062, 1068.
Student Working Hours—see **Labor** (Wage and Hour)
Technology Extension Project
S 27 [Sec. 311](Ch. 321) ..... 990.
Tourism—see **Tourism**

COMMERCE AND BUSINESS [G.S. 66] (continued)
Women-owned
Polk Youth Institution Construction
S 1285 (CapExp Com) ..... 736.
COMMERCE DEPARTMENT
Capital Improvement Funds
S 26 [Part 24](Ch. 561) ..... 1296.
Community Development Block Grant Report—see **Appropriations**
Community Self-Help Center—see **Community**
Distressed County List to Revenue Secretary
H 654 (Ch. 45) ..... 441, 466, 491, 495, 510.
Economic Development Board
Created
S 184 (H Bus&Labor Com/see H 294) ..... 80, 393, 405, 406.
Secretary of State Membership
S 509 (H Bus&Labor Com) ..... 171, 233, 240, 248.
Economic Development Commission Expansion Study
S 26 [Sec. 102](Ch. 561) ..... 1297.
Economic Development Council/Planning Unit
S 193 (reref GovPerform Com/see H 294) ..... 81, 229, 246.
Economic Development Primary Responsibility
S 185 (GovPerform Com/see H 294) ..... 80.
Employment Training Center Funds
S 1152 (Appr Com) ..... 497.
Employment/Training Grant Program
S 1013 (H Rules Com) ..... 382, 394, 630, 1105, 1108.
Energy Division
Energy Development Authority Records
S 753 (StPers&StGov Com) ..... 251.
H 94 (Ch. 16) ..... 182, 236, 248, 255.
Energy Policy Management Program
S 92 (StPers&StGov Com) ..... 56.
H 101 (Ch. 334) ..... 161, 197, 213, 216, 234, 625, 628, 642, 1006, 1013, 1019.
Housing Finance Agency
Program Transfer
S 27 [Sec. 305](Ch. 321) ..... 982.
Reimbursement
S 27 [Sec. 305.1](Ch. 321) ..... 983.
Industrial Development
Advertising/Manufacturing Directory Proceeds
S 27 [Sec. 297](Ch. 321) ..... 979.
Industrial Recruitment Competitive Fund Created
S 27 [Sec. 314.3](Ch. 321) ..... 998.
Intergovernmental State/Local Relations Transfer
S 368 (reref Appr Com/see H 369) ..... 117, 208.
Nonprofit Agency Budget Allocation/Performance-Based
S 188 (H Appr Com/see H 294) ..... 80, 224, 464, 472.
S 192 (H Bus&Labor Com/see H 294) ..... 81, 340, 354.
Operating Funds
S 1101 (reref CapExp Com) ..... 455, 1018.
Community Development Corporation
Credit Union Sports Center
Microenterprise Program
North Carolina Equity
Opportunity Industrialization Centers
Rural Center Administration

COMMERCE DEPARTMENT (continued)
Personnel Reduction/84 Positions
S 190 (reref Rules Com/see H 294; H 1319) ..... 81, 229, 246, 1234.
Ports Authority, State
Status and Separate Agency Study
S 27 [Sec. 314.1](Ch. 321) ..... 997.
Racing Commission
S 116 (H 42)(reref J1 Com) ..... 60, 341.
Recycling Industry—see **Recycled Material**
Regional Office Consolidation
S 191 (GovPerform Com/see H 294) ..... 81.
S 238 (GovPerform Com) ..... 88.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Restructuring of Department Recommendations
S 190 (reref Rules Com/see H 294; H 1319) ..... 81, 229, 246, 1234.
Science and Technology Board Transfer
S 189 (GovPerform Com/see S 315; H 294) ..... 81.
Secretary
Salary, Annual
S 27 [Sec. 50](Ch. 321) ..... 816.
Strategic Economic Development Plan
S 504 (H 724)(H Bus&Labor Com)(In S 27) .... 168, 402, 464, 477, 483.
Tourism—see **Tourism**
Worker Training Program Type II Transfer
S 278 (H 336)(GovPerform Com) ..... 94.
COMMERCIAL DRIVER LICENSE—see **Motor Vehicle** (License, Operator)
COMMISSIONERS—see **Local Government** (County); **State** (Officers); Specific County
COMMISSIONS
Appointments—see **Appointments**
Boards—see **Boards and Commissions** (Board)
Commissions—see **Boards and Commissions** (Commission)
COMMITMENT—see **Mental Health; Prisons**
COMMITTEES
Conference
S 10 CON Modifications ..... 134, 141, 165, 168.
S 14 Education/Cleanwater/Parks Bond Act ..... 1079, 1083, 1085, 1167, 1196, 1237, 1241.
S 26 Capital Budget ..... 1114, 1205, 1252, 1313.
S 27 Current Operations Budget ..... 595, 600, 610, 781, 1001.
Report Attached [Sec. 320] ..... 999.
S 30 Assaulting a Sports Official ..... 680, 692, 734.
S 60 Advance Disposal Tax on White Goods ..... 1090, 1091, 1111, 1135, 1140, 1196.
S 100 Shellfish Lease Authority ..... 1092, 1111, 1125, 1163.
S 125 Purch. Money Sec./Refin. ..... 1017, 1018, 1040, 1043, 1063.
S 128 Highway Use Tax Exemptions 1051, 1053, 1085, 1097, 1112, 1163.
S 161 Special/Multiyear Plate Changes 1128, 1129, 1194, 1231, 1235, 1240.
S 431 Strict Liability/Minor's Damage ..... 776, 780, 1040.
S 513 Banking Amendments ..... 719, 731.
S 699 Rockingham Local Development ..... 241, 256, 274, 281.
S 710 Nash Room Tax Use ..... 1166, 1215, 1235, 1238.
S 785 Sheriff's Training Commission Membership 1245, 1249, 1250, 1315.
S 851 Scotland Coroner Abolished ..... 669, 670, 677, 718, 730.
S 853 Global TransPark Development Zone ..... 1108, 1109, 1123, 1230, 1236, 1237.
S 1066 Voter Preregistration ..... 1209, 1213, 1216.
S 1139 Increase Court Fees ..... 728, 731, 767.

COMMITTEES (continued)
Conference (continued)
S 1148 Preferred Provider Contracts ..... 746, 757, 1202, 1236.
S 1222 Disabled Sportsman Program ..... 1213, 1216, 1218, 1251.
H 101 Energy Policy for State Government ... 625, 628, 642, 1006, 1013.
H 120 Open Meetings/Records Law Changes ..... 430, 433.
H 235 Prison Bond Funds/Inmate Labor ..... 1086, 1228, 1229.
H 358 Child Protection Initiatives ..... 1135, 1143.
H 385 DWI Amendments ..... 638, 715, 730.
H 402 Child Support/School/Requirement ..... 665, 670, 1008, 1013.
H 416 No Shellfish Leases in Core Sound ..... 430, 434, 448, 472.
H 485 Navigation Rules ..... 752, 753, 756, 758, 1032, 1040.
H 539 Business Corporation Act Amendments ..... 780, 1219, 1246.
H 602 Trauma System Act of 1993 ..... 707, 728, 1006, 1013.
H 747 N.C. Veterinary Practice Act ..... 1124, 1126, 1130, 1149, 1203.
H 799 Burke/Zoning Notice ..... 1080, 1086, 1130 1164, 1193.
H 873 Chiropractor Insurance Equality ..... 1081, 1087, 1228, 1234.
H 1008 Penalties/Weapons in School ..... 1123, 1125, 1127, 1129, 1247, 1250.
H 1062 Death Penalty/Mentally Retarded ..... 1124, 1127.
H 1158 Billboards (NC-752 & US-52) ..... 1041, 1215, 1240, 1244.
Escorts
Charlotte Hornets' Mascot ..... 32.
Chief Justice of the Supreme Court of N.C. ..... 214.
Deputy President Pro Tempore-elect ..... 18.
Governor, State of North Carolina ..... 66, 67.
Junior Miss America ..... 1060.
Marks, Kelly ..... 162.
Miss North Carolina ..... 167.
President Pro Tempore-elect ..... 14.
Principal Clerk-elect ..... 20.
Reading Clerk-elect ..... 21.
Sergeant-at-Arms of the 1991 Session
Associate Justice of the Supreme Court of N.C. ..... 8.
Chapel Hill Vocal Ensemble ..... 5.
Judiciary Members ..... 5.
Sergeant-at-Arms-elect ..... 22.
Shinn, George ..... 739.
Under Secretary, U.S. Department of Agriculture ..... 1029.
University of North Carolina at Chapel Hill
Men's Basketball Team ..... 287.
Women's Soccer Team ..... 339.
Vice President of the United States ..... 90.
Interim
Authorization to Meet
S 1297 (calendar) ..... 1139, 1198, 1237.
Legislative—see **Boards and Commissions** (Legislative)
Recall from Committee—Rule 47(b)
S 1010 (adopted) ..... 382, 427, 449, 1532.
Select, Senate—see also Individual Senator
Bonds ..... 162, 166.
Government Performance Audit
Appointed ..... 41, 66.
Education Agency Reorganization
S 27 [Sec. 144.1](Ch. 321) ..... 879.
Implementation of Recommendation Funds
S 26 [Sec. 20; 24](Ch. 561) ..... 1267, 1269.
Recommendations of Committee—see H 345

COMMITTEES (continued)
Select, Senate (continued)
Government Performance Audit (continued)
Review of Recommendation Implementation
S 147 (reref Appr Com/see H 290) ..... 69, 76, 111.
Transportation Department Recommendation
S 27 [Sec. 149](Ch. 321) ..... 885.
SB 906 (Workers' Compensation) ..... 540.
Standing, Senate—see also Individual Senator
Agriculture, Marine Resources, and Wildlife ..... 33, 63.
Swine Farm Tours
S 926 (H 1159)(reref Appr Com)(In S 26) ..... 318, 1024, 1028.
Appropriations ..... 33, 63.
Capital Improvements Proposed
S 27 [Sec. 17.1(d); 260.1](Ch. 321) ..... 793, 954.
S 260 (reref Appr Com/see H 330) ..... 92, 207.
Department of Transportation ..... 33, 63.
Education ..... 33, 64.
General Government ..... 33, 64.
Human Resources ..... 33, 64.
Justice and Public Safety ..... 34, 64.
Natural and Economic Resources ..... 34, 64.
Banks and Thrift Institutions ..... 34, 64, 131.
Capital Expenditures and Improvements ..... 35, 64.
Children and Human Resources ..... 35, 42, 64, 122.
Subcommittee on Veteran and
Military Affairs and Senior Citizens ..... 64.
Constitution and Election Laws ..... 35, 64, 122.
Economic Development/Travel and Tourism ..... 36, 64, 123.
Education/Higher Education ..... 36, 65.
Environment and Natural Resources ..... 36, 65.
Finance ..... 37, 65.
Insurance ..... 37, 65, 123.
Judiciary I ..... 38, 65.
Judiciary II ..... 38, 65.
Local Government and Regional Affairs ..... 38, 65, 123.
Manufacturing and Labor ..... 39, 65.
Pensions and Retirement ..... 39, 42, 65, 123.
Public Utilities ..... 39, 65.
Rules and Operation of the Senate ..... 40, 65.
State Personnel and State Government ..... 40, 65.
Transportation ..... 40, 66, 123.
Ways and Means ..... 41, 66.
Statutory—see **Boards and Commissions**
COMMODITIES ACT [G.S. 78D]—see **Commerce and Business**
COMMON LAW [G.S. 4]
COMMUNICABLE DISEASE—see **Public** (Health—Communicable Disease)
COMMUNICATIONS—see **Telecommunications**
COMMUNITY
Action Programs [G.S. 108B]
Centers/Capital Improvements/Funds
Community Self-Help Center Funds
S 27 [Sec. 308](Ch. 321) ..... 984.
Garner Community Center Construction
S 1213 (H 1482)(CapExp Com) ..... 575.
Netta Community Center (Lenoir)
S 1036 (CapExp Com) ..... 392.

COMMUNITY (continued)
Centers/Capital Improvements/Funds (continued)
Northwest Recreation Building Funds (Brunswick)
S 1016 (CapExp Com) ..... 383.
Spring Lake (Cumberland)
S 988 (H 1210)(CapExp Com) ..... 360.
Topsail Island Assembly Building
S 1166 (CapExp Com) ..... 520.
Child Protection Team—see **Child**
Colleges [G.S. 115D]—see **Higher Education**
Community-Based Corrections Plan
S 405 (J1 Com) ..... 125.
H 281 (Ch. 534) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1223, 1246.
Community Development Block Grant Reports
S 27 [Sec. 299](Ch. 321) ..... 979.
Community Penalties Program Funds
S 26 [Sec. 78](Ch. 561) ..... 1287.
S 27 [Sec. 189](Ch. 321) ..... 903.
Community Service Work Program Transfer
S 27 [Sec. 178.1](Ch. 321) ..... 899.
Corrections Programs Reorganization
S 27 [Sec. 178.1](Ch. 321) ..... 899.
S 240 (H 301)(reref Appr Com) ..... 88, 227.
Development
Corporation Defined/Fund Allocations
S 26 [Sec. 104](Ch. 561) ..... 1299.
Corporation Funds
S 1101 (reref CapExp Com) ..... 455, 1018.
Economic Development
—see **Economic Development; Local Government**
Health Districts Created
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
Penalties Program—see **Prison** (Parole/Probation)
Property Disposition [G.S. 31C]—see **Married Persons** (Divorce)
School Safety Task Force Coordinator
S 1096 (H 1299)(Appr Com) ..... 440.
Service Parole—see **Prisons** (Parole)
Service Restitution Program—see **Criminal Procedure** (Parole)
Water System—see **Water**
Youth Services—see **Judicial Department** (Youth)
COMMUTE—see **Transportation** (Public Transit)
COMPACT COMMISSION—see **Public** (Health—Hazardous Waste)
COMPANY POLICE ACT [G.S. 74E]—see **Law Enforcement** (Police)
COMPARATIVE FAULT—see **Civil** (Procedure); **Insurance**
COMPENSATION—see **State** (Personnel—Salaries)
COMPENSATORY LEAVE—see **State** (Personnel)
COMPETENCY—see **Judicial Department; Mental Health**
COMPLIANCE REVIEW COMMISSION, LEGISLATIVE
—see **Boards and Commissions** (Legislative)
COMPREHENSIVE MAJOR MEDICAL PLAN—see **State** (Personnel)
COMPULSORY SCHOOL ATTENDANCE—see **Education** (Attendance)
COMPUTERS—see also **Telecommunications**
Charlotte Equipment Bid Exemption (Mecklenburg)
H 882 (Ch. 196) ..... 353, 614, 621, 637, 664.
Computer Crime Act Definition/Amendments
H 822 (J1 Com) ..... 409.

COMPUTERS (continued)
Drivers License/Vehicle Registration System Report
S 27 [Sec. 152](Ch. 321) ..... 888.
Employment Security Commission Data Processing Center
S 743 (reref Appr Com) ..... 250, 403.
Industrial Development Fund Qualification
H 992 (Ch. 444) ..... 1061, 1100, 1105, 1122, 1133, 1139.
Insurance Department Computer Operation Funds
S 1079 (Appr Com) ..... 438.
Labor Department Linkage Expansion
S 1137 (H 1334)(Appr Com)(In S 26) ..... 479.
Learning Link/UNC Access
S 27 [Sec. 100](Ch. 321) ..... 848.
S 1127 (H 1308)(Appr Com) ..... 457.
Leasing Versus Purchase Mainframe Computer
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 318 (reref Appr Com/see S 315) ..... 108, 219.
Legal Research/Document by Reference Study
S 1092 (Rules Com/see H 1319) ..... 439.
LINCNET Management/Report, UNC
S 27 [Sec. 77](Ch. 321) ..... 835.
Motor Vehicles Division Report to Appropriations Committees
S 27 [Sec. 165](Ch. 321) ..... 892.
Personal Computer Accountability
S 740 (H 171)(reref Appr Com) ..... 249, 657.
Personal Computer Purchase Procedure
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 329 (GovPerform Com/see S 315; H 322) ..... 109.
Resource Purchase Policy for State Agency
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 325 (GovPerform Com/see H 322) ..... 109.
Software Tax Exemption
S 658 (H 911)(Ch. 459) ..... 210, 275, 286, 322, 335, 352, 368, 373, 399, 406, 1140, 1153, 1200.
Training/Leadership Technology
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 321 (GovPerform Com/see H 322) ..... 108.
C.O.N. (Certificate of Need)—see **Medicine**
CONDEMNATION/DISPOSAL OF PROPERTY
—see **Eminent Domain**
CONDER, J. Richard—Senator Anson, Hoke (part), Montgomery, **Richmond,** Scotland, Stanly (part), Union—**17th District**
Majority Leader
Absent With Leave ..... 171.
Adjournment Motion ..... 572, 1315.
Adjournment Motion—Second ..... 348, 465, 1033.
Certificate of Election ..... 6.

CONDER, J. Richard—Senator (continued)
Committee Assignments ..... 36, 37, 39, 40, 41, 64.
Standing—
Finance (Vice-Chairman)
Rules and Operation of the Senate (Vice-Chairman)
Appropriations—Appropriations on General Government—
Education/Higher Education—Pensions and Retirement—
Transportation—Ways and Means
Select—
Government Performance Audit
Statutory—
Education Oversight Committee, Legislative ..... 622.
Employee Hospital and Medical Benefits Committee ..... 380.
Governmental Operations, Joint Legislative Commission on ..... 112.
Conference—
S 27 ..... 600, 781.
S 30 ..... 692.
S 851 ..... 670, 718.
S 1148 ..... 753, 1202.
Escorts—
Honorable James G. Exum, Chief Justice ..... 214.
Honorable James B. Hunt, Jr., Governor ..... 66, 67.
Miss North Carolina U.S.A., Christa Tyson ..... 167.
Principal Clerk-elect ..... 20.
Majority Leader ..... 22.
Oath of Office ..... 7.
Remarks Spread—
Majority Leader Remarks ..... 23.
Jeralds Eulogy ..... 105.
Quinn Eulogy ..... 364.
Thompson Eulogy ..... 1157.
Votes Recorded—
H 453 ..... 543.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 19, 28, 30, 223, 335, 481, 482, 509, 524, 560, 575, 630, 711, 779, 804, 805, 934, 1000, 1067, 1106, 1181, 1265, 1299.
Co-Sponsor ..... 12, 13, 23, 68, 96, 97, 98, 99, 100, 113, 116, 122, 130, 218, 219, 248, 251, 256, 336, 337, 400, 420, 424, 440, 518, 519, 520, 521, 556, 572, 616, 628, 674, 676, 780, 793, 814, 815, 850, 851, 852, 869, 872, 876, 878, 881, 891, 892, 893, 906, 919, 920, 952, 956, 960, 969, 976, 977, 981, 989, 1002, 1010, 1129, 1174, 1180, 1185, 1189, 1194, 1200, 1202, 1203, 1204, 1230, 1246, 1248, 1250, 1264, 1268, 1269, 1271.
Endorsement After First Reading—
S 68 ..... 54.
CONDOMINIUM ACT [G.S. 47C]
Unit Ownership [G.S. 47A]
CONFEDERATE HOME [G.S. 112]
Repeal of Statute
S 744 (Ch. 257) ..... 250, 340, 451, 488, 722.
CONFIDENTIALITY
Auditor Hotline Complaints
H 210 (Ch. 152) ..... 127, 178, 611, 624, 627.
Barrier to Services Needs
S 22 (Rules Com/see H 1319) ..... 31.

CONFIDENTIALITY (continued)
Criminal Record State Employee
H 554 (Ch. 350) ..... 385, 1011, 1030, 1033.
DNA Database and Databank Profiles and Samples
H 1050 (Ch. 401)(In S 27) ..... 512, 530, 1030, 1049, 1088.
Mental Health Facility Disclosure
S 487 (J1 Com) ..... 160.
H 364 (Ch. 516) ..... 458, 1151, 1153, 1154, 1243.
Open Meetings/Records Law Changes
S 417 (H J2 Com) ..... 126, 171, 178.
H 120 (S/H conf com appt'd) ..... 195, 206, 213, 430, 433.
Patient Records Investigation
S 598 (recommit J2 Com) ..... 192, 255, 267.
H 613 (H J2 Com) ..... 314, 1026, 1049.
Water and Sewer Authority Personnel Record
S 611 (Ch. 505) ..... 194, 278, 321, 1211, 1213, 1242.
CONFIRMATIONS AND CONSENTS—see also **Appointments**
Confirmations
Controller, State (Renfrow) ..... 1009, 1034, 1055, 1097.
Education, State Board
(Davis, Douglas, Harvey) ..... 333, 587, 588.
H 1248 (Res. 15) ..... 587, 588.
Personnel Commission, State (Sobol) ..... 552, 619, 626.
Teachers' and State Employees' Retirement System, Board of Trustees
(Copley, Davis, Edgerton, Grice, Johnson, Wilkins, Wilson) ..... 1014, 1164.
Utilities Commission, North Carolina ..... 389.
Commissioner Appointed (J. Hunt)
S 1161 (H 1400)(Res. 17) ..... 497, 616, 618, 627.
Commissioner Appointed (R. Hunt)
S 1162 (H 1398)(Res. 18) ..... 498, 616, 618, 627.
Commissioner Appointed (Thomas)
S 1160 (H 1399)(Res. 16) ..... 497, 616, 618, 627.
Consents
Agriculture, North Carolina Board
(Berry, Finch, Turner) ..... 659, 739.
Elections—see **Elections**
CONFLICT OF INTEREST—see **Ethics**
CONGRESS
Districts—see **Elections**
Memorialized—see **Resolutions, Joint**
Terms—see **Elections**
CONSERVATION AND DEVELOPMENT [G.S. 113]
—see **Environment, Health, and Natural Resources**
CONSOLIDATION OF LOCAL GOVERNMENTS [G.S. 160B]
—see **Local Government**
CONSTITUTION, NORTH CAROLINA
Amendment, Proposed
District Court Judge Term
S 514 (Const Com) ..... 172.
S 531 (failed 2nd rdg) ..... 177, 324, 334, 354, 373, 398, 420, 451, 461, 478.
Economic Development Financing Bonds by Local Government
S 1157 (H 1372)(Ch. 497) ..... 497, 516, 558, 568, 569, 577, 578, 594, 1130, 1153, 1205, 1207, 1222.
Education, Abolish State Board
S 677 (Const Com) ..... 218.

CONSTITUTION, NORTH CAROLINA (continued)
Amendment, Proposed (continued)
Fines and Forfeitures—Article IX [Sec. 7]
S 1167 (Rules Com/see H 1319) ..... 520.
General Assembly
Session Length Limited/90 Days
S 17 (unf rpt) ..... 30, 404.
Term Limits
S 15 (unf rpt) ..... 30, 468.
S 79 (unf rpt) ..... 54, 468.
S 660 (unf rpt) ..... 211, 468.
Governor/Lieutenant Governor Joint Candidates
S 77 (Const Com) ..... 54.
Punishment Suspension Conditions
S 342 (H Const Com) ..... 114, 387, 404, 420, 450.
Redistricting, Non-Partisan (Article II [Sec. 25])
S 1218 (Rules Com) ..... 584.
Superintendent of Public Instruction
Appointed by State Board of Education
S 28 (H Const Com) ..... 44, 245, 330, 353.
S 388 (H 321)(reref Ed/HighEd Com) ..... 119, 204.
Veto, Gubernatorial
S 25 (H ppi/see H 39; H 45; H 62; H 1072) ..... 43, 358, 398, 405.
Constitutional Review Commission/State Government Structure
S 21 (reref Appr Com/see H 1319) ..... 30, 404, 574.
Convention of 1868 Recognized
H 181 (Res. 4) ..... 141, 176, 183, 184.
CONSTITUTION, UNITED STATES—see **United States**
CONSTRUCTION—see also **Contract**
Bidding Requirements—see **Bids**
Building Code—see **Building**
Construction Delivery System Alternative (Pamlico/Martin)
S 992 (Ch. 404) ..... 375, 454, 470, 1074, 1083, 1088.
Highways—see **Transportation** (Roads and Highways)
Regional Facility Authority Exemption
S 1053 (H Appr Com) ..... 408, 751, 1096, 1119, 1144.
H 1003 (H Appr Com) ..... 1130, 1148, 1198.
Roofing Permit Requirement
H 844 (Ch. 381) ..... 481, 750, 761, 1015, 1044, 1077.
State Government—see **State** (Buildings)
Swimming Pool—see **Public** (Health)
Toilet Facility Standards for Workers
H 1492 (Ch. 528) ..... 1069, 1072, 1143, 1204, 1244.
CONSUMER
Finance Act—see **Banks; Interest**
Protection—see **Criminal Law**
Insurance Consumer Protection Funds—see **Funds; Insurance**
Studies—see **Studies** (LRC)
CONTEMPT [G.S. 5A]
Probation Violation
S 1033 (H J3 Com) ..... 392, 445, 490.
CONTINGENCY RESERVE—see **Funds**
CONTINUING CARE FACILITY—see **Medicine** (Long-Term Care)
CONTRACT [G.S. 22; 22B]
Advertising/For-Profit Periodical
H 1098 (Rules Com) ..... 551.
Bidding Requirements—see **Bids**
Certificate of Participation—see **Local Government**

CONTRACT [G.S. 22; 22B] (continued)
Construction/Repair In-State Contractor
S 824 (CapExp Com) ..... 264.
Contractor [G.S. 87]
Automated Claims Processing/Department of Corrections
S 245 (H Appr Com/see H 274) ..... 89, 207, 216, 234.
Bids—see **Bids**
Building/Structural Improvement License Requirement
S 871 (H Fin Com) ..... 279, 474, 682, 696, 704, 714.
Fire Sprinkler—see **Fire Protection**
General Contractor
License Renewal Fees
S 616 (Fin Com) ..... 194.
H 564 (Ch. 112) ..... 441, 539, 548, 553, 580.
Licensing Board—see **Boards and Commissions** (Board)
Roster Published
S 536 (Ch. 148) ..... 180, 417, 435, 627.
Landscape—see **Landscape Contractor**
Minority Surety Bond Study
S 26 [Sec. 39](Ch. 561) ..... 1274.
Non-Licensed Contractor Limit $50,000
H 1034 (J2 Com) ..... 409.
Plumbing/Fire Sprinkler Separate Bid
S 1098 (Mfg&Labor Com) ..... 455.
Single Prime Contractor
Capital Projects Strategy/Goals
S 139 (reref GovPerform Com/see H 306) ..... 68, 75.
Wastewater System Contractor Licensing Board
S 978 (H 953)(reref Fin Com) ..... 359, 597, 1071.
Highway Construction/Highway Trust Fund Program
S 177 (reref Appr Com/see H 323) ..... 74, 200.
Highway Maintenance Program
S 176 (reref Appr Com/see H 323) ..... 74, 199.
Highway Preconstruction Personnel Limited
S 178 (reref Appr Com/see H 323) ..... 74, 200.
Layaway Contract/Escheats Law
S 709 (Ch. 340) ..... 232, 239, 405, 421, 422, 1003, 1019, 1023.
Local Area Authority—see Specific County
Minority/Women Contract Study
S 835 (H 871)(reref CapExp Com)(In S 26) ..... 265, 700, 1001.
Omnibus/General Government
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Privatization of State Services
S 146 (reref GovPerform Com/see H 306) ..... 69, 75, 111, 122, 129.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Public Buildings—see **State** (Building)
Purchase and Contract
Contractual Service Defined/Rules
H 23 (StPers&StGov Com) ..... 158.
Correction Enterprises Program Policy
S 26 [Sec. 76](Ch. 561) ..... 1286.
S 135 (H Appr Com/see H 306) ..... 68, 75, 412, 434.
Forum Selection Provision Void
H 1027 (Ch. 436) ..... 512, 529, 1095, 1122, 1138.
Handicapped/Minorities/Disabled Business Enterprise
H 946 (Ch. 252) ..... 513, 529, 695, 707, 709.

CONTRACT [G.S. 22; 22B] (continued)
Purchase and Contract (continued)
Management Information System
S 137 (reref GovPerform Com/see H 306) ..... 68, 75.
Priority of Purchase Programs
S 148 (reref GovPerform Com/see H 306) ..... 69, 76, 77.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Procurement Practices
S 27 [Sec. 76](Ch. 321) ..... 835.
S 134 (reref GovPerform Com/see H 306) ..... 68, 75.
Purchasing Laws Update
H 1046 (Rules Com) ..... 696.
Purchasing Manual Rewrite, State
S 27 [Sec. 76](Ch. 321) ..... 835.
S 134 (reref GovPerform Com/see H 306) ..... 68, 75.
S 137 (reref GovPerform Com/see H 306) ..... 68, 75.
S 145 (recommit GovPerform Com/see H 306) ... 69, 75, 111, 122, 129.
S 148 (reref GovPerform Com/see H 306) ..... 69, 76, 77.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Staff Reduction/Redirection
S 131 (H 344)(reref GovPerform Com) ..... 67, 74.
S 136 (H 343)(reref GovPerform Com) ..... 68, 75.
Term Contract Requirement, State
S 140 (reref GovPerform Com/see H 306) ..... 68, 75, 111, 122, 128.
Real Property in Litigation Out of State
S 914 (Ch. 294) ..... 313, 454, 489, 726, 732, 745, 747.
School Board Authority
S 882 (H 994)(reref Appr Com) ..... 289, 369.
School Non-Certified Employee—see **State** (Personnel—School Employee)
Small Business Surety Bond
S 1242 (StPers&StGov Com) ..... 652.
Social Services Facility Exemption (Columbus)
H 157 (Ch. 11) ..... 134, 149, 176, 182, 207.
Specificiations for Disadvantaged Business (Durham/Durham City)
S 837 (H LocGov 1 Com) ..... 265, 403, 420, 433.
S 838 (H LocGov 1 Com) ..... 265, 403, 420, 433.
State Employee Personally Liable
S 759 (reref J2 Com) ..... 251, 469, 501.
H 20 (J2 Com) ..... 480.
Transportation Department Specialized Services Threshold
S 562 (Appr Com) ..... 186.
CONTRIBUTION [G.S. 1B]
CONTROLLED SUBSTANCE
Drug Abuse—see **Drugs** (Abuse)
Examination for Employment—see **Labor Department**
Prescription—see **Medicine**
Schedule—see **Criminal Law**
CONTROLLER, STATE
Budget Format Restructured
S 261 (GovPerform Com/see H 330)(In S 27) ..... 92.
Information Resource Management Commission Funds
S 747 (Appr Com) ..... 250.
S 1103 (H 1330)(Appr Com) ..... 455.
Insurance Department Accounting Procedures Review
S 27 [Sec. 42](Ch. 321) ..... 813.

CONTROLLER, STATE (continued)
Management and Productivity Transfer to Administration Department
S 241 (GovPerform Com/see H 369) ..... 88.
Operating Funds
S 1103 (H 1330)(Appr Com) ..... 455.
Salary, Annual
S 27 [Sec. 51](Ch. 321) ..... 816.
Set-Off Debt Collection Program
H 124 (Ch. 512) ..... 1065, 1093, 1116, 1146, 1243.
SIPS Type I Transfer to Administration
S 263 (GovPerform Com/see H 369) ..... 93.
Workers' Compensation Office—see **Workers' Compensation**
CONVENES
Daily ..... 5, 28, 42, 44, 47, 50, 52, 55, 58, 61, 66, 72, 77, 85, 90, 96, 107, 112, 123, 129, 132, 135, 138, 143, 146, 148, 153, 157, 159, 163, 166, 170, 175, 179, 184, 190, 196, 206, 214, 222, 230, 236, 242, 255, 262, 268, 277, 286, 315, 323, 329, 338, 348, 357, 371, 380, 390, 400, 409, 426, 443, 465, 496, 515, 522, 531, 537, 545, 551, 556, 562, 570, 572, 579, 589, 595, 604, 610, 617, 626, 633, 639, 647, 656, 663, 671, 681, 693, 700, 708, 722, 733, 738, 747, 758, 774, 1002, 1010, 1021, 1033, 1048, 1052, 1067, 1077, 1087, 1094, 1109, 1136, 1192, 1233.
Joint Session ..... 72, 96, 221, 586.
Second Session
S 1297 (calendar) ..... 1139, 1198, 1237.
S 1299 (Res. 31) ..... 1252, 1316.
Statutory [G.S. 120-11.1] ..... 5.
CONVEYANCES [G.S. 39]
Tax—see **Taxation** (Excise)
CONVICTION—see Civil (Procedure); **Criminal Procedure; Prisons**
COOPER III, Roy A.—Senator Edgecombe (part), Halifax (part), **Nash,** Wilson (part)**—10th District**
Absent With Leave ..... 91.
Adjournment Motion—Second ..... 153, 633.
Certificate of Election ..... 6.
Committee Assignments ..... 35, 36, 37, 38, 39, 40.
Standing—
Judiciary II (Chairman)
Manufacturing and Labor (Vice-Chairman)
Children and Human Resources—Constitution and Election Laws—Economic Development/Travel and Tourism—Education/Higher Education—Environment and Natural Resources—Finance—Rules and Operation of the Senate
Select—
S 906 (Worker's Compensation)(Vice-Chairman) ..... 540.
Statutory—
Ethics Committee, Legislative ..... 585.
Conference—
S 125 ..... 1018, 1044.
S 161 ..... 1129, 1232.
S 699 ..... 241, 274.
S 710 ..... 1166, 1239.
S 785 ..... 1245, 1251.
S 853 ..... 1109, 1231.
S 1148 ..... 753, 1202.

COOPER III, Roy A.—Senator (continued)
Committee Assignments (continued)
Conference—(continued)
H 101 ..... 642, 1008.
H 120 ..... 434.
H 358 ..... 1143.
H 402 ..... 671, 1008.
H 539 ..... 780, 1220.
H 873 ..... 1087, 1235.
H 1008 ..... 1127, 1248.
Escorts—
Honorable James G. Exum, Chief Justice ..... 214.
Reading Clerk-elect ..... 21.
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Oath of Office ..... 7.
Remarks Spread—
Thompson Eulogy ..... 1158.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 69, 233, 234, 235, 417, 418, 476, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 619, 631, 639, 640, 641, 642, 643, 644, 645, 646, 668, 669, 670, 693, 709, 710, 785, 839, 840, 841, 842, 879, 880, 881, 891, 892, 893, 930, 931, 984, 985, 986, 1044, 1081, 1082, 1094, 1095, 1096, 1116, 1123, 1124, 1267.
Co-Sponsor ..... 45, 46, 47, 51, 52, 53, 55, 56, 57, 58, 59, 60, 90, 91, 92, 93, 94, 95, 162, 251, 256, 337, 421, 441, 534, 572, 674, 675, 676, 696, 714, 853, 873, 876, 878, 919, 956, 969, 993, 1012, 1025, 1027, 1029, 1037, 1174, 1180, 1200, 1245, 1250.
CO-OPERATIVE ORGANIZATION [G.S. 54]
Corporation—see **Corporations**
COPYRIGHT
Mold Retention—see **Commerce and Business**
CORONERS [G.S. 152]—see Specific County
CORPORAL PUNISHMENT—see **Child; Education; Prisons**
CORPORATE TRANSACTIONS [G.S. 75E]
CORPORATIONS [G.S. 55]
Assets Liquidation Procedures
S 868 (Ch. 218) ..... 278, 394, 406, 676, 692, 693.
Business Development Corporation [G.S. 53A]
Business Development Corporation Act Amendments
S 582 (J2 Com) ..... 188.
H 539 (Ch. 552) ..... 514, 527, 640, 653, 670, 780, 1219, 1246, 1314.
Dissolution/Reinstatement Certificate of Authority
S 868 (Ch. 218) ..... 278, 394, 406, 676, 692, 693.
Engineer/Land Surveyor Registration/Fees
H 382 (J2 Com) ..... 440.
Financial Statement Reflects State Funds
S 27 [Sec. 45](Ch. 321) ..... 814.
Foreign Cooperative Corporation
S 582 (J2 Com) ..... 188.
H 539 (Ch. 552) ..... 514, 527, 640, 653, 670, 780, 1219, 1246, 1314.
International Finance Corporation—see **Commerce and Business**
Job Tax Credit—see **Taxation** (Income)

CORPORATIONS [G.S. 55] (continued)
Limited Liability Company Act
S 780 (reref Fin Com) ..... 254, 652.
H 923 (Ch. 354) ..... 684, 705, 749, 764, 779, 1034.
Nonprofit
Administrative Dissolution Grounds
S 584 (H 540)(Fin Com) ..... 188.
S 585 (J2 Com) ..... 188.
H 624 (Ch. 398/see H 544) ..... 592, 688, 1025, 1046, 1058, 1088.
Camel 24 Fellowship Capital Improvement Funds
S 1257 (Appr Com) ..... 695.
Charitable Solicitation Unit Transfer to Attorney General
S 360 (reref Appr Com/see H 342) ..... 116, 220.
Child Caring Agency Grant-in-Aid
S 966 (H 1187)(Appr Com) ..... 345.
City/County Conveyance Vote
S 897 (Ch. 491) ..... 311, 416, 432, 433, 1206, 1209, 1222.
Community Development Corporation—see also **Community** Defined
S 26 [Sec. 104](Ch. 561) ..... 1299.
Conflict of Interest Policy
S 27 [Sec. 16](Ch. 321) ..... 791.
S 399 (H 282)(reref J2 Com) ..... 121, 188.
Criminal Justice Partnership Plan
S 405 (J1 Com) ..... 125.
H 281 (Ch. 534) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1223, 1246.
Disabled Business Enterprise
H 946 (Ch. 252) ..... 513, 529, 695, 707, 709.
Economic Development Activity Comprehensive Review
S 186 (GovPerform Com/see H 294) ..... 80.
S 188 (H Appr Com/see H 294) ..... 80, 224, 464, 472.
Economic Development Activity Responsibilities
S 185 (GovPerform Com/see H 294) ..... 80.
Economic Development Performance-Based Indicator/Contracts
S 188 (H Appr Com/see H 294) ..... 80, 224, 464, 472.
S 192 (H Bus&Labor Com/see H 294) ..... 81, 340, 354.
Habitat for Humanity Tax Exemption
S 1108 (Fin Com) ..... 456.
H 936 (Ch. 230) ..... 584, 672, 691, 694.
Health Care Program In-Kind Employee
S 27 [Sec. 250](Ch. 321) ..... 947.
Historical Organization Grant-in-Aid
S 26 [Sec. 36](Ch. 561) ..... 1274.
Management of Institutional Fund [G.S. 36B]
Medical Surplus Equipment Donation
S 750 (H Hlth Com) ..... 250, 324, 396, 406.
Nonprofit Corporation Act Revision
S 584 (H 540)(Fin Com) ..... 188.
S 585 (J2 Com) ..... 188.
H 624 (Ch. 398/see H 544) ..... 592, 688, 1025, 1046, 1058, 1088.
Partnership for Children, Inc., N.C.
S 27 [Sec. 254](Ch. 321) ..... 948.
Registration Fees to Secretary of State
S 584 (H 540)(Fin Com) ..... 188.
S 585 (J2 Com) ..... 188.
H 624 (Ch. 398/see H 544) ..... 592, 688, 1025, 1046, 1058, 1088.

CORPORATIONS [G.S. 55] (continued)
Nonprofit (continued)
Richmond Memorial Hospital
S 335 (Ch. 10) ..... 110, 149, 155, 191.
Solicitations of Contributions Act—Ch. 131F
S 940 (H Rules Com) ..... 325, 725, 1036, 1102.
Union Tavern-Thomas Day House Restoration
S 1287 (CapExp Com) ..... 736.
Printer, Out-of-State Contractor
S 715 (H 933)(J2 Com) ..... 237.
Professional
Corporation Act [G.S. 55B]
Limited Liability Company Act
S 780 (reref Fin Com) ..... 254, 652.
H 923 (Ch. 354) ..... 684, 705, 749, 764, 779, 1034.
S Corporations
Deductible Income—see **Taxation** (Income)
Income Tax Adjustments
S 155 (Ch. 485/see H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
H 74 (Rules Com) ..... 1012.
Stock
Director/Officer When State Holds Majority
S 995 (H J1 Com) ..... 375, 411, 444, 490.
Director Removal with State-Owned Majority
S 1009 (H J1 Com) ..... 377, 411, 444, 490, 493.
Intangible Tax Exemption/Private Trade
S 1245 (H Fin Com) ..... 658, 1025, 1048, 1059.
Tax Exemption
S 155 (Ch. 485/see H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
H 74 (Rules Com) ..... 1012.
Taxpayer Identification Information Shared
S 155 (Ch. 485/see H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
H 74 (Rules Com) ..... 1012.
Trustee Remuneration for Services
H 496 (Ch. 126) ..... 440, 557, 569, 596.
CORRECTION DEPARTMENT—see **Prisons**
CORRECTION ENTERPRISE—see **Prisons** (Enterprise)
CORRECTIONAL CENTER FOR WOMEN—see **Prisons**
CORRUPT ORGANIZATION (RICO) [G.S. 75D]
COSMETIC ART [G.S. 88]
Esthetic Services Non-Regulated
S 857 (Ch&HumRes Com) ..... 272.
Board of Examiners Appointment (Frazier)
S 1124 [Sec. 2](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Cosmetology Independent Contractor
S 463 (Ch. 22) ..... 140, 143, 154, 158, 162, 169, 170, 178, 268.
Cosmetology Instructor Continuing Education
S 974 (H 1155)(H Rules Com) ..... 350, 709, 1025, 1048, 1103.
Manicurist Continuing Education
S 974 (H 1155)(H Rules Com) ..... 350, 709, 1025, 1048, 1103.
Shampooer License Exemption (Jones/Lenoir)
S 861 (Ch. 54) ..... 272, 358, 378, 532.
COSTS, LIABILITY FOR COURT [G.S. 6]
COUNCIL OF GOVERNMENT, REGIONAL—see **Local Government**

COUNCIL OF STATE
Members of Council of State—see Specific Heading
Governor
Lieutenant Governor
Secretary of State
Auditor
Treasurer
Superintendent of Public Instruction
Attorney General
Commissioner of Agriculture
Commissioner of Labor
Commissioner of Insurance
Personnel Directors
S 309 (GovPerform Com/see H 288) ..... 99.
Property Conveyance Vote Clarification
S 766 (Rules Com) ..... 252.
H 61 (Rules Com) ..... 244.
Superintendent of Public Instruction Removed
S 388 (H 321)(reref Ed/HighEd Com) ..... 119, 204.
COUNCIL ON WOMEN—see **Women**
COUNSELING—see **Education; Married Persons**
COUNSELOR
Licensed Professional Counselors Act
S 255 (reref W&M Com) ..... 92, 154, 266, 374, 673, 690.
H 218 (Ch. 514) ..... 741, 1115, 1147, 1243.
COUNTIES [G.S. 153A]—see **Local Government**; Specific County
COURT—see **Judicial Department**
COURT-ORDERED ELECTIONS—see **Elections**; Specific County
COURTESIES OF CHAMBER EXTENDED
Dignitaries
North Carolina Board of Educators
Davis III, Eddie; Douglas, Robert R.; Harvey, Margaret ..... 588.
North Carolina Court of Appeals
Eagles, Jr., Honorable Sidney S. (Judge) ..... 9.
North Carolina Department of Crime Control and Public Safety
Hampton, Thurman B. (Secretary) ..... 58.
North Carolina State Bar
Wicker, Robert A. (President) ..... 153.
State Auditor
Campbell, Ralph ..... 9.
Superior Court of the General Court of Justice
Gore, Jr., Honorable William C.
(Senior Resident Judge, 13th Judicial District) ..... 9.
Watts, Honorable Thomas S.
(Senior Resident Judge, 1st Judicial District) ..... 9.
Supreme Court of North Carolina
Frye, Henry E. (Associate Justice) ..... 9.
Whichard, Willis P. (Associate Justice) ..... 9.
Vice-Director of Foreign Trade (Mr. Du) ..... 1022.
Former Representatives
Beard, Donald R. (Cumberland County) ..... 551.
Brennan, Louise (Mecklenburg County) ..... 648.
Grimmer, Harry C. (Mecklenburg County) ..... 579.
Hege, Jr., Joe H. (Davidson County) ..... 123.
Helms, Parks (Mecklenburg County);
Chairman, Charlotte County Commissioners ..... 32.
Kemp, Ramey (Davie County) ..... 184.
Pulley, Paul (Durham County) ..... 611.

COURTESIES OF CHAMBER EXTENDED (continued)
Former Representatives (continued)
Robeson, William R. (Beaufort County);
Former Secretary of the Department of Transportation ..... 371.
Former Senators
Barnes, Henson P. (Wayne County) ..... 348, 1109.
Cobb, Laurence A. "Larry" (Mecklenburg County) ..... 9, 1193.
Garrison, James B. "Jim" (Stanly County) ..... 681, 1033.
Goldston, William D. (Rockingham County) ..... 58.
Gray, Rachel G. (Guilford County) ..... 9.
Harrington, Joseph J. (Bertie County) ..... 9.
Lightner, Clarence E. (Wake County) ..... 9.
Marvin, Helen Rhyne (Gaston County) ..... 58.
Moore, Herman A. (Mecklenburg County);
Former President *Pro Tempore* ..... 390.
Morgan, Robert; Former North Carolina and United States Senator .. 759.
Murphy, Wendell H. (Duplin County) ..... 9, 78.
Raynor, Joe (Cumberland County) ..... 617.
Renfrow, Edward (Johnston County); Former State Auditor ..... 371.
Staton, William W. (Lee County) ..... 67, 157.
Suddarth, Thomas H. (Davidson County) ..... 171.
Taft, Thomas F. (Pitt County) ..... 190, 381.
Thomas, Joseph (Craven County) ..... 671, 1109.
Thomas, R.P. "Bo" (Henderson County) ..... 9.
Williamston, Arthur W. (Columbus County) ..... 58.
Other
Cary High School Women's Basketball
1993 4-A Championship Team ..... 191.
Charlotte Chamber of Commerce ..... 32.
Family and Friends
Fowle, S. R. "Bud" ..... 649.
Gibbs, Warmoth Thomas ..... 705.
Jeralds, Luther R. ..... 107.
Kesler, John C. ..... 275.
Lovett, Willie C. ..... 383.
Members of the Senate ..... 5, 9.
Quinn, Dwight Wilson ..... 368.
Thompson, Pete ..... 1161.
Hooper, Ruth (State Mother of the Year) ..... 323.
"Hugo" (Charlotte Hornets' Basketball Team Mascot) ..... 32.
Lucas, Mrs. Jeanne ..... 1022.
Marks, Kelly ..... 162.
Maron, Margaret ..... 538.
Mounce, Kim ..... 371.
Nash, Bob J. ..... 1029.
Pleasants, Gerda (Former Sergeant-at-Arms) ..... 22, 45.
Plemmons, Tiffani (Junior Miss America) ..... 1060.
Plexico, Hattie ..... 604.
Schorr, Lily ..... 523.
Shinn, George ..... 739.
Tillet, Jeffrey ..... 214.
Tyson, Christa (Miss North Carolina) ..... 167.
UNC Chapel Hill NCAA Division/Women's Soccer Championship Team 342.
Warren, Angela ..... 589.
Winner, Julienne ..... 523.

COURTESIES OF CHAMBER EXTENDED (continued)
Staff
Bill Drafting
Harris, Martha ..... 569.
Insurance, N.C. Department of
Hale, Bill (Legislative Counsel) ..... 452.
Other Legislative Staff ..... 763.
CPR (Cardiopulmonary Resuscitation)
—see **Emergency Personnel/Services/Equipment**
CRAVEN COUNTY—District 3—Senator Beverly M. Perdue
Boundary Line Between Carteret County
H 812 (Ch. 207) ..... 395, 533, 650, 661, 667, 672.
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Independent Living Rehabilitation Program
S 80 (H 9)(Appr Com)(In S 27) ..... 54.
New Bern
Adjustment Board Permit Vote
H 380 (Ch. 177) ..... 189, 614, 623, 648.
Bell Property Exchanged for Sewer Tap
H 198 (Ch. 93) ..... 189, 559, 567, 573.
Neuse River Community Property Conveyance
H 456 (Ch. 277/see H 544) ..... 220, 651, 662, 734.
Roadside Hunting Regulations
S 825 (Ch. 115) ..... 264, 356, 416, 432, 589.
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Superior Court Judge Increase
S 27 [Sec. 200.5](Ch. 321) ..... 912.
CREDIT [G.S. 25B]
Card—see **Banks**
Insurance—see **Insurance**
Union—see **Banks**
CREMATION—see **Mortuary**
Authority—see **Mortuary**
CRIME
Communications/Logistics Headquarters Construction Funds
S 1272 (CapExp Com) ..... 712.
Crime Control and Public Safety Department
Alcohol Law Enforcement Division
Phased Out/Transfer
S 416 (H 374)(reref Appr Com) ..... 126, 229.
Police Information Network Access
S 26 [Sec. 77](Ch. 561) ..... 1286.
Community Service Program Transfer to Correction Department
S 27 [Sec. 178.1](Ch. 321) ..... 899.
S 240 (H 301)(reref Appr Com) ..... 88, 227.
Community Service Workers' Report
S 27 [Sec. 179](Ch. 321) ..... 899.
Current Operations Appropriations
S 27 [Part 20](Ch. 321) ..... 899.
Elimination/Reorganization of Department
S 286 (H 337)(reref Appr Com) ..... 95, 228.
Federal Property Transfer/Assets
S 27 [Sec. 204](Ch. 321) ..... 923.

CRIME (continued)
Crime Control and Public Safety Department (continued)
Highway Patrol—see **Law Enforcement**
Motor Vehicle Law Enforcement Division
Reorganization/Transfers
S 291 (H 338)(reref Appr Com) ..... 97, 228.
National Guard—see **Military**
Secretary
Salary, Annual
S 27 [Sec. 50](Ch. 321) ..... 816.
Victim and Justice Services Transfer to Correction Department
S 27 [Sec. 178.1])(Ch. 321) ..... 899.
S 240 (H 301)(reref Appr Com) ..... 88, 227.
Wrecker Service System Established
S 220 (H 110)(H J3 Com) ..... 86, 400, 405.
Crime Stoppers Program—see **Judicial Department** (Courts)
Principal
Crime Report Required
S 879 (Ed/HighEd Com) ..... 280.
H 1009 (Ch. 327) ..... 459, 609, 711, 729, 744, 1002.
Rape—see **Criminal Law** (Sexual Offense)
Victim Compensation—see **Victim**
CRIMINAL JUSTICE EDUCATION AND TRAINING
—see **Law Enforcement**
CRIMINAL JUSTICE PARTNERSHIP ACT
State Criminal Justice Partnership Act of 1993
S 405 (J1 Com) ..... 125.
H 281 (Ch. 534) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1223, 1246.
CRIMINAL LAW [G.S. 14]
Arrest
Warrantless on School Grounds
S 506 (J1 Com) ..... 168.
H 448 (J1 Com) ..... 385.
Assault—see under this heading (Felony; Misdemeanor)
Breaking and Entering
Deadly Force Against Intruder Allowed
S 945 (H Courts Com) ..... 331, 403, 490, 491, 494, 495, 506, 507.
Burn-Related Injury Report
H 788 (J2 Com) ..... 514, 528.
Capital Offense
Death Penalty Exemption/Mentally Retarded
H 1062 (S/H conf com appt'd) ..... 426, 1058, 1104, 1107, 1124, 1127.
Child Abuse—see **Child**
Civil Liability—see **Civil** (Procedure)
Controlled Substance Schedule Additions
H 630 (Ch. 319) ..... 267, 748, 765, 775.
DNA Database and Databank
H 1050 (Ch. 401)(In S 27) ..... 512, 530, 1030, 1049, 1088.
Felony
Bomb Threat/Educational/Hospital Property—Class I
H 404 (Rules Com) ..... 1212.
Charitable Solicitation Violation—Class J
S 940 (H Rules Com) ..... 325, 725, 1036, 1102.
Computer Crime Violations—Class H
H 822 (J1 Com) ..... 409.

CRIMINAL LAW [G.S. 14](continued)
Felony (continued)
Death by Vehicle/Commercial Driver
S 127 (J1 Com) ..... 63.
Death by Vehicle Unintentional
S 446 (H J1 Com) ..... 136, 446, 471, 484.
H 385 (Ch. 285) ..... 395, 599, 601, 608, 638, 715, 717, 730, 734.
Driver License Copied—Class H
S 1147 (J1 Com) ..... 480.
Health Care Facility Access Violation—Class I
S 873 (H 985)(Ch. 412) ..... 279, 417, 436, 462, 493, 1054, 1063, 1091, 1098.
Impersonation of Law Enforcement Officer—Class J
H 863 (J1 Com) ..... 481.
Itinerant Merchant Drug Sales—Class J
S 1146 (H Rules Com) ..... 480, 683, 699, 704,, 719, 727, 754, 763, 778.
Larceny Threshold $1,000
H 698 (H Rules Com) ..... 346, 1152, 1203.
Legislative Process Obstruction
H 6 (J1 Com) ..... 273.
Littering Law Reward
H 998 (J1 Com) ..... 629.
Purchasing Agent Gift Violation—Class J
S 760 (H 21)(H Fin Com) ..... 251, 417, 435.
Reclassification of Crimes
S 403 (H 279)(J1 Com) ..... 125.
Sentencing Plan—see **Criminal Procedure** (Sentencing)
Weapons/Firearms on School Property—Class I
S 891 (Ed/HighEd Com) ..... 311.
H 1008 (Ch. 558) ..... 512, 529, 752, 1047, 1061, 1064, 1123, 1125, 1127, 1129, 1247, 1250, 1315.
Firearms—see under this heading (Weapons)
Fireworks Sale/Possession
H 1089 (Ch. 437) ..... 482, 1011, 1031, 1050, 1138.
Gambling
Bingo Study (LRC)
H 1319 [Sec. 2.1(48)](ordered enrolled) (see S 1270; H 1190) ..... 1249, 1320.
Gaming Commission Created
S 656 (held in Clerk's office) ..... 210.
Lottery Referendum, State-Operated
S 11 (H Const Com/see H 38) ..... 29, 554, 591, 607, 615.
Parimutuel Wagering
S 116 (H 42)(reref J1 Com) ..... 60, 341.
Raffle Limit Increased
H 97 (Ch. 219) ..... 346, 564, 578, 585, 641, 654, 655, 693.
Video Device Violation Penalties
H 877 (Ch. 366) ..... 514, 529, 751, 766, 1016, 1068.
Holiday/Good Friday
S 839 (Ch. 141) ..... 265, 468, 502, 597, 608, 611.
Homicide—see under this heading (Murder)
Indecent Exposure/Breast Feeding Exemption
H 1143 (Ch. 301) ..... 442, 725, 732, 744, 748.
Infraction—see **Criminal Procedure**

CRIMINAL LAW [G.S. 14](continued)
Jury—see **Judicial Department**
Larceny
Felonious Larceny Threshold $1,000
H 698 (H Rules Com) ..... 346, 1152, 1203.
Litter
Community Service Program Required
H 1151 (J1 Com) ..... 512, 530.
Dumping Prohibited/Fine Increased
H 998 (J1 Com) ..... 629.
White Goods Disposal
S 60 (H 67)(Ch. 471) ..... 51, 223, 682, 696, 704, 713, 1075, 1082, 1090, 1091, 1111, 1135, 1140, 1196, 1197, 1210.
Loitering
Drug-Related Activity Prohibited (Pasquotank)
H 759 (J1 Com) ..... 319.
Misdemeanor
Antifreeze Placement/Animal Poison
H 1020 (Ch. 143) ..... 515, 529, 581, 602, 608, 611.
Assaulting Sports Official
S 30 (Ch. 286) ..... 47, 468, 501, 665, 679, 680, 692, 734, 740.
Campus/Company Police Officer Assault
H 1049 (J1 Com) ..... 629.
Classification of Crime Restructured
S 404 (J1 Com) ..... 125.
H 278 (Ch. 539) ..... 1075, 1212, 1221, 1224, 1313.
Collar Removal from Dog, Electronic
S 1168 (J1 Com) ..... 521.
Computer Crime Act Violation
H 822 (J1 Com) ..... 409.
Concealed Weapon Permit Violation
S 933 (H 1169)(J1 Com) ..... 319.
Dispensing Non-tax-Paid Special Fuel
S 159 (Ch. 140) ..... 70, 179, 189, 611.
Ethnic Intimidation Violation
S 970 (Ch. 332) ..... 350, 445, 489, 761, 777, 1005, 1011.
Firearms on School Property
S 429 (J1 Com/see H 28) ..... 129.
Handicapped Parking Placard Sold
S 475 (Ch. 373) ..... 150, 445, 477, 1038, 1062, 1068.
Health Care Facility Access Obstruction
S 873 (H 985)(Ch. 412) ..... 279, 417, 436, 462, 493, 1054, 1063, 1091, 1098.
Hunting Violation (Macon)
S 222 (Ch. 104) ..... 86, 146, 151, 156, 176, 182, 547, 564, 578, 580.
Impersonation of Law Enforcement Officer
H 863 (J1 Com) ..... 481.
Inland Navigation Violation
H 485 (Ch. 361) ..... 395, 710, 729, 752, 756, 758, 1032, 1040, 1053.
Key Duplication/State Buildings
H 565 (J1 Com) ..... 385.
Legislative Contract Violation
H 6 (J1 Com) ..... 273.

CRIMINAL LAW [G.S. 14](continued)
Misdemeanor (continued)
Marine Fisheries Rule Violation
H 297 (Ch. 515/see H 544) ..... 1039, 1092, 1116, 1147, 1198, 1243.
Marriage and Family Therapy Violation
S 478 (Ch&HumRes Com) ..... 154, 316.
H 233 (reref Fin Com) ..... 696, 749.
Pyrotechnic Sale/Possession
H 1089 (Ch. 437) ..... 482, 1011, 1031, 1050, 1138.
Real Estate Appraiser Violation
H 473 (Ch. 419/see H 472; H 544) ..... 703, 740, 1037, 1076, 1084, 1089, 1110.
Roadside Hunting Violation, Uniform
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Sadistic Video Dissemination
S 435 (H 228)(J1 Com) ..... 130.
School Administrator Violation
S 452 (held in Clerk's office) ..... 137.
H 284 (Ch. 392) ..... 514, 526, 561, 1024, 1044, 1057, 1087.
Sentencing Plan—see **Criminal Procedure** (Sentencing)
Specialty Market Merchandise Violation
H 698 (H Rules Com) ..... 346, 1152, 1203.
Tax Information Confidentiality Violation
H 74 (Rules Com) ..... 1012.
Vital Records Violation/Penalties
S 564 (J1 Com) ..... 186.
Weapon on School Property/Minor
S 19 (H 158)(J1 Com) ..... 30.
Weapons Violation Industrial Park Authority
H 548 (J1 Com) ..... 482.
Wrecker Service System Violation
S 220 (H 110)(H J3 Com) ..... 86, 400, 405.
Murder
Death Sentence Exemption
Intelligence Quotient of 60 or Below
H 1062 (S/H conf com appt'd) ..... 426, 1058, 1104, 1107, 1124, 1127.
Homicide/Prima Facie Evidence
S 1126 (J1 Com) ..... 457.
Parole—see **Prisons**
Prison Term Suspension/Conditions
S 342 (H Const Com) ..... 114, 387, 404, 420, 450.
Reptile Handling Violation
S 26 [Sec. 116](Ch. 561) ..... 1308.
Sentencing—see **Criminal Procedure**
Sexual Offense
Abortion—see **Maternal and Child Health**; under this heading (Felony)
AIDS Test Upon Request of Victim
S 799 (Ch. 489) ..... 260, 417, 436, 1206, 1209, 1222.
Crisis/Sexual Assault Program
S 502 (H 415)(Appr Com) ..... 168.
DNA Database and Databank Act of 1993
H 1050 (Ch. 401)(In S 27) ..... 512, 530, 1030, 1049, 1088.
Psychotherapist/Civil Action Remedy
H 1115 (J1 Com) ..... 515, 530.

CRIMINAL LAW [G.S. 14](continued)
Sexual Offense (continued)
Rape
Crisis Center Funds
S 27 [Sec. 30](Ch. 321) ..... 808.
S 502 (H 415)(Appr Com) ..... 168.
Spousal Defense Abolished
S 251 (J1 Com) ..... 91.
H 214 (Ch. 274) ..... 266, 705, 729, 734.
Victim's Assistance Program Funds
S 27 [Sec. 180](Ch. 321) ..... 899.
Victim's Witness Counselor Program
S 27 [Sec. 190](Ch. 321) ..... 903.
Speeding—see **Motor Vehicle** (Speed Limits)
Tear Gas Possession
S 971 (Ch. 151) ..... 350, 445, 489, 627.
Tobacco Sale Affirmative Defense
H 459 (unf rpt) ..... 513, 527, 585, 601, 605, 683.
Trespass/Third Degree
Iredell County
H 528 (J1 Com) ..... 257.
State-wide Offense
H 689 (H J3 Com) ..... 386, 1204, 1208, 1214.
Weapons
Concealed Weapon Permit Qualification/Violation
S 933 (H 1169)(J1 Com) ..... 319.
Crossbow and Bolts Permit Requirement
S 628 (Ch. 287) ..... 198, 486, 501, 725, 726, 735, 738, 740.
Firearm Possession on County-Owned Property (Durham)
H 835 (J1 Com) ..... 377.
Firearm Possession Prohibited (Wake)
H 823 (J1 Com) ..... 481.
Handgun Possession Under Age 18
S 793 (Ch. 259) ..... 259, 417, 436, 461, 463, 703, 714, 721, 722.
H 858 (J1 Com) ..... 481.
Health Care Facility Demonstration
S 873 (H 985)(Ch. 412) ..... 279, 417, 436, 462, 493, 1054, 1063, 1091, 1098.
Minor Possession/School Property
S 19 (H 158)(J1 Com) ..... 30.
S 891 (Ed/HighEd Com) ..... 311.
H 1008 (Ch. 558) ..... 512, 529, 752, 1047, 1061, 1064, 1123, 1125, 1127, 1129, 1247, 1250, 1315.
Parental Responsibility/Firearms on School Property
S 429 (J1 Com/see H 28) ..... 129.
Permit by Sheriff (Duplin)
S 551 (Ch. 106) ..... 181, 241, 247, 580.
Permit by Sheriff (Mitchell)
H 389 (Ch. 48) ..... 196, 475, 498, 517, 523.
Permit by Sheriff (Perquimans)
H 411 (Ch. 64) ..... 196, 533, 542, 546.
Permit Fee Increase (Martin; Pitt)
H 715 (Ch. 205) ..... 441, 650, 661, 667, 672.

CRIMINAL LAW [G.S. 14](continued)
Weapons (continued)
Possession Age Limitations/18 Years
S 793 (Ch. 259) ..... 259, 417, 436, 461, 463, 703, 714, 721, 722.
H 858 (J1 Com) ..... 481.
Possession on School Property by Minor
S 19 (H 158)(J1 Com) ..... 30.
Safe School Partnership Act
S 989 (Ch. 509) ..... 357, 369, 379, 487, 494, 1211, 1214, 1242.
Safe Storage Violation/Misdemeanor
S 891 (Ed/HighEd Com) ..... 311.
H 1008 (Ch. 558) ..... 512, 529, 752, 1047, 1061, 1064, 1123, 1125, 1127, 1129, 1247, 1250, 1315.
Seafood Industrial Park Authority Violation
H 548 (J1 Com) ..... 482.
School Property Prohibited
S 891 (Ed/HighEd Com) ..... 311.
H 1008 (Ch. 558) ..... 512, 529, 752, 1047, 1061, 1064, 1123, 1125, 1127, 1129, 1247, 1250, 1315.
Weapon at School/Drivers License Restricted
S 24 (J1 Com/see H 28) ..... 43.
Weapon Training for Permit by Sheriff
S 933 (H 1169)(J1 Com) ..... 319.
Worthless Check Restitution/Fees
S 535 (Ch. 374) ..... 180, 417, 435, 1039, 1048, 1062, 1068.
CRIMINAL PROCEDURE [G.S. 15; 15A]
Act [G.S. 15A]
Bail Bond Procedure Changes
S 908 (J1 Com) ..... 312.
DNA Database and Databank
H 1050 (Ch. 401)(In S 27) ..... 512, 530, 1030, 1049, 1088.
Evidence Taken Into Jury Room
H 116 (J1 Com) ..... 189.
Imprisonment Over Alternative Punishment Repealed
S 342 (H Const Com) ..... 114, 387, 404, 420, 450.
Juror Notes/Judicial Discretion
H 115 (Ch. 498) ..... 189, 1151, 1199, 1207, 1222.
Arrest Without Warrant/School Grounds
S 506 (J1 Com) ..... 168.
H 448 (J1 Com) ..... 385.
Criminal Case Disposition Study Established
S 250 (Rules Com/see H 1319) ..... 91.
Criminal Investigation Open Meetings Law
S 417 (H J2 Com) ..... 126, 171, 178.
H 120 (S/H conf com appt'd) ..... 195, 206, 213, 430, 433.
Contempt/Probation Violation
S 1033 (H J3 Com) ..... 392, 445, 490.
Death Sentence—see under this heading (Sentencing)
Driving While Impaired—see **Motor Vehicle**
Drugs—see **Drugs; Medicine**
Evidence—see **Evidence**
Extradition Application Duplication Eliminated
H 617 (Ch. 83) ..... 386, 540, 552, 553, 556.

CRIMINAL PROCEDURE [G.S. 15; 15A] (continued)
Immigration/Naturalization Service Agent Defined
S 508 (H J1 Com) ..... 171, 217, 230.
Indictment
Sexually Transmitted Infection Test Required
S 799 (Ch. 489) ..... 260, 417, 436, 1206, 1209, 1222.
Infraction
Attorney Access/Police Information Network
H 141 (Ch. 39) ..... 314, 334, 337, 356, 390.
Smoking in Public Places Violation
H 957 (Ch. 367) ..... 512, 529, 760, 779, 1000, 1068.
Traffic Violation
H 1015 (reref J2 Com) ..... 459, 641, 654, 740, 756, 775, 1055, 1071, 1072, 1104, 1122.
Jury—see **Judicial Department**
Parole—see **Prisons**
Prayer for Judgment
Traffic Violation Infraction
H 1015 (reref J2 Com) ..... 459, 641, 654, 740, 756, 775, 1055, 1071, 1072, 1104, 1122.
Probable Cause
Sexually Transmitted Infection Test Petition
S 799 (Ch. 489) ..... 260, 417, 436, 1206, 1209, 1222.
Probation—see **Prisons**
Restitution Through Income Withholding
S 237 (J1 Com) ..... 88.
Sentencing
Aggravating Factor—Child/DWI
S 497 (J1 Com) ..... 161.
H 356 (J1 Com) ..... 458.
Community Corrections Program Reorganization
S 27 [Sec. 178.1])(Ch. 321) ..... 899.
S 240 (H 301)(reref Appr Com) ..... 88, 227.
Criminal Justice Partnership Act Created
S 405 (J1 Com) ..... 125.
H 281 (Ch. 534) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1223, 1246.
Death/Intelligence Quotient of 60 Minus
H 1062 (S/H conf com appt'd) .... 426, 1058, 1104, 1107, 1124, 1127.
Juvenile Records Requirement
S 437 (H 231)(J1 Com) ..... 130.
Misdemeanants Structured Sentencing Plan
S 517 (H 584)(J1 Com) ..... 172.
Restorative Justice Act
S 915 (J1 Com) ..... 313.
H 1035 (Ch. 535/see H 1319) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1224, 1246.
Sentencing and Policy Advisory Commission Extended
S 27 [Sec. 200.1](Ch. 321) ..... 906.
S 847 (reref Appr Com) ..... 271, 417.
Structured Sentencing in North Carolina
S 401 (H 280)(J1 Com) ..... 124.
S 402 (J1 Com/see H 280) ..... 124.
S 517 (H 584)(J1 Com) ..... 172.
H 277 (Ch. 538/see H 280) ..... 1075, 1212, 1220, 1223, 1246.
Truth in Sentencing Act
S 831 (H J3 Com) ..... 264, 446, 488.

CRIMINAL PROCEDURE [G.S. 15; 15A] (continued)
Sexual Offense
Child Protection Initiatives
S 492 (J2 Com) ..... 161.
H 358 (S/H conf com appt'd) ..... 440, 750, 765, 1135, 1143.
Infection Test Requirements
S 799 (Ch. 489) ..... 260, 417, 436, 1206, 1209, 1222.
Trial
Audio/Video Proceeding (Pretrial)
S 221 (H 392)(Ch. 30) ..... 86, 134, 138, 319, 328, 329.
Sentencing Requirement—see under this heading (Sentence)
Warrant
Auditor/Obsolete References
S 744 (Ch. 257) ..... 250, 340, 451, 488, 722.
Warrantless Arrest on School Grounds
S 506 (J1 Com) ..... 168.
H 448 (J1 Com) ..... 385.
Witness
Child Testify by Television
S 1288 (J1 Com) ..... 736.
Investigative Records Public
S 860 (Ch. 461) ..... 272, 352, 368, 379, 1004, 1140, 1154, 1200.
OSHA Employee/Third Party Litigation
S 618 (J1 Com) ..... 195.
Rape Victim Witness Counselor Program
S 27 [Sec. 190](Ch. 321) ..... 903.
CROSSBOW—see **Criminal Law; Wildlife**
CULTURAL RESOURCES DEPARTMENT
Capital Improvements Funds
S 26 [Part 12](Ch. 561) ..... 1274.
Current Operations Appropriations
S 27 [Part 8](Ch. 321) ..... 808.
Motor Vehicle Ownership to Administration Department
S 27 [Sec. 35](Ch. 321) ..... 809.
Natural Science Museum Transfer Proposed
S 829 (H 638)(H Calendar) ..... 264, 533, 581, 601.
Secretary
Salary, Annual
S 27 [Sec. 50](Ch. 321) ..... 816.
Security Officer Reclassification
S 27 [Sec. 34](Ch. 321) ..... 809.
State Depository Library System Report Repealed
S 217 (Ch. 447) ..... 84, 215, 229, 1139.
CUMBERLAND COUNTY—District 24—Senator Lura Tally
—District 30—Senator David Parnell
—District 41—Senator C.R. Edwards
Cape Fear Historical Complex Funds
S 555 (CapExp Com) ..... 182.
Condemnation/Commissioner Approval
S 87 (H J2 Com) ..... 56, 79, 89, 110, 121, 134, 138, 142, 145, 147, 151, 156.
County Ranger Assistant, Funds
S 480 (reref CapExp Com) ..... 154, 770.
Dispute Resolution Center/"Teen Court"
S 26 [Sec. 80](Ch. 561) ..... 1288.

CUMBERLAND COUNTY(continued)
Fayetteville
Sickle Cell Center Construction Funds
S 1068 (H 1256)(CapExp Com) ..... 424.
Veteran's Home, State
Capital Improvement Funds
S 26 [Sec. 31](Ch. 561) ..... 1271.
Food/Beverage Tax for Arena
S 923 (Ch. 413) ..... 318, 674, 685, 697, 1074, 1082, 1089, 1098.
Foreign Language Center Funds
S 1060 (reref Appr Com) ..... 423, 565.
Fort Bragg
Airborne and Special Operations Museum Funds
S 1140 (H 1360)(CapExp Com) ..... 479.
Geographical Information System Public Record
S 234 (reref J2 Com) ..... 87, 121, 128, 138, 147, 169.
Juvenile Detention Facility Matching Funds
S 1048 (CapExp Com) ..... 408.
Reaching the At-Risk Population Project Fund
S 1238 (reref CapExp Com) ..... 642, 1018.
Southeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
Spring Lake Community Center Funds
S 988 (H 1210)(CapExp Com) ..... 360.
Teen Involvement Project/Juvenile Delinquency Prevention
S 1073 (H 1286)(reref CapExp Com) ..... 424, 1017.
CURRITUCK COUNTY—District 1—Senator Marc Basnight
Black Bear/Male Deer Hunting Season
H 320 (Ch. 221) ..... 155, 673, 686, 693.
Bridge Across Currituck Sound
S 917 (H Transp Com) ..... 313, 1041, 1059, 1065.
Fire Department Purchase Surplus Property
H 590 (Ch. 97) ..... 227, 560, 567, 573.
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
CUSTODY—see **Child**
CYTOTECHNOLOGY—see **Medicine; Public** (Health)

- D -

DAMS
Beaver Damage—see **Wildlife**
Dam Safety
Improvements/Account Nonreverting
S 571 (H Rules Com) ..... 187, 339, 539, 548, 560, 628, 636, 637.
H 483 (Ch. 394/see H 544) ..... 360, 650, 748, 759, 1016, 1088.
DANIEL, George B.—Senator Alamance, **Caswell,** Person (part)—**21st District**
Absent With Leave ..... 53, 129, 144, 171, 255, 381, 515, 656, 722, 729 (present).
Adjournment Motion ..... 1192.
Adjournment Motion—Second ..... 148, 437, 443, 572, 738, 1094.
Certificate of Election ..... 6.

DANIEL, George B.—Senator (continued)
Committee Assignments ..... 33, 34, 35, 38, 39, 40, 41, 64.
Standing—
Appropriations (Chairman)
Capital Expenditures and Improvements—Children and Human Resources—Children and Human Resources on Veteran and Military Affairs, and Senior Citizens—Constitution and Election Laws—Judiciary I—Pensions and Retirement—Rules and Operation of the Senate—State Personnel and State Government—Ways and Means
Select—
Government Performance Audit (Vice-Chairman)
S 906 (Worker's Compensation)(Chairman) ..... 540.
Statutory—
Advisory Budget Commission ..... 380.
Employee Hospital and Medical Benefits Committee ..... 380.
Governmental Operations, Joint Legislative Commission ..... 112.
Legislative Services Commission ..... 85.
Conference—
S 10 ..... 134, 166.
S 14 ..... 1083, 1167.
S 26 ..... 1114, 1252.
S 27 ..... 600, 781.
S 853 ..... 1109, 1231.
H 235 ..... 1086.
Nominates—President *Pro Tempore* ..... 12.
Oath of Office ..... 7.
Remarks Spread—
Nominating President *Pro Tempore* ..... 12.
Jeralds Eulogy ..... 104.
Thompson Eulogy ..... 1160.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 26, 27, 477, 525, 553, 554, 770, 771, 810, 814, 815, 824, 876, 906, 907, 908, 950, 951, 962, 963, 969, 975, 1055, 1056, 1091, 1110, 1244, 1273 (by request), 1287, 1289, 1290, 1291, 1292, 1293, 1294, 1295.
Co-Sponsor ..... 12, 13, 48, 91, 92, 93, 94, 95, 113, 116, 119, 121, 126, 198, 199, 200, 201, 204, 236, 251, 256, 336, 337, 469, 482, 518, 519, 520, 521, 572, 583, 617, 628, 676, 714, 723, 780, 852, 858, 873, 874, 878, 919, 955, 1012, 1069, 1092, 1135, 1176, 1216, 1222, 1246, 1250, 1251, 1258, 1260, 1268, 1269, 1271.

DARE COUNTY—District 1—Senator Marc Basnight
Airport Authority Member Removal
H 813 (Ch. 251) ..... 353, 454, 650, 661, 667, 709.
Beach Development Projects
S 26 [Sec. 107](Ch. 561) ..... 1305.
Hook/Line Fishing Without License
H 589 (Ag/MarRes&W Com) ..... 326.
Manteo
Charter Amendment/Council-Manager Government
S 983 (Ch. 108) ..... 359, 415, 433, 580.
Menhaden Fishing Restriction
S 991 (H Agric Com) ..... 360, 401, 420.

DARE COUNTY (continued)
Nags Head
Commercial Fishing Regulations
H 703 (Ag/MarRes&W Com) ..... 441.
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
DATA PROCESSING—see **Computers; Telecommunications**
DAVIDSON COUNTY—District 19—Senator Robert Shaw
—District 23—Senator Paul S. Smith
—District 38—Senator Betsy L. Cochrane
Annexation Agreement High Point/Thomasville
S 442 (Ch. 292) ..... 133, 149, 275, 283, 308, 737, 742, 747.
Forestry Headquarters Funds
S 1191 (reref CapExp Com)(In S 26) ..... 541, 774.
High Rock Lake Marine Commission Established
S 724 (Ch. 355) ..... 238, 418, 615, 622, 630, 1052.
Prison Bonds/50-Bed Expansion
S 1077 (H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.
Thomasville
Room Occupancy and Tourism Development Tax
H 649 (Ch. 453) ..... 684, 750, 1095, 1114, 1141, 1200.
Trespass/Third-Degree Offense
H 689 (H J3 Com) ..... 386, 1204, 1208, 1214.
Watershed Zoning Notice Exemption
H 860 (Ch. 267/see H 799) ..... 459, 676, 687, 723.
DAVIE COUNTY—District 38—Senator Betsy L. Cochrane
Bermuda Run Maintenance/Security District Created
S 886 (held in Clerk's office) ..... 289.
Community College Trustee Association/Region Three
H 559 (Ch. 69) ..... 385, 536, 543, 546.
Local Industrial Development Authority
S 699 (Ch. 25) ..... 223, 235, 240, 241, 256, 274, 275, 281, 288.
Mocksville
Industrial Development Authority
S 699 (Ch. 25) ..... 223, 235, 240, 241, 256, 274, 275, 281, 288.
Watershed Zoning Notice Exemption
H 860 (Ch. 267/see H 799) ..... 459, 676, 687, 723.
DAY CARE—see **Aged; Child**
DEADLY WEAPONS—see **Criminal Law; Wildlife**
DEAF—see **Handicapped** (Hearing Impaired)
DEAF INTERPRETERS [G.S. 8B]—see **Handicapped** (Hearing Impaired)
DEATH—see **Criminal Procedure; Medicine; Mortuary**
DEATH BENEFITS—see **Insurance** (Life); **Retirement**
DEATH PENALTY—see **Criminal Law; Criminal Procedure**
DEBT, REGISTERED [G.S. 159E]
DEBT, STATE [G.S. 142]—see **Bonds; Local Government** (Finance)
DEBTOR AND CREDITOR [G.S. 23]
DEEDS
Conveyances—see **Conveyances**
Curative Statute Coverage Extended
H 131 (Ch. 80) ..... 137, 540, 550, 551.
Local Government—see Specific County
Mortgage Foreclosure—see **Mortgages**
Property Mappers Association Representation
S 748 (Ch. 258) ..... 250, 467, 501, 722.

DEEDS (continued)
Real Property Security Assignment
S 963 (J2 Com) ..... 345.
Register—see **Register of Deeds**
DEER HUNTING—see **Wildlife**
DEFAULTED STUDENT LOANS [G.S. 105B]
—see **Higher Education** (Loans)
DEFENDANTS—see **Civil/Criminal Law; Criminal Procedure**
DEFERRED COMPENSATION—see **State** (Personnel—Salaries)
DEGREES OF KINSHIP [G.S. 104A]
DENTIST—see **Medicine**
DEPUTY PRESIDENT *PRO TEMPORE*
—see **Soles, Jr., R. C.—Senator**
DESIGNER—see **Interior Designer**
DETECTIVE—see **Law Enforcement** (Private Police)
DETENTION CENTER—see **Prisons**
DEVELOPMENT FINANCING ACT
—see **Economic Development; Local Development**
DEVELOPMENTAL DISABILITIES
—see **Handicapped; Mental Health**
DeWITT, LINDSEY GUY—Memoralizing
S 482 (adopted) ..... 157, 1012, 1029, 1527.
DIABETES—see **Medicine** (Hospital)
DIAGNOSTIC CENTER—see **Medicine**
DIETETICS/NUTRITION—see **Public** (Health)
DIFFERENTIATED PAY PLAN—see **State** (Personnel—Salaries)
DISABILITY BENEFITS—see **Retirement; Taxation; Workers' Compensation**
DISABLED—see **Handicapped**
DISASTERS—see **Emergency Personnel/Services/Equipment**
DISCIPLINARY PROCEEDING—see **State** (Personnel)
DISCRIMINATION
Antidiscrimination Ordinance (Durham)
H 779 (Ch. 227/see H 544) ..... 353, 675, 687, 694.
Civil Rights Ordinance (Orange)
S 807 (LocGov Com) ..... 261.
S 809 (Ch. 358/see H 799) ..... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.
Discrimination in Business [G.S. 75B]
Discrimination in Employment Study Continued (LRC)
H 1319 [Sec. 2.1(3)](ordered enrolled)
(see S 1270; H 54) ..... 1249, 1320.
Ethnic Intimidation Violation/Misdemeanor
S 970 (Ch. 332) ..... 350, 445, 489, 761, 777, 1005, 1011.
Highway Construction—see **Transportation** (Roads and Highways)
Housing—see **Housing** (Fair)
Human Relations Commission Powers (New Hanover)
S 1070 (Ch. 192) ..... 424, 475, 500, 597, 650, 662, 663, 664.
Labor—see **Employment; Labor**
DISEASE
AIDS—see **Public** (Health—Communicable Disease)
Alzheimer's—see **Alzheimer's**
Arthritis—see **Arthritis**
Asbestosis—see **Asbestosis**
Brain—see **Mental Health**
Cancer—see **Cancer**

DISEASE (continued)
Communicable Disease—see **Public** (Health)
Diabetes—see **Medicine** (Hospital)
Prescribed Medicine Insurance Coverage
S 622 (Ch. 506) ..... 195, 428, 453, 492, 1211, 1213, 1242.
Sickle Cell—see **Sickle Cell**
DISPUTE SETTLEMENT CENTERS—see **Mediation Services**
DISTRICT
Attorney—see **Judicial Department**
Congress—see **Elections**
Court—see **Judicial Department** (Courts)
Redistricting—see **Elections**
Senate ..... 3, 1519.
DIVORCE [G.S. 50]—see **Married Persons**
DNA (Dioxyribonucleic Acid)
Database and Databank Act of 1993
H 1050 (Ch. 401)(In S 27) ..... 512, 530, 1030, 1049, 1088.
DOCTOR—see **Medicine**
DOGS [G.S. 67]—see **Animals; Handicapped; Wildlife**
DOMESTIC VIOLENCE [G.S. 50B]—see **Married Persons** (Family Violence)
DOMICILIARY HOME—see **Aged; Medicine** (Long-Term Care)
DOUBLE TAXATION—see **Taxation**
DOWNTOWN DEVELOPMENT
—see **Economic Development; Local Development;** Specific County
DRAINAGE [G.S. 156]
DRAMA—see **Arts**
DREDGING—see **Coastal Area; Water**
DRIVER EDUCATION—see **Motor Vehicle**
DRIVER LICENSE—see **Motor Vehicle** (License, Operator)
DRIVING WHILE IMPAIRED (DWI)—see **Motor Vehicle**
DROPOUT PREVENTION—see **Education**
DRUGS
Abuse
Camel 24 Fellowship Capital Improvement Funds
S 1257 (Appr Com) ..... 695.
Chemical Dependence and Alcoholism Program
S 1230 (reref Appr Com) ..... 622, 750.
Child/Adolescent Alcohol/Drug Abuse Plan
S 334 (H Rules Com) ..... 110, 419, 434.
H 249 (Res. 27) ..... 1073, 1165, 1199, 1210.
Controlled Substance Examination Regulation
H 476 (Ch. 213) ..... 385, 666, 679, 681.
Developmentally Disabled—see **Mental Health**
Driving Privilege Restoration
H 551 (reref Ch&HumRes Com) ..... 635, 720.
Drivers License Suspended/Highway Funds Withheld
S 1017 (Res. 30) ..... 383, 419, 445, 1244.
Drug Education School Fees Increased
H 499 (Ch. 395) ..... 326, 1024, 1045, 1057, 1069, 1088.
Law Enforcement Grant Legislative Review
S 27 [Sec. 184](Ch. 321) ..... 900.
Loitering Prohibited Elizabeth City (Pasquotank)
H 759 (J1 Com) ..... 319.
Sentence Upon Conviction—see **Criminal Procedures** (Sentencing)
Substance Abuse Professional Certification Act
S 890 (reref J2 Com) ..... 311, 1022.
H 1142 (J2 Com) ..... 565, 1022.

DRUGS (continued)
Abuse (continued)
Treatment Centers Funding Multi-Year Pilot Program
S 284 (reref Appr Com/see H 370) ..... 95, 203.
Undercover Operation Funds
S 27 [Sec. 202](Ch. 321) ..... 923.
Youth Substance Abuse Plan Policy
S 334 (H Rules Com) ..... 110, 419, 434.
H 249 (Res. 27) ..... 1073, 1165, 1199, 1210.
Chemical Dependency and Alcoholism Program
S 1230 (reref Appr Com) ..... 622, 750.
Controlled Substance Schedule Additions
H 630 (Ch. 319) ..... 267, 748, 765, 775.
Flea Market Sale Prohibited
S 1146 (H Rules Com) ..... 480, 683, 699, 704, 719, 727, 754, 763, 778.
Prescription—see **Medicine**
DRUGSTORE/PHARMACY—see **Medicine**
DRUNK DRIVING—see **Criminal Law; Motor Vehicle** (Driving While Impaired)
DUAL OFFICE HOLDING—see **Elections**
DUKE UNIVERSITY
—see **Higher Education** (Private Colleges and Universities)
DUMPING LITTER—see **Criminal Law**
DUNES—see **Environment, Health, and Natural Resources** (Coastal Areas)
DUPLIN COUNTY—District 5—Senator Charles W. Albertson
Global TransPark Development Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Limestone Creek Development Project
S 26 [Sec. 107](Ch. 561) ..... 1305.
Roadside Hunting Exemption
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
School Capital Improvements Contract
H 114 (Ch. 549) ..... 684, 750, 1096, 1114, 1141, 1314.
Wallace Franchise Tax Receipts Shared
S 775 (H 852)(Fin Com) ..... 253.
Weapon Permit Issued by Sheriff
S 551 (Ch. 106) ..... 181, 241, 247, 580.
DURHAM COUNTY—District 13—Senator Ralph Hunt
—Senator Wilbur Gulley
Butner Incorporation Study
S 285 (GovPerform Com) ..... 95.
H 312 (GovPerform Com) ..... 352.
Condemnation/Commissioner Approval
S 87 (H J2 Com) ..... 56, 79, 89, 110, 121, 134, 138, 142, 145, 147, 151, 156.
Disadvantaged Business Contract Specifications
S 837 (H LocGov 1 Com) ..... 265, 403, 420, 433.
Discrimination Prohibition/Ordinance
H 779 (Ch. 227/see H 544) ..... 353, 675, 687, 694.
Durham, City of
Annexation Effective Date/Ordinance
S 773 (Ch. 342) ..... 253, 415, 431, 434, 444, 461, 1003, 1016, 1023.

DURHAM COUNTY (continued)
Durham, City of (continued)
Carolina Theater Project Fund
S 1201 (Cap Exp Com) ..... 571.
City Manager Contracting Authority
S 774 (Ch. 121) ..... 253, 415, 432, 576, 582, 594, 596.
Condemnation Proceedings/Notice
H 781 (Ch. 476) ..... 514, 528, 1004, 1015, 1018, 1029, 1210.
Disadvantaged Business Contract Specification
S 838 (H LocGov 1 Com) ..... 265, 403, 420, 433.
Discrimination Ordinance
H 779 (Ch. 227/see H 544) ..... 353, 675, 687, 694.
Falls Lake Watershed Study
S 26 [Sec. 107.1](Ch. 561) ..... 1306.
Housing Code Complaint/Orders
H 794 (Ch. 283) ..... 442, 710, 727, 734.
Housing Discrimination Statute of Limitations
H 880 (Rules Com) ..... 622.
Housing Emergency Repairs
S 690 (ordered enrolled) ..... 225, 269, 284, 308, 1247, 1249, 1320.
Housing Violation Service of Process
H 507 (Ch. 261) ..... 314, 675, 686, 692, 723.
Leigh Farm Park Funds
S 1105 (H 1326)(CapExp Com) ..... 455.
Manager Approve Water/Sewer Petition
H 521 (Ch. 297) ..... 514, 527, 710, 726, 732, 741, 748.
Motor Vehicle Tax Increase/$5
H 874 (Ch. 456) ..... 1097, 1116, 1133, 1141, 1200.
Notice of Meeting by Facsimilie
H 520 (Ch. 279) ..... 257, 710, 727, 734.
Orange County Resident Voter Transfer
H 506 (Ch. 68) ..... 314, 532, 542, 546.
Relocation Payments/Mortgage Credit Certificate
S 689 (Ch. 304) ..... 225, 269, 270, 284, 759.
Street Closing Authority
S 772 (Ch. 149) ..... 253, 416, 436, 612, 625, 627.
Zoning Commission Authority Authorized
H 687 (Ch. 264) ..... 326, 675, 686, 692, 723.
Zoning Protest Petition Overruled
S 688 (Ch. 81) ..... 225, 269, 284, 556.
Durham Service Corps Funds
S 1090 (Appr Com) ..... 439.
Firearm Possession on County-Owned Property Prohibited
H 835 (JI Com) ..... 377.
Road Closing Notice/Appeal
H 796 (Ch. 76) ..... 442, 534, 542, 546.
DWI (Driving While Imparied)—see **Motor Vehicle**

- E -

EACH (Essential Access Community Hospital)
—see **Medicine** (Hospital)
EARLY CHILDHOOD EDUCATION AND DEVELOPMENT
—see **Child; Education**

EARLY INTERVENTION FUNDS–see **Handicapped; Mental Health**
EARLY VOTING—see **Elections** (Voter)
EARMARKING FUNDS—see **Appropriations**
EAST CAROLINA UNIVERSITY—see **Higher Education** (UNC)
ECONOMIC DEVELOPMENT
Biotechnology Center—see **Biotechnology Center, North Carolina**
Block Grant Appropriations
S 27 [Sec. 7](Ch. 321) ..... 788.
Community Development
Job Training Partnership Act
Maternal and Child Health Services
Preventive Health Services
Board
Board to Council
S 193 (reref GovPerform Com/see H 294) ..... 81, 229, 246.
Duties/Membership
S 26 [Sec. 12](Ch. 561) ..... 1264.
S 27 [Sec. 313](Ch. 321) ..... 990.
Policy/Recommendations
S 184 (H Bus&Labor Com/see H 294) ..... 80, 393, 405, 406.
Bonds for Local Development
S 1157 (H 1372)(Ch. 497) ..... 497, 516, 558, 568, 569, 577, 578, 594, 1130, 1153, 1205, 1207, 1222.
Budget Allocation Upon Performance Indicator
S 187 (GovPerform Com/see H 294) ..... 80.
S 188 (H Appr Com/see H 294) ..... 80, 224, 464, 472.
Commerce Department—see **Commerce Department**
Community Development—see **Community**
Conveyance/Prospective Revenue—see **Local Development**
Departmental Responsibility Contained
S 185 (GovPerform Com/see H 294) ..... 80.
Economic Incentives to Lure Industry Study Commission
S 26 [Sec. 103](Ch. 561) ..... 1298.
Five Year Plan
S 27 [Sec. 314](Ch. 321) ..... 997.
Global TransPark—see **Air Cargo Airport Authority**
Governor's Office—see **Governor**
Impact Assessment on Proposed Rules by State Agency
S 1012 (reref W&M Com) ..... 382, 418, 444, 451, 493, 495, 507, 516.
Industry Location Information Source
S 191 (S 238)(GovPerform Com/see H 294) ..... 81.
S 238 (S 191)(GovPerform Com) ..... 88.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Local Development—see **Local Development**; Specific County
Manufacturing—see **Commerce and Business** (Industrial Development)
Marine Resources—see **Marine Resources**
Microelectronics Center for North Carolina—see **Microelectronics Center for North Carolina** (MCNC)
Minorities' Projects Funding
S 1122 (reref CapExp Com) ..... 457, 773.
Mountain Area Management Study Funds
S 85 (H 117)(Rules Com/see H 1319) ..... 56.
Mountain Area Study Continued
S 86 (H 118)(Rules Com) ..... 56.
Occupancy Tax—see **Taxation**

ECONOMIC DEVELOPMENT (continued)
Performance-Based Indicator/Nonprofit Contracts
S 188 (H Appr Com/see H 294) ..... 80, 224, 464, 472.
S 192 (H Bus&Labor Com/see H 294) ..... 81, 340, 354.
Regional Economic and Development Commission
Created
S 27 [Sec. 309; Sec. 309.1; Sec. 309.2; Sec. 310] (Ch. 321) ..... 985, 986, 988, 989.
Northeastern North Carolina: Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, Washington
S 26 [Sec. 17](Ch. 561) ..... 1266.
S 27 [Sec. 309.1](Ch. 321) ..... 986.
S 1284 (Appr Com) ..... 736.
Southeastern North Carolina: Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, Scotland
S 26 [Sec. 17](Ch. 561) ..... 1266.
S 27 [Sec. 309.2](Ch. 321) ..... 988.
Western North Carolina: Buncombe, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, Yancey
S 26 [Sec. 17](Ch. 561) ..... 1266.
S 27 [Sec. 309](Ch. 321) ..... 985.
Expansion
S 26 [Sec. 102](Ch. 561) ..... 1297.
Rural Economic Development Act
S 503 (H 479)(reref CapExp Com)(In S 26; S 27) ..... 168, 770.
Rural Economic Development Center
Community Development Corporation Fund Allocation
S 26 [Sec. 104](Ch. 561) ..... 1299.
Economic Development Activity Comprehensive Review
S 186 (GovPerform Com/see H 294) ..... 80.
S 188 (H Appr Com/see H 294) ..... 80, 224, 464, 472.
Funding Allocation/Reports
S 27 [Sec. 304](Ch. 321) ..... 981.
Job Training Funds
S 333 (Appr Com)(In S 26) ..... 109.
Greenville
Pitt County
Rocky Mount
Wilson County
Minorities Projects/Activities
S 1122 (reref CapExp Com) ..... 457, 773.
Supplemental Funding Pilot Project
S 26 [Sec. 104.1](Ch. 561) ..... 1301.
Science and Technology Board Transfer
S 189 (GovPerform Com/see H 294) ..... 81.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Seafood Industry—see **Marine Resources**
Small Business—see **Commerce and Business**
Statewide Economic Development Plan
S 193 (reref GovPerform Com/see H 294) ..... 81, 229, 246.
Strategic Economic Development Plan, Comprehensive
S 27 [Sec. 313](Ch. 321) ..... 990.
S 504 (H 724)(H Bus&Labor Com) ..... 168, 402, 464, 477, 483.

ECONOMIC DEVELOPMENT (continued)
Tourism—see **Tourism**
Water Column Lease Modified
S 96 (reref Fin Com) ..... 57, 113.
H 31 (Ch. 322) ..... 239, 609, 749, 763, 778, 1002.
Water Column Lease/Perpetual Franchises
S 100 (H 125)(Ch. 466) ..... 57, 113, 128, 1078, 1092, 1111, 1125, 1163, 1201.
Zone—see **Local Government** (Zoning)
ECONOMIC INTEREST STATEMENT
Requirements for Filing
S 399 (H 282)(reref J2 Com) ..... 121, 188.
EDGECOMBE COUNTY—District 6—Senator R. L. Martin
—District 10—Senator Roy A. Cooper III
Community College Merger Study
H 736 (Ch. 468) ..... 386, 1118, 1142, 1201.
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Rocky Mount
Farmers' Market Funds
S 26 [Sec. 94](Ch. 561) ..... 1294.
Job Training Program Funds
S 333 (Appr Com)(In S 26) ..... 109.
Tarboro
School Merger Completion
H 736 (Ch. 468) ..... 386, 1118, 1142, 1201.
Teacher Support, Collaborative
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
Teacher Support, Collaborative
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
EDUCATION [G.S. 115C]—see also **Higher Education**; Specific County
Accreditation—see under this heading (Performance-Based Accountability)
Activity Bus—see **Motor Vehicle** (School Bus)
Administrative Unit, Local
Cumberland County Project RAP Funds
S 1238 (reref CapExp Com) ..... 642, 1018.
Performance-Based Accountability Program Mandatory
S 382 (GovPerform Com/see H 273) ..... 119.
Safety Task Force Established
S 1096 (H 1299)(Appr Com) ..... 440.
Administrator
Administrator Program/UNC Funds
S 461 (H 286)(Appr Com) ..... 140.
Contract Process
S 387 (H 372)(reref Ed/HighEd Com) ..... 119, 283.
Job Protection
S 386 (H 371)(Ch. 210) ..... 119, 283, 464, 476, 484, 658, 668, 680, 681.
Lateral Entry Process Review
S 385 (Ch. 166) ..... 119, 282, 336, 343, 643.
H 311 (Rules Com) ..... 384.
Professional Development School
S 451 (H 258)(reref Appr Com)(In S 27) ..... 137, 246.

EDUCATION [G.S. 115C] (continued)
Administrator (continued)
Professional Standards Board
S 452 (held in Clerk's office) ..... 137.
H 284 (Ch. 392) ..... 514, 526, 561, 1024, 1044, 1057, 1087.
Professional Standards Board Funds
S 450 (H 285)(Appr Com)(In S 27) ..... 136.
Program Funding Contingency
S 27 [Sec. 317](Ch. 321) ..... 998.
S 459 (Ed/HighEd Com) ..... 140.
H 257 (Ch. 199) ..... 458, 562, 633, 637, 645, 671.
Salary Schedule/School-Based
S 26 [Sec. 19](Ch. 561) ..... 1267.
S 27 [Sec. 132](Ch. 321) ..... 861.
Standards Board Defined/Fee
S 452 (held in Clerk's office) ..... 137.
H 284 (Ch. 392) ..... 514, 526, 561, 1024, 1044, 1057, 1087.
Training at University of North Carolina
S 459 (Ed/HighEd Com) ..... 140.
H 257 (Ch. 199/see S 27) ..... 458, 562, 633, 637, 645, 671.
Agency Reorganization/GPAC Recommendation
S 27 [Sec. 144.1](Ch. 321) ..... 879.
Annual Leave—see **State** (Personnel)
Attendance Mandatory
Admission Requirements
S 101 (reref Rules Com) ..... 57, 164, 169, 170, 447, 472, 477, 492, 1023.
Probation Condition
S 893 (Ed/HighEd Com) ..... 311.
H 1092 (Ch. 369) ..... 513, 530, 609, 760, 776, 1016, 1068.
Residence Clarification K-12
S 151 (Ed/HighEd Com) ..... 69.
H 49 (Ed/HighEd Com) ..... 384.
Basic Education Plan
Funding Schedule/Redirection
S 377 (reref Appr Com/see H 273) ..... 118, 201.
Minimum Instructional Standards Increased
S 383 (GovPerform Com/see H 273) ..... 119.
Board of Education, Local
Administrator Employment/Contract/Tenure
S 386 (H 371)(Ch. 210) ..... 119, 283, 464, 476, 484, 658, 668, 680, 681.
Budget Filing Requirements
S 545 (Ch. 57) ..... 181, 335, 343, 355, 538.
Candidate Filing Period (Gaston)
H 694 (Ch. 73) ..... 332, 532, 542, 546.
Central Office Staff Duty Waivers
S 110 (H 48)(Ch. 38) ..... 59, 183, 189, 381.
Community College Trustee Election by State Board
S 274 (GovPerform Com/see H 315) ..... 94.
Districts Established (Pender)
S 705 (LocGov Com) ..... 231.
Economic Interest Statement Filed
S 399 (H 282)(reref J2 Com) ..... 121, 188.

EDUCATION [G.S. 115C] (continued)
Board of Education, Local (continued)
Election Effective Date (Northampton)
S 1097 (Ch. 110) ..... 440, 468, 476, 494, 580.
Election/Membership (Perquimans)
H 412 (Ch. 21) ..... 196, 246, 257, 263.
Election Non-Partisan (Transylvania)
H 819 (Ch. 102) ..... 332, 532, 543, 573.
Election to Fill Vacancy (Cabarrus)
H 736 (Ch. 468) ..... 386, 1118, 1142, 1201.
Energy Savings Guaranteed Contracts
S 94 (H 100)(H Envir Com) ..... 57, 710, 1024, 1046.
Expulsion Authority—see under this heading (Expulsion)
Fiscal Flexibility/Responsibility
S 882 (H 994)(reref Appr Com) ..... 289, 369.
Four-Year Staggered Term (Yadkin)
H 166 (Ch. 19) ..... 155, 213, 215, 233, 263.
Interloc Program—see under this heading (Interloc Program)
Kings Mountain At-Large Seat
S 458 (Ch. 34) ..... 140, 165, 169, 339.
Management Flexibility
Efficiency Incentive Awards
S 380 (reref Appr Com/see H 273) ..... 119, 201.
Small and Low-Wealth County School Funding
S 969 (H 1195)(Appr Com)(In S 27) ..... 349.
Office Assumption/August (Yadkin)
H 167 (Ch. 20) ..... 155, 213, 215, 233, 263.
Plurality Nonpartisan Election/Charlotte-Mecklenburg
S 613 (Ch. 167) ..... 194, 414, 431, 433, 635, 643.
Property Transfer—see Specific County
Term Begins June (Wilkes)
H 180 (Ch. 14) ..... 155, 213, 216, 233, 236.
Tuition—see under this heading (Tuition)
Whiteville City School Board Appointment (Columbus)
H 43 (Ch. 1) ..... 57, 60, 61, 62.
Board of Education, State
Abolish State Board of Education
S 677 (Const Com) ..... 218.
Appoint Superintendent of Public Instruction Proposed
S 388 (H 321)(reref Ed/HighEd Com) ..... 119, 204.
Certification of School Administrator
S 452 (held in Clerk's office) ..... 137.
H 284 (Ch. 392) ..... 514, 526, 561, 1024, 1044, 1057, 1087.
Class Size Discretion Repealed
S 445 (Ed/HighEd Com) ..... 133.
H 222 (reref Ed/HighEd Com) ..... 145, 609, 617, 619, 636, 668, 703, 765.
Confirmation of Appointments (Davis; Douglas; Harvey)
H 1248 (Res. 15) ..... 587, 588.
Confirmation of Appointment/Joint Session
H 1247 (Res. 14) ..... 513, 531, 571, 572, 576, 579.
Contract Process Defined
S 387 (H 372)(reref Ed/HighEd Com) ..... 119, 283.
Department of Public Education Responsibilities
H 935 (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
Expelled Students Report
S 880 (H 1010)(H Calendar) ..... 280, 369, 379.

EDUCATION [G.S. 115C] (continued)
Board of Education, State (continued)
Extended Services Model Plan
S 448 (Ed/HighEd Com) ..... 136.
H 256 (Ch. 132) ..... 384, 592, 603, 604.
Funds Withheld for Low Performance
S 379 (reref Appr Com/see H 273) ..... 119, 201.
Professional Teaching Standards Board Authority
S 883 (H Rules Com) ..... 289, 447, 1124, 1150.
H 938 (Ch. 231) ..... 386, 680, 691, 694.
Report Card Standards Revision
S 383 (GovPerform Com/see H 273) ..... 119.
School Leadership Academy Study
S 27 [Sec. 86](Ch. 321) ..... 843.
State Education Commission Created
S 389 (GovPerform Com) ..... 120.
S 390 (GovPerform Com/see H 1319) ..... 120.
S 391 (H Educ Com) ..... 120, 258, 329, 336.
H 292 (Ch. 393) ..... 352, 720, 1035, 1061, 1087.
Teacher Staff Development Strategic Plan
S 347 (reref Ed/HighEd Com/see H 287) ..... 115, 282.
Teaching Standards Program Report
S 883 (H Rules Com) ..... 289, 447, 1124, 1150.
H 938 (Ch. 231) ..... 386, 680, 691, 694.
Bonds for Capital Improvement—see **Bonds** (Revenue)
Braille Literacy
S 1024 (H 1316)(reref Appr Com)(In S 26) ..... 391, 539.
Budget Filing Requirements
S 545 (Ch. 57) ..... 181, 335, 343, 355, 538.
Building Renovation—see under this heading (Facilities)
Cabinet
Education Cabinet Created
S 389 (GovPerform Com) ..... 120.
S 390 (GovPerform Com/see H 1319) ..... 120.
S 391 (H Educ Com) ..... 120, 258, 329, 336.
H 292 (Ch. 393) ..... 352, 720, 1035, 1061, 1087.
Children With Special Needs—see **Mental Health;** under this heading (Exceptional Children)
Class
Physical Education/Music Maximum Size
S 445 (Ed/HighEd Com) ..... 133.
H 222 (reref Ed/HighEd Com) ..... 145, 609, 617, 619, 636, 668, 703, 765.
Classroom—see under this heading (Facilities)
Commission—see **Boards and Commissions** (Commission)
Community College—see **Higher Education**
Consolidation—see under this heading (School—Merger)
Continuum of Education Programs [G.S. 116C]
Counselor
Instructional Support Personnel Funds
S 27 [Sec. 134.1](Ch. 321) ..... 866.
Crime Reports Required
S 879 (Ed/HighEd Com) ..... 280.
H 1009 (Ch. 327) ..... 459, 609, 711, 729, 744, 1002.
Critical School Facility Need—see under this heading (Facilities)

EDUCATION [G.S. 115C] (continued)
Curriculum
American Ethics Instruction Requirement
S 1169 (H 1408)(reref Appr Com) ..... 521, 592.
Cardiopulmonary Resuscitation Instruction Study
S 26 [Sec. 55](Ch. 561) ..... 1280.
Dental Health Program—see **Medicine** (Dentist)
Department
Information System Management/Operation Report
S 315 (H Appr Com/see H 322) .... 108, 219, 465, 473, 476, 483, 505.
S 322 (GovPerform Com/see H 322) ..... 108.
Training System Delivery Cost Efficient
S 345 (reref Ed/HighEd Com/see H 287) ..... 115, 282.
Department of Public Instruction
Aid to Local School Funds Transfer
S 26 [Sec. 61](Ch. 561) ..... 1282.
Clerical Position Ratio/Reduction
S 414 (reref Appr Com/see H 378) ..... 126, 201.
Environmental Education Liaison
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.
Professional Teaching Standards Board Created
S 883 (H Rules Com) ..... 289, 447, 1124, 1150.
H 938 (Ch. 231) ..... 386, 680, 691, 694.
Public Education References Deleted
H 935 (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
Reorganization/Budget Reduction
S 27 [Sec. 130](Ch. 321) ..... 861.
Reorganization of Department/Three Major Areas
S 27 [Sec. 144.1](Ch. 321) ..... 879.
S 370 (reref Appr Com/see H 378) ..... 118, 200.
Teacher Certification System Review/Applicant Priority
S 349 (reref Appr Com) ..... 115, 200.
S 350 (reref Appr Com) ..... 115, 200.
H 304 (GovPerform Com) ..... 384.
Differentiated Pay—see **State** (Personnel—Salaries)
Diploma Reflect Proficiency Level
S 878 (H 972)(Ch. 117/see S 27) ..... 279, 356, 370, 379, 589.
Driver Education—see **Motor Vehicle**
Drugs—see **Drugs**
Early Childhood Education
Partnership for Children, Inc. Created
S 27 [Sec. 254](Ch. 321) ..... 948.
Education Assistance Authority—see **Higher Education** (Scholarship)
Education Bond Act—see **Bonds** (Revenue)
Education Oversight Committee—see **Boards and Commissions** (Legislative)
Education Standards and Accountability Commission
—see **Boards and Commissions** (Commissions)
Education Support Services Commission—see **Boards and Commissions**
Educational Neglect Study
S 1281 (Rules Com/see H 1319) ..... 736.
Educational Technology Funds
S 783 (reref CapExp Com) ..... 254, 258, 384, 680.
Exceptional Children
Civil Action Filing Procedure
S 559 (Ch. 270) ..... 186, 445, 488, 733.
Deaf—see **Handicapped** (Hearing Impaired)

EDUCATION [G.S. 115C] (continued)
Exceptional Children (continued)
Driving Education Age Exemption
H 1002 (Ed/HighEd Com) ..... 459.
Education and Services Study
H 40 (Ch. 61) ..... 145, 536, 543, 546.
Formula and Funding
S 43 (Appr Com) ..... 48.
Formula Revision/Board of Education
S 44 (reref Appr Com) ..... 48, 164.
Fund Allocation
S 27 [Sec. 134](Ch. 321) ..... 865.
Graduation Standards/Study
S 863 (H 904)(Ch. 359) ..... 272, 404, 422, 1039, 1051, 1053.
Home/Hospital-based Instruction
S 581 (H 614)(reref Appr Com) ..... 188, 447.
Tomorrow Academy Pilot School Funds
S 1037 (H 1267)(reref CapExp Com) ..... 392, 1017.
Visually Impaired Literacy Determination
S 1024 (H 1316)(reref Appr Com)(In S 26) ..... 391, 539.
Expulsion—see under this heading (Student)
Facilities
Building Improvement Report System
H 971 (Ch. 142) ..... 481, 592, 603, 608, 611.
Building Improvement Reports
S 111 (H 70)(reref Rules Com) ..... 59, 183.
Building Plan Waivers
S 110 (H 48)(Ch. 38) ..... 59, 183, 189, 381.
Capital Improvements—see **Bonds** (Revenue)
Energy Efficient School Construction
S 93 (reref Appr Com) ..... 56, 152.
H 102 (Ch. 465) ..... 346, 745, 1118, 1151, 1201.
Erection/Repair Contract (Duplin County)
H 114 (Ch. 549) ..... 684, 750, 1096, 1114, 1141, 1314.
Forsyth Downtown School Project Exemption
S 666 (Ch. 128) ..... 211, 328, 334, 604.
H 691 (Rules Com) ..... 584.
Mobile Classroom Tax Exemption
S 154 (Ch. 484) ..... 70, 139, 147, 151, 1195, 1207, 1208, 1221.
Old Education Building Renovation Report
S 26 [Sec. 34](Ch. 561) ..... 1273.
Public School Buildings Bonds
S 824 (CapExp Com) ..... 264.
Renovation Versus Replacement Encouraged
H 1001 (Ch. 416) ..... 512, 529, 1012, 1031, 1099.
School Facility Needs Commission
—see **Boards and Commissions** (Commissions)
Family Resources Grant Program
S 12 (H 10)(CapExp Com) ..... 30, 124, 245, 1021.
Fellows Program—see under this heading (Principals; Teachers)
Funds Flexibility—see under this heading (Board of Education, Local)
Grades
Algebra Exemption/Exceptional Children
S 863 (H 904)(Ch. 359) ..... 272, 404, 422, 1039, 1051, 1053.

EDUCATION [G.S. 115C] (continued)
Grades (continued)
Probation Condition Juvenile Delinquent
S 892 (Ch. 462) ..... 311, 369, 379, 396, 1004, 1118, 1153, 1201.
Test at End of Course
S 384 (reref Appr Com/see H 273) ..... 119, 201.
Guns on School Property—see under this heading (School—Violence)
Head Start
Allocation of Supplemental Funds
S 27 [Sec. 252](Ch. 321) ..... 947.
Bond Referendum for Capital Improvements
S 1087 (H 1312)(Bonds Com) ..... 439.
Classroom Facility Funds/Formula
S 26 [Sec. 83.1](Ch. 561) ..... 1289.
Facilities Construction and Capital Needs/Improvements
S 1198 (CapExp Com) ..... 559.
Parent and Child Center Funds
S 1132 (H 1350)(Appr Com)(In S 26) ..... 479.
Women, Infants, and Children Program Funds
S 27 [Sec. 279](Ch. 321) ..... 963.
Holiday/Election Day (Burke)
S 795 (Ch. 90) ..... 260, 388, 415, 432, 573.
Immunization Requirements—see **Public** (Health—Vaccine)
Incinerator Operator Training Program
S 55 (H 89)(Ch. 29) ..... 50, 140, 145, 177, 278, 321, 323.
Instruction
Material—see under this heading (Textbooks)
Services to Home/Hospital
S 581 (H 614)(reref Appr Com) ..... 188, 447.
Support Personnel—see **State** (Personnel—School Employee)
Insurance Group Coverage
S 854 (H Ins Com) ..... 271, 403, 422.
Interloc Program
Established
S 960 (reref Appr Com) ..... 345, 561.
Funds
S 959 (Appr Com) ..... 345.
Kindergarten
Admission Requirements Waived
S 101 (reref Rules Com) ..... 57, 164, 169, 170, 447, 472, 477, 492, 1023.
Attendance—see under this heading (Attendance)
Health Assessment Requirement
S 488 (Ed/HighEd Com) ..... 160.
H 365 (Ch. 124) ..... 346, 561, 569, 596.
Mobile Preschool Pilot Program (McDowell)
S 27 [Sec. 137](Ch. 321) ..... 870.
Land Owner Liability Protection
S 40 (J2 Com) ..... 48.
H 36 (J2 Com) ..... 384.
Learning Link Communication System Fund
S 27 [Sec. 100](Ch. 321) ..... 848.
Leave of Absence—see **State** (Personnel)
Library—see **Library**
Lottery Revenue—see **Criminal Law** (Gambling)
Management Flexibililty—see under this heading (Boards of Education, Local)
Merger—see under this heading (School)

EDUCATION [G.S. 115C] (continued)
Mobile Classrooms—see under this heading (Facilities)
Outcome-Based Education Funds
High/Low Performance Grants
S 379 (reref Appr Com/see H 273) ..... 119, 201.
Oversight Committee—see **Boards and Commissions** (Legislative)
Parental Involvement
Local School Improvement Plans
H 970 (Ed/HighEd Com) ..... 360.
Parents as Teachers Pilot Program (Rutherford/Wake)
S 27 [Sec. 140](Ch. 321) ..... 876.
Program Funding
S 1149 (H 1278)(Appr Com) ..... 480.
Pay-Day—see **State** (Personnel—Salaries)
Performance Based Accountability Program
Development/Implementation by State Board
S 27 [Sec. 144.2](Ch. 321) ..... 879.
Developmental Changes/Accreditation Stabilized
S 381 (GovPerform Com/see H 273) ..... 119.
End-of-course/Grade Testing
S 384 (reref Appr Com/see H 273) ..... 119, 201.
Mandatory Participation
S 382 (GovPerform Com/see H 273) ..... 119.
Personnel
Administrator—see under this heading (Administrator)
Salaries—see **State** (Personnel—Salaries)
School Employee—see **State** (Personnel—School Employee)
Teacher—see under this heading (Teacher)
Vacation—see **State** (Personnel—Annual Leave)
Physical Education Class Size
S 445 (Ed/HighEd Com) ..... 133.
H 222 (reref Ed/HighEd Com) ..... 145, 609, 617, 619, 636, 668, 703, 765.
Physical Fitness Community/School Pilot Program
S 444 (Appr Com) ..... 133.
Principal
Crime Report Requirement
S 879 (Ed/HighEd Com) ..... 280.
H 1009 (Ch. 327) ..... 459, 609, 711, 729, 744, 1002.
Fellows Program
Established
S 27 [Sec. 85](Ch. 321) ..... 840.
S 460 (H 253)(Appr Com) ..... 140.
Recruitment of Candidates
S 462 (H 254)(reref Appr Com) ..... 140, 447.
Sanitation Inspection Rules Enforced
S 597 (H Hlth Com) ..... 192, 381, 398.
H 179 (Ch. 513) ..... 177, 1107, 1120, 1121, 1243.
H 570 (Ch. 262) ..... 385, 570, 652, 670, 679, 684, 723.
School Leadership Academy—see under this heading (School)
Staff Development Restructured
S 409 (reref Appr Com/see H 287) ..... 125, 201.
Promotion of Student—see under this heading (Grades)
Psychologist Licensing Exemption
S 631 (H 929)(Ch. 375/see H 544) ..... 198, 242, 358, 539, 550, 1027, 1049, 1063, 1068.

EDUCATION [G.S. 115C] (continued)
Public Education [G.S. 115C]
Deletion of All References
H 935 (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
Internal Audit Funds
S 348 (reref Appr Com/see H 378) ..... 115, 200.
Public Instruction Department
—see under this heading (Department of Public Instruction)
Superintendent—see under this heading (Superintendent of Public Instruction)
Public School Fund—see **Funds**
Pupil—see under this heading (Student)
Salaries of Teachers/Staff—see **State** (Personnel—Salaries)
Scholarship—see **Higher Education**
School
A+ Schools Program—see under this heading (Teacher)
Access to Learning Link Funds
S 27 [Sec. 100](Ch. 321) ..... 848.
S 1127 (H 1308)(Appr Com) ..... 457.
Alternative School Model/Disruptive Student (Anson)
S 1203 (reref CapExp Com) ..... 571, 774.
Alternative Schools Study Commission (LRC)
S 1200 (Rules Com/see H 1319) ..... 565.
Arrest on School Ground Without Warrant
S 506 (J1 Com) ..... 168.
H 448 (J1 Com) ..... 385.
Attendance—see under this heading (Attendance)
Blind—see **Handicapped** (Visually Impaired)
Boards—see under this heading (Board of Education, Local; State); Specific County
Building—see under this heading (Facilities)
Bus—see **Motor Vehicle** (School Bus)
Bus Driver—see **State** (Personnel—School Employee)
Cities in Schools Funds
S 27 [Sec. 39.2](Ch. 321) ..... 810.
Closed for Emergency/Reporting Requirement
S 547 (Ed/HighEd Com) ..... 181.
Deaf—see **Handicapped** (Hearing Impaired)
Employee—see **State** (Personnel)
Expulsion—see under this heading (Student)
Extended Services Programs Encouraged
S 448 (Ed/HighEd Com) ..... 136.
H 256 (Ch. 132) ..... 384, 592, 603, 604.
Fund Calculation
S 235 (H Fin Com) ..... 88, 207, 216, 234.
H 400 (Ch. 179) ..... 314, 633, 643, 648.
Guns/Weapons—see under this subheading (Violence)
Improvement Plans Adoption/Implementation Procedures
S 49 (reref Appr Com) ..... 49, 403.
Joint Operation—see under this heading (Interloc Program)
Leadership Academy
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Study—see **Studies** (Agency)
Local Sales Tax Proceeds
H 136 (Ch. 255) ..... 541, 592, 664, 678, 689, 719.
Low Performing Unit Funds
S 27 [Sec. 136](Ch. 321) ..... 869.

EDUCATION [G.S. 115C] (continued)
School (continued)
Management Flexibility
Supplemental Funding
S 969 (H 1195)(Appr Com)(In S 27) ..... 349.
Merger
Beaufort County/Washington City
H 410 (Ch. 55) ..... 227, 285, 466, 498, 516, 524, 532.
Career Ladder Pilot Project Funds
S 27 [Sec. 129](Ch. 321) ..... 860.
Franklin/Franklinton Units
S 729 (Ch. 341) ..... 239, 447, 470, 1012, 1023.
Rockingham Public School Systems
S 498 (reref Rules Com) ..... 163, 213, 215, 233, 247.
H 426 (Ch. 15) ..... 227, 233, 236.
Tarboro/Edgecombe City
H 736 (Ch. 468) ..... 386, 1118, 1142, 1201.
Public School Fund—see **Funds**
Safe School—see under this subheading (Violence)
Sanitation Rules
H 935 (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
School Leadership Academy Study—see **Studies** (Agency)
School Technology Commission Created
S 27 [Sec. 135](Ch. 321) ..... 867.
S 1002 (reref Appr Com) ..... 361, 384.
Service Extended Programs
S 448 (Ed/HighEd Com) ..... 136.
H 256 (Ch. 132) ..... 384, 592, 603, 604.
Sewer System Study (LRC)
S 1295 (Rules Com/see H 1319) ..... 737.
Site-Based Management Task Force Membership
S 27 [Sec. 144.2(d)](Ch. 321) ..... 882.
H 130 (StPers&StGov Com) ..... 395.
Supplemental School Funding
S 26 [Sec. 52](Ch. 561) ..... 1279.
S 27 [Sec. 138](Ch. 321) ..... 870.
S 969 (H 1195)(Appr Com) ..... 349.
Violence
Alternative School Study (LRC)
S 1200 (Rules Com/see H 1319) ..... 565.
Counselor/Instructional Support Personnel Funds
S 27 [Sec. 134.1](Ch. 321) ..... 866.
Safe Schools
Funding
S 27 [Sec. 139](Ch. 321) ..... 874.
Grants
S 1071 (Appr Com) ..... 424.
Partnership Act
S 977 (held in Clerk's office/see H 28) ..... 350.
S 989 (Ch. 509) ..... 357, 369, 379, 487, 494, 1211, 1214, 1242.
Safety Task Force Established/Funds
S 1096 (H 1299)(Appr Com) ..... 440.
S 27 [Sec. 139](Ch. 321) ..... 874.

EDUCATION [G.S. 115C] (continued)
School (continued)
Violence (continued)
Weapon on School Property
S 19 (H 158)(J1 Com) ..... 30.
S 24 (J1 Com/see H 28) ..... 43.
S 429 (J1 Com/see H 28) ..... 129.
S 891 (Ed/HighEd Com) ..... 311.
H 823 (J1 Com) ..... 481.
H 1008 (Ch. 558) ..... 512, 529, 752, 1047, 1061, 1064, 1123, 1125, 1127, 1129, 1247, 1250, 1315.
World Class School Pilot Program
S 123 (H 50)(Ch. 103) ..... 62, 414, 437, 463, 472, 580.
Year-round School Facilitated
H 616 (Ch. 98) ..... 385, 561, 569, 573.
School Employee—see **State** (Personnel—School Employee)
Site-Based Management—see under this heading (School)
Special Needs—see under this heading (Exceptional)
Staff Development Advisory Group
S 346 (reref Ed/HighEd Com/see H 287) ..... 115, 282.
State Board—see under this heading (Board of Education, State)
Student
Achievement Act—see under this heading (Outcome-Based)
Disruptive Student Alternative School (Anson)
S 1203 (reref CapExp Com) ..... 571, 774.
Explusion Authority Strengthened
S 880 (H 1010)(H Calendar) ..... 280, 369, 379.
Expulsion/Readmission Process
S 880 (H 1010)(H Calendar) ..... 280, 369, 379.
Suspended Student Alternative Program
S 1094 (Appr Com) ..... 439.
Suspension Effective in Subsequent Year
S 728 (J1 Com) ..... 239.
Truancy Related Crime Prevention Program
S 1188 (Appr Com) ..... 535.
Violent Student Alternative School Study (LRC)
S 1200 (Rules Com/see H 1319) ..... 565.
Studies—see **Studies**
Superintendent of Public Instruction
Appointed by State Board Versus Election
S 28 (H Const Com) ..... 44, 245, 330, 353.
S 388 (H 321)(reref Ed/HighEd Com) ..... 119, 204.
Children with Special Needs Commission Membership
S 546 (Ch. 58) ..... 181, 246, 259, 538.
Education Cabinet Membership
S 389 (GovPerform Com) ..... 120.
S 390 (GovPerform Com/see H 1319) ..... 120.
S 391 (H Educ Com) ..... 120, 258, 329, 336.
H 292 (Ch. 393) ..... 352, 720, 1035, 1061, 1087.
Personnel Director
S 309 (GovPerform Com/see H 288) ..... 99.
Salary
Annual
S 27 [Sec. 49](Ch. 321) ..... 815.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.

EDUCATION [G.S. 115C] (continued)
Superintendent of Public Instruction (continued)
Salary (continued)
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Staff Development Advisory Group Established
S 346 (reref Ed/HighEd Com/see H 287) ..... 115, 282.
Teacher—see also **State** (Personnel)
A+ Schools Program/Southeastern North Carolina
S 1232 (Appr Com) ..... 628.
Annual Leave/Shared Leave Program
S 195 (Ed/HighEd Com) ..... 81.
Assistant
Funding/Waived for Teacher Use
S 1067 (reref Appr Com) ..... 424, 536.
Non-certified—see **State** (Personnel—School Employee)
Scholarship Loan Fund Qualification
H 494 (Ch. 260) ..... 360, 680, 706, 720, 722.
Vacation Flexibility
S 664 (Ed/HighEd Com) ..... 211.
H 639 (Ch. 475) ..... 458, 1035, 1108, 1122, 1129, 1210.
Center for Advancement of Teaching
Appointments by President of Senate
(Fitzpatrick, Forde)
S 1124 [Sec. 24](Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Western Carolina University Funds
S 27 [Sec. 142](Ch. 321) ..... 878.
Certification
Applicant Priority
S 350 (reref Appr Com) ..... 115, 200.
H 304 (GovPerform Com/see S 349) ..... 384.
Requirement Course/Residency Test Exemption
S 233 (reref Appr Com) ..... 87, 245.
System Review
S 349 (reref Appr Com) ..... 115, 200.
H 304 (GovPerform Com/see S 350) ..... 384.
Vocational Teacher
S 576 (reref Ed/HighEd Com) ..... 187, 336, 718, 721.
H 514 (Ch. 397) ..... 514, 524, 526, 773, 1035, 1062, 1088.
Complaint Placed in Personnel File Discretionary
S 884 (Ch. 169) ..... 289, 454, 489, 644.
Cosmetology Instructor
S 974 (H 1155)(H Rules Com) ..... 350, 709, 1025, 1048, 1103.
Education Consortium—see **Higher Education** (UNC); under this subheading (Teacher)
Geographic Society, N.C.—see **Geographical Information**
Leadership Development Program/ECU
S 1063 (Appr Com) ..... 423.
Learning/Training System Re-evaluation
S 345 (reref Ed/HighEd Com/see H 287) ..... 115, 282.
Leave of Absence/Vacation—see **State** (Personnel—Annual Leave)
Loan Prepayment/Part-time Teaching
S 650 (reref Appr Com) ..... 210, 1118.
Major Medical Plan—see **State** (Personnel)

EDUCATION [G.S. 115C] (continued)
Teacher (continued)
Preparation of Teachers Task Force Report
S 218 (Ch. 43) ..... 84, 165, 169, 510.
Profession Support Funds
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
Professional Teaching Standards Program Report
S 883 (H Rules Com) ..... 289, 447, 1124, 1150.
H 938 (Ch. 231) ..... 386, 680, 691, 694.
Salary—see **State** (Personnel—Salaries)
Staff Development
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Strategic Plan
S 347 (reref Ed/HighEd Com/see H 287) ..... 115, 282.
Substitute Provided for Teacher Development
S 373 (H 328)(reref Appr Com) ..... 118, 200.
Teacher Academy Plan
Funds
S 27 [Sec. 142](Ch. 321) ..... 878.
S 967 (Appr Com) ..... 345.
Implementation
S 968 (reref Appr Com) ..... 346, 404.
Task Force
S 27 [Sec. 141](Ch. 321) ..... 876.
Teacher Education Consortium
Bertie County Added
S 27 [Sec. 131](Ch. 321) ..... 861.
Teacher Scholarship Loan Fund—see **Higher Education** (Scholarship)
Teacher Training
Annual Leave Use
S 373 (H 328)(reref Appr Com) ..... 118, 200.
Required
S 376 (H 269)(reref Appr Com) ..... 118, 201.
Teacher Training Task Force
Continued
S 449 (H 255)(Appr Com)(In S 26) ..... 136.
Membership
S 26 [Sec. 58](Ch. 561) ..... 1281.
S 124 (reref Appr Com) ..... 62, 183.
H 47 (S 124)(reref Appr Com) ..... 458, 592.
Report Forwarded
H 41 (Rules Com) ..... 155.
Teaching Fellows
Bonus and Grant Program Created
S 1180 (reref Appr Com) ..... 523, 593.
Commissioner Appointed (Byrd)
S 1124 [Sec. 29](Ch. 405/see H 544) ... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Commissioner Appointed (Bright)
H 439 [Sec. 5](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Scholarship Loan Repaid by Teaching
S 630 (Ch. 330) ..... 198, 335, 399, 422, 449, 776, 1005, 1011.
Teaching Standards Board Created
S 883 (H Rules Com) ..... 289, 447, 1124, 1150.
H 938 (Ch. 231) ..... 386, 680, 691, 694.

EDUCATION [G.S. 115C] (continued)
Teacher (continued)
Training/Excess Annual Leave Use
S 373 (H 328)(reref Appr Com) ..... 118, 200.
Technical Assistance Center Reorganization
S 378 (reref Appr Com/see H 378) ..... 118, 201.
Television Access to Learning Link
S 27 [Sec. 100](Ch. 321) ..... 848.
S 1127 (H 1308)(Appr Com) ..... 457.
Testing—see under this heading (Grades)
Textbooks
Availability Insured
S 1158 (Appr Com) ..... 497.
State Capitol Education Program Funds
S 1186 (Appr Com) ..... 534.
Textbook Commission Transfer
H 935 (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
Transportation Information Management System
Funds
S 27 [Sec. 302](Ch. 321) ..... 980.
Operation Report
S 322 (GovPerform Com/see S 315; H 322) ..... 108.
Truancy—see under this heading (Student)
Tuition
Requirements/Assessment
S 151 (Ed/HighEd Com) ..... 69.
H 49 (Ed/HighEd Com) ..... 384.
Vacation—see **State** (Personnel—Annual Leave)
Violence—see under this heading (School)
Vocational and Technical Education
Distribution Formula for State Funds
H 471 (Ch. 180) ..... 353, 561, 633, 643, 648.
Weapons on School Property—see under this heading (School—Violence)
Work Hours for Student—see **Labor** (Wage and Hour)
EDUCATIONAL FACILITIES RESEARCH LABORATORY
—see **Higher Education** (UNC)
EDWARDS, C. R.—Senator Cumberland (part)—41st District
Absent With Leave ..... 159, 163, 171, 179, 243, 268, 338, 617, 685, 747, 757 (present), 1025, 1122 (present).
Adjournment Motion—Second ..... 58, 107.
Certificate of Election ..... 7.
Committee Assignments ..... 33, 34, 36, 38, 39, 64, 162.
Standing—
Economic Development/Travel and Tourism (Chairman)
Pensions and Retirement (Vice-Chairman)
Appropriations—Appropriations on Education—
Banks and Thrift Institutions—Education/Higher Education—
Local Government and Regional Affairs—Manufacturing and Labor
Select—
Bonds
S 906 (Worker's Compensation) ..... 540.
Conference—
S 161 ..... 1129, 1233.
H 799 ..... 1086, 1132.
H 1008 ..... 1127, 1248.
Oath of Office ..... 7.
Prayer ..... 1233.

EDWARDS, C. R.—Senator (continued)
Remarks Spread—
Jeralds Eulogy ..... 102.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 545, 546, 547, 920, 988, 1068, 1073, 1120, 1151, 1237, 1238.
Co-Sponsor ..... 6, 12, 13, 48, 65, 68, 122, 251, 255, 256, 334, 336, 342, 397, 423, 424, 469, 479, 480, 541, 542, 549, 555, 572, 664, 665, 674, 676, 683, 696, 770, 771, 818, 835, 836, 843, 881, 888, 891, 892, 893, 904, 915, 919, 923, 934, 941, 949, 956, 964, 970, 989, 1012, 1027, 1029, 1041, 1042, 1048, 1076, 1122, 1129, 1133, 1140, 1163, 1174, 1193, 1200, 1250, 1264, 1296.
Endorsement Withdrawn—
S 906 ..... 329.
ELDERLY—see Aged
ELECTIONS [G.S. 163]
Absentee Vote—see under this heading (Ballot)
Alcoholic Beverage Control Board—see **Alcohol Regulation**
Alternative System Study (LRC)
H 1319 [Sec. 2.1(62)](ordered enrolled)
(see S 1270; H 1397) ..... 1249, 1320.
Ballot
Absentee
Eligibility/Procedures
S 1066 (S/H conf com) ..... 424, 468, 503, 508, 1206, 1209, 1213, 1216.
Facsimile Military/Overseas Ballot
S 921 (H J1 Com) ..... 318, 429, 461.
Old Fort Elections (McDowell)
H 435 (Ch. 35) ..... 227, 324, 334, 339.
One-stop Voting Repeal
H 772 (Const Com) ..... 512, 528.
Unopposed/Election Declared
H 453 (reref Const Com) ..... 353, 532, 543, 544.
Board of Elections
Local
Early Voting Site
H 772 (Const Com) ..... 512, 528.
Bond Issuance
Community College Bond Act
S 396 (reref Bonds Com/see H 164) ..... 120, 258.
County Reimbursement
S 26 [Sec. 25](Ch. 561) ..... 1269.
Education/Clean Water/Parks Bond Act
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .. 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Candidate
Economic Interest Statement Filing
S 399 (H 282)(reref J2 Com) ..... 121, 188.
Filing Period Gaston County Board of Education
H 694 (Ch. 73) ..... 332, 532, 542, 546.
Census Map
Printing Requirement
H 563 (Ch. 352) ..... 425, 621, 632, 1034.

ELECTIONS [G.S. 163] (continued)
City Council
Hildebran Commissioner/Mayor Terms
H 409 (Ch. 238) ..... 266, 651, 662, 668, 701.
Term Reduction in Gastonia (Gaston)
H 553 (Ch. 136) ..... 314, 582, 599, 605.
Wilmington (New Hanover)
S 798 (Const Com) ..... 260.
Community College, State Board—see also **Higher Education**
House of Representatives Elects (Council) ..... 571.
Procedures
H 1209 (Res. 13) ..... 459, 487, 498, 518, 523, 571.
Senate Elects (Harmon) ..... 568.
Senate Nominates (Harmon, Shaw, Welber) ..... 563, 567.
Congress
Two-term Limit
S 16 (unf rpt) ..... 30, 468.
Constitutional Amendment—see **Constitution, North Carolina**
Constitutional Review Commission
S 21 (reref Appr Com/see H 1319) ..... 30, 404, 574.
County Commissioners—see also Specific County
Organizational Meeting in December
H 407 (Ch. 95) ..... 196, 559, 569, 573.
District
Nonpartisan Method/Constitutional Proposal
S 1218 (Rules Com) ..... 584.
Early Voting—see under this heading (Voter)
Education Boards—see **Education** (Board); Specific County
Electioneering Exemption for Youth
S 684 (Ch. 236) ..... 225, 404, 421, 701.
Electoral College
Conformance
S 20 (H J1 Com) ..... 30, 135, 143, 178, 330, 343.
Mileage Allowance
S 651 (Appr Com) ..... 210.
Filing of Candidate—see under this heading (Candidate)
Fund Raising During Legislative Session
S 636 (H 403)(J2 Com/see H 278 [Sec. 1114]) ..... 199.
General Assembly Terms—see **General Assembly**
Gubernatorial
Governor/Lieutenant Governor Joint Ticket
S 77 (Const Com) ..... 54.
Judge
District Judge Term/Eight Years
S 514 (Const Com) ..... 172.
S 531 (failed 2nd rdg) ..... 177, 324, 334, 354, 373, 398, 420, 451, 461, 478.
Mayor—see Specific County
Municipal Elections—see Specific County
Plurality
Charlotte—Mecklenburg Board of Education
S 613 (Ch. 167) ..... 194, 414, 431, 433, 635, 643.
Enfield Commissioners (Hertford)
H 888 (Ch. 479) ..... 541, 750, 1096, 1115, 1132, 1142, 1210.
Franklinton Mayor/Commissioners
S 730 (Ch. 160) ..... 239, 324, 466, 499, 518, 634.

ELECTIONS [G.S. 163] (continued)
Plurality (continued)
Reidsville City Council (Rockingham)
S 859 (Ch. 306) ..... 272, 415, 432, 752, 757, 759.
Political Parties
Local Government Employee Activity Limited
H 818 (Ch. 298) ..... 425, 673, 691, 699, 721, 748.
Nomination of Lieutenant Governor
S 77 (Const Com) ..... 54.
Precinct
Boundary Conformed with Township
H 563 (Ch. 352) ..... 425, 621, 632, 1034.
Boundary Restoration (Buncombe)
H 677 (Ch. 72) ..... 441, 532, 542, 546.
Primary
Lieutenant Governor Exempt
S 77 (Const Com) ..... 54.
September/First Tuesday
S 78 (H J1 Com) ..... 54, 429, 452, 491.
Redistrict—see under this heading (District)
Referendum—see also under this heading (Bonds)
Horse Racing/Parimutuel Wagering
S 116 (H 42)(reref J1 Com) ..... 60, 341.
Lottery, State-Operated
S 11 (H Const Com/see H 38) ..... 29, 554, 591, 607, 615.
Veto, Gubernatorial
S 25 (H ppi/see H 39; H 45; H 62; H 1072) ..... 43, 358, 398, 405.
Registration
Carteret/Craven Boundary Transfers
H 812 (Ch. 207) ..... 395, 533, 650, 661, 667, 672.
Driver License Site
H 780 (Ch. 74) ..... 319, 532, 544, 546.
Mail-in Voter Registration Delay
H 780 (Ch. 74) ..... 319, 532, 544, 546.
Preregistration by Driver License Examiner
S 1066 (S/H conf com) ..... 424, 468, 503, 508, 1206, 1209, 1213, 1216.
Voter Registration Study (LRC)
H 1319 [Sec. 2.1(31)](ordered enrolled)(see S 1270; H 778) 1249, 1320.
Voting Machine Allocation—see under this heading (Voter)
Report—see under this heading (Candidate)
School Boards—see **Education** (Board); Specific County
School Holiday (Burke)
S 795 (Ch. 90) ..... 260, 388, 415, 432, 573.
Senate Officers ..... 12, 14, 18, 20, 21, 22.
Sheriff—see **Law Enforcement**
Superintendent of Public Instruction—see **Constitution, North Carolina**
Tax Collector Referendum (Mitchell)
H 713 (Ch. 99) ..... 441, 557, 567, 573.
Term Limitations for Public Office
S 660 (unf rpt) ..... 211, 468.
University of North Carolina, Board of Governors—see also **Higher Education**
House of Representatives
Elects
(Adams, Bibbs, Cecil, Garwood, Lee, Newbold, Peterson, Reaves, Webb) ..... 173.
Notification (see H 135) ..... 173.

ELECTIONS [G.S. 163] (continued)
University of North Carolina, Board of Governors (continued)
Senate
Elects
(Aldridge, Britt, Collins, Hyde, Jordan, Martin, Marvin, Neill, O'Kelley) ..... 84.
Nominates
(Aldridge, Britt, Collins, Crotts, Ervin, Hyde, Jordan, Kinsey, Martin, Marvin, Neill, O'Kelley) ..... 76, 78.
Procedures
S 102 (adopted) ..... 58, 61, 66, 84, 1525.
Voter
Early Voting Program
S 1066 (S/H conf com) ..... 424, 468, 503, 508, 1206, 1209, 1213, 1216.
H 772 (Const Com) ..... 512, 528.
Registration—see under this heading (Registration)
Transfer Durham City/Orange County
H 506 (Ch. 68) ..... 314, 532, 542, 546.
Voting at Close of Registration
H 252 (Const Com) ..... 227.
Voting Machine Allocation (Mecklenburg)
S 806 (H 790)(Ch. 460) ..... 261, 404, 420, 421, 433, 1140, 1150, 1200.
H 829 (Rules Com) ..... 605.
Voting Rights Act
Cleveland County Commissioners Election
S 720 (Ch. 89) ..... 238, 359, 378, 573.
Franklin/Franklinton School Merger
S 729 (Ch. 341) ..... 239, 447, 470, 1012, 1023.
Reidsville (Rockingham)
S 859 (Ch. 306) ..... 272, 415, 432, 752, 757, 759.
St. Pauls Election (Robeson)
S 702 (Ch. 158) ..... 231, 323, 334, 634.
ELECTRICAL CONTRACTING—see **Contractor**
ELECTRIFICATION [G.S. 117]—see **Utilities**
ELECTROLYSIS PRACTICE ACT [G.S. 88A]
Licensing Amendments/Qualifications
S 1249 (H Rules Com) ..... 665, 1047, 1142, 1143, 1154, 1166.
Licensure Without Examination
S 575 (Ch. 530) ..... 187, 268, 286, 1217, 1218, 1245.
ELECTRONIC
House Arrest Program—see **Prison** (Alternative Punishment)
Notice of Public Meetings (Durham)
H 520 (Ch. 279) ..... 257, 710, 727, 734.
Public Records Law Changes
S 418 (H 121)(J2 Com) ..... 126.
Tax Payments—see **Taxation**
ELEVATOR—see **Labor Department**
ELIZABETH CITY STATE UNIVERSITY—see **Higher Education** (UNC)
EMBLEMS OF STATE—see **State of North Carolina** (Emblems)
EMERGENCY PERSONNEL/SERVICES/EQUIPMENT
Cardiac Care Emergency Study (LRC)
H 1319 [Sec. 2.1(33)](ordered enrolled)
(see S 1270; H 805) ..... 1249, 1320.

EMERGENCY PERSONNEL/SERVICES/EQUIPMENT (continued)
Cardiopulmonary Resuscitation Training/Day Care
S 397 (J1 Com) ..... 121.
H 221 (J1 Com) ..... 458.
Disability—see **Retirement** (Firemen; Local Government Employees)
Disaster Leave Law
S 74 (StPers&StGov Com) ..... 53.
H 87 (Ch. 13) ..... 151, 167, 190, 206, 213, 217.
Disaster Recovery Plan Policy/Information Resources
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 327 (GovPerform Com/see H 322) ..... 109.
Disaster Relief Volunteer Protection Study (LRC)
S 1192 (H 1283)(Rules Com/see H 1319) ..... 547.
Fire—see **Fire Protection**
Fire and Rescue Commission—see **Boards and Commissions**
Hazardous Material
Regional Response Team
S 72 (H 86)(Mfg&Labor Com)(In S 27) ..... 53.
Local Government [G.S. 162B]—see **Local Government**
Management [G.S. 166A]
Building Funds (Caswell)
S 26 [Sec. 9](Ch. 561) ..... 1263.
Emergency Management Issues Study Continued
S 75 (H 88)(Rules Com/see H 1319) ..... 53.
Medical Technician Certification
S 526 (H Hlth Com) ..... 176, 215, 230.
H 508 (Ch. 135) ..... 273, 590, 603, 605.
Nursing/Rest Home Service Fees
S 588 (reref Appr Com) ..... 191, 429.
Pediatric CPR Training
S 397 (J1 Com) ..... 121.
H 221 (J1 Com) ..... 458.
Public Safety Telephone Act (911) [G.S. 62A]—see **Utilities** (Telephone)
Red Lights/Sirens on Vehicles
S 1072 (H Rules Com) ..... 424, 1151, 1246.
Retirement—see **Retirement** (Firemen/Rescue Squad)
Social Services—see **Social Services**
Tornado Clean-up/Hillsborough (Orange)
S 1058 (H 926)(Appr Com) ..... 423.
Trauma System Registry Requirements/Guidelines
H 602 (Ch. 336) ..... 273, 590, 603, 617, 625, 636, 645, 707, 728, 1006, 1013, 1019.
EMINENT DOMAIN [G.S. 40A]—see also Specific County
Beach Erosion Control (New Hanover)
S 794 (H J2 Com) ..... 260, 415, 431, 450.
H 837 (Ch. 187) ..... 481, 613, 623, 631, 657.
Compensation for Property Rights
S 1227 (LocGov Com) ..... 612.
Durham Condemnation Proceedings/Notice
H 781 (Ch. 476) ..... 514, 528, 1004, 1015, 1018, 1029, 1210.
High Point Authority/Procedure (Guilford)
H 398 (Ch. 275) ..... 440, 583, 674, 685, 698, 734.
Highway Right-of-Way—see **Transportation** (Roads and Highways)
Wrightsville Beach Erosion Control/
Hurricane Protection (New Hanover)
S 794 (H J2 Com) ..... 260, 415, 431, 450.
H 837 (Ch. 187) ..... 481, 613, 623, 631, 657.

EMISSION CONTROL
—see **Environment, Health, and Natural Resources**
EMPLOYEE—see **Labor; State** (Personnel)
EMPLOYMENT
Center for Employment Training Funds
S 1152 (Appr Com) ..... 497.
Criminal Record Check to Hospital
S 1081 (J1 Com) ..... 438.
Discrimination in Employment Study (LRC)
H 1319 [Sec. 2.1(3)](ordered enrolled)
(see S 1270; H 54) ..... 1249, 1320.
Discrimination/Retaliatory Action
S 643 (Ch. 423) ..... 209, 405, 422, 495, 501, 1063, 1072, 1107, 1110.
Discrimination/Retaliatory Grievance Filing Period
S 680 (reref J1 Com) ..... 224, 282, 327.
Drug Abuse—see **Drugs** (Abuse); **Labor Department**
Employment Termination Act Study (LRC)
H 1319 [Sec. 2.1(22)](ordered enrolled)
(see S 1270; H 384) ..... 1249, 1320.
Health/Safety in Job Training Program
S 113 (Mfg&Labor Com) ..... 60.
H 186 (Ch. 170) ..... 266, 630, 637, 644.
Job Listing Service Bonded
S 657 (Ch. 172) ..... 210, 454, 488, 636, 646, 648.
Personnel Placement Fee Reimbursement/Commissions
H 533 (Ch. 202) ..... 514, 527, 652, 669, 672.
Prison/Private Enterprise Employee
Hourly Rate $3.00
S 27 [Sec. 175](Ch. 321) ..... 898.
Small Business Health Insurance
S 602 (H 610)(Ch. 408) ..... 193, 428, 453, 491, 1079, 1091, 1098.
Temporary Employment in the State Study (LRC)
H 1319 [Sec. 2.1(59)](ordered enrolled)
(see S 1270; H 1351) ..... 1249, 1320.
Wages—see **Labor** (Wage and Hour Act); **Salaries and Fees**
Workers' Compensation—see **Workers' Compensation**
Workforce Preparedness Act
S 1013 (H Rules Com) ..... 382, 394, 630, 1105, 1108.
Workforce Preparedness Commission
Literacy Grant Study
H 1131 (Ch. 526/see H 1319) ..... 459, 636, 680, 1124, 1152, 1244.
EMPLOYMENT SECURITY [G.S. 96]
Agricultural Labor Benefits Exemption
S 811 (Ch. 122) ..... 261, 429, 453, 596.
Commission
Chairman's Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
Information System Management/Operation Report
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 322 (GovPerform Com/see H 322) ..... 108.
Data Processing Center Restrictions
S 743 (reref Appr Com) ..... 250, 403.
Experience Rating Formula Deleted
S 852 (reref Fin Com) ..... 271, 413, 536, 553.
H 920 (Ch. 85) ..... 481, 539, 548, 553, 557.

EMPLOYMENT SECURITY [G.S. 96] (continued)
Labor Department Transfer From Commerce Department
S 278 (H 336)(GovPerform Com) ..... 94.
Omnibus Amendments Bill
S 802 (Ch. 343) ..... 260, 341, 355, 370, 761, 1015, 1020, 1023.
State Employee—see **State** (Personnel)
Tax Reporting Requirement/Penalties
S 787 (Ch. 424) ..... 254, 341, 466, 500, 519, 1079, 1090, 1106, 1110.
Unemployment Insurance
Rate Reduction Circumstances
S 852 (reref Fin Com) ..... 271, 413, 536, 553.
H 920 (Ch. 85) ..... 481, 539, 548, 553, 557.
Tax Reporting
S 787 (Ch. 424) ..... 254, 341, 466, 500, 519, 1079, 1090, 1106, 1110.
Worker Training Trust Fund Appropriations
S 27 [Sec. 306](Ch. 321) ..... 983.
Workplace Safety/Health—see **Labor** (OSHA)
EMT (Emergency Medical Technician)—see **Emergency Personnel**
ENABLING LEGISLATION
Animal Fighting Offense
S 1116 (Rules Com) ..... 456.
Boards and Commissions in North Carolina
S 1249 (H Rules Com) ..... 665, 1047, 1142, 1143, 1154, 1166.
Capital Improvements Budget Bill
S 655 (CapExp Com) ..... 210.
Catawba County
S 1046 (Rules Com) ..... 407.
Entry of Judgment Rule
S 931 (Rules Com) ..... 319.
Government Performance Audit Committee Recommendation
S 351 (reref GovPerform Com) ..... 115, 320.
S 352 (reref GovPerform Com) ..... 115, 321.
Legislative Research Commission Study Bill
S 1270 (Rules Com/see H 1319) ..... 711.
Mental Health Law Changes
S 1265 (Rules Com) ..... 702.
Motor Vehicles—Interstate Carriers
S 877 (Rules Com) ..... 279.
Privilege License Tax Bill
S 1283 (Rules Com) ..... 736.
Regulatory Fees
S 634 (Rules Com) ..... 199.
Reidsville (Rockingham)
S 856 (Rules Com) ..... 272.
Roanoke Island Historical Commission
S 1286 (Rules Com) ..... 736.
ENDANGERED CHILD—see **Child**
ENERGY
Bonds—see **Bonds**
Conservation
Energy Conservation Program, State Facilities
S 95 (H 103)(H Appr Com) ..... 57, 574, 615, 678, 689, 699.
Local Savings Contracts
S 94 (H 100)(H Envir Com) ..... 57, 710, 1024, 1046.

ENERGY (continued)
Conservation (continued)
Measures for State Facilities
S 92 (StPers&StGov Com) ..... 56.
H 101 (Ch. 334) ..... 161, 197, 213, 216, 234, 625, 628, 642, 1006, 1013, 1019.
Renewable Sources Study (LRC)
S 337 (H 104)(Rules Com/see H 1319) ..... 114.
School Construction Energy Efficient
S 93 (reref Appr Com) ..... 56, 152.
H 102 (Ch. 465) ..... 346, 745, 1118, 1151, 1201.
Development Authority [G.S. 159F]
Abolish Authority/Repeal Statute
S 753 (StPers&StGov Com) ..... 251.
H 94 (Ch. 16) ..... 182, 236, 248, 255.
Property Transaction/Council of State Review
S 754 (H 96)(H StGov Com) ..... 251, 482, 486, 501.
Energy Policy for State Government
S 92 (StPers&StGov Com) ..... 56.
H 101 (Ch. 334) ..... 161, 197, 213, 216, 234, 625, 628, 642, 1006, 1013, 1019.
Fuel
Burning Hazardous Waste
S 1165 (Ch. 511) ..... 491, 628, 713, 728, 1211, 1214, 1243.
Diesel Fuel Tax Payment Method
S 1088 (reref Appr Com/see S 26) ..... 439, 749, 765.
Diesel Fuel Tax Payment Study
S 26 [Sec. 71](Ch. 561) ..... 1284.
S 1088 (reref Appr Com) ..... 439, 749, 765.
Gasoline, Oil and Special Fuels
Dispensing Non-tax-paid Fuel Penalties
S 159 (Ch. 140) ..... 70, 179, 189, 611.
Handicapped/Motor Fuel Facility Service
S 73 (H 138)(Transp Com) ..... 53.
Jet Fuel Inspection Fee Refund
S 786 (reref W&M Com) ..... 254, 649.
Liquified Petroleum
Dataplate/Penalty/Fee
H 567 (Ch. 356) ..... 441, 640, 748, 764, 779, 1052.
Motor Fuel Marketing Act Amended
S 343 (J1 Com) ..... 114.
Petroleum Overcharge Funds
Attorneys Fees/Expenses—see **Attorneys**
Transportation Information Management System
S 27 [Sec. 302](Ch. 321) ..... 980.
Weatherization Program, Low Income
S 27 [Sec. 302](Ch. 321) ..... 980.
Pipeline Safety Violation Penalty
H 1083 (Ch. 189) ..... 481, 534, 641, 654, 657.
Underground Storage—see **Public** (Health—Hazardous Waste)
Low Income Energy Assistance Fund Created
S 813 (PubUtil Com) ..... 261.
Natural Gas
Columbus County Industrial Park
S 1004 (CapExp Com)(In S 26) ..... 376.
Pipeline Safety Civil Penalty
S 732 (H PubUtil Com) ..... 244, 324, 337.

ENERGY (continued)
Natural Gas (continued)
Rate Making Study/Utility Review
S 190 (reref Rules Com/see H 294; H 1319) ..... 81, 229, 246, 1234.
H 784 (Rules Com) ..... 535.
Policy Act [G.S. 113B]
Radiation Protection Act [G.S. 104E]
Local Regulation Low-Level Radioactive Waste
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.
Solar
Photovoltaic Equipment Income Tax Credit
S 1045 (H Rules Com) ..... 407, 674, 1115, 1150.
States Energy Compact [G.S. 104D]
UNC Budget Flexibility/Energy
S 91 (H 99)(reref Appr Com) ..... 56, 152.
ENFORCE JUDGMENTS [G.S. 1C]
Foreign Judgment Reciprocal Agreement
S 997 (J2 Com) ..... 376.
H 991 (Ch. 188) ..... 481, 635, 645, 646, 647, 652, 657.
ENGINEER/SURVEYOR [G.S. 89C]—see also **Contractors**
Engineering Graduate Research Center Funds
S 26 [Sec. 47](Ch. 561) ..... 1278.
Geodetic Survey Funds
S 1052 (Appr Com)(In S 27) ..... 408.
Map Certification by Signature/Seal
S 455 (Ch. 119) ..... 137, 417, 434, 596.
Piedmont Triad Engineering Research Center Funds
S 1135 (Appr Com) ..... 479.
Registration Requirements/Fee Increase
H 382 (J2 Com) ..... 440.
Standards Engineers to Division of Purchase and Contract
S 148 (reref GovPerform Com/see H 306) ..... 69, 76, 77.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Statute of Repose (10 Years) Recodified
S 108 (H 184)(H J1 Com) ..... 59, 242, 247, 276.
ENTERPRISES PROGRAM, CORRECTION—see **Prisons**
ENTRY OF JUDGMENT—see **Civil** (Procedure)
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES
—see also **Public** (Health)
Air Pollution—see **Pollution Control**
Aquaculture—see **Marine Resources**
Boats—see **Boating and Water Safety**
Business License Exemption
S 26 [Sec. 41](Ch. 561) ..... 1275.
Coastal Area
Beach Access Program Applicability
S 1075 (H Rules Com) ..... 425, 466, 1104, 1120.
Beach Erosion Control/Eminent Domain
S 794 (H J2 Com) ..... 260, 415, 431, 450.
H 837 (Ch. 187) ..... 481, 613, 623, 631, 657.
Coastal Futures Committee Study
S 27 [Sec. 264](Ch. 321) ..... 958.
Coastal Resources Commission—see **Boards and Commissions**
Marine Litter Prevention Study
S 100 (H 125)(Ch. 466) ..... 57, 113, 128, 1078, 1092, 1111, 1125, 1163, 1201.
Dams—see **Dams**

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (continued)
Dental Program for School Children—see **Medicine** (Dentist)
Department
Cancer Coordination and Control
S 225 (Ch&HumRes Com) ..... 87.
H 129 (reref Appr Com) ..... 134, 149.
Cancer Coordination and Control Advisory Committee Funds
S 226 (H 128)(Appr Com)(In S 27) ..... 87.
Current Operations Appropriations
S 27 [Part 25](Ch. 321) ..... 956.
Environmental Education Office
Waste Management Board Transfer
S 27 [Sec. 267](Ch. 321) ..... 959.
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.
Forest Resources Division
Cumberland County Assistant Ranger Funds
S 480 (reref CapExp Com) ..... 154, 770.
Injury Control Section
Alcohol Testing Program Fund Reversion
S 27 [Sec. 272](Ch. 321) ..... 960.
Liability Insurance Coverage for State Employee
S 27 [Sec. 214](Ch. 321) ..... 928.
Marine Affairs Office Transfer
S 27 [Sec. 28](Ch. 321) ..... 805.
S 244 (GovPerform Com/see H 369) ..... 89.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Museum of Natural Sciences Transfer
S 26 [Sec. 116](Ch. 561) ..... 1308.
S 829 (H 638)(H Calendar) ..... 264, 533, 581, 601.
Soil and Water Conservation Division
Agriculture Cost Share Program Funds
S 26 [Sec. 105](Ch. 561) ..... 1304.
Environmental License Rule/Standards
S 597 (H 570)(H Hlth Com) ..... 192, 381, 398.
H 179 (Ch. 513) ..... 177, 1107, 1120, 1121, 1243.
H 570 (S 597)(Ch. 262) ..... 385, 570, 652, 670, 679, 684, 723.
Environmental Management Commission
Commissioner Appointed (Epting; Glenn)
S 1124 (Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Environmental Justice Study
H 1319 [Sec. 5.1](ordered enrolled)
(see S 1270; H 1423) ..... 1249, 1320.
Stream Flow Requirement Rule
S 571 (H Rules Com) ..... 187, 339, 539, 548, 560, 628, 636, 637.
H 483 (Ch. 394/see H 544) ..... 360, 650, 748, 759, 1016, 1088.
Environmental Policy Act
Mining Operation Major Development Project
S 653 (J1 Com) ..... 210.

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (continued)
Environmental Review Commission
Reports/Governmental Operations Commission
S 597 (H 570)(H Hlth Com) ..... 192, 381, 398.
H 179 (Ch. 513) ..... 177, 1107, 1120, 1121, 1243.
H 570 (S 597)(Ch. 262) ..... 385, 570, 652, 670, 679, 684, 723.
Mining Permit Program
Resident Inspectors Program
Solid Waste Management Trust Fund
Fish—see **Marine Resources**
Forestry—see **Foresters**
Funds—see **Funds**
Groundwater System—see **Water**
Hazardous Waste—see **Public** (Health)
Health—see **Public** (Health)
Hunting—see **Wildlife**
Incinerator—see **Public** (Health—Solid Waste)
Infant Mortality—see **Maternal and Child Health**
Information System Management/Operation Report
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 322 (GovPerform Com/see H 322) ..... 108.
Lakes—see **Marine Resources**
Land Resources Division
Geodetic Survey Funds
S 1052 (Appr Com)(In S 27) ..... 408.
Sedimentation Programs/Wetlands Silviculture
S 927 (Appr Com) ..... 318.
Landfill—see **Public** (Health)
Manufacturing Facility Environmental Impact Statement
S 1157 (H 1372)(Ch. 497) ..... 497, 516, 558, 568, 569, 577, 578, 594, 1130, 1153, 1205, 1207, 1222.
Marine Resources—see **Marine Resources**
Maternal and Child Health Division—see **Maternal and Child Health**
Mental Health—see **Mental Health**
Mines and Quarries—see **Mines and Quarries**
Museum of Natural Sciences—see **Museum**
Natural and Scenic River—see **Rivers**; under this heading (Parks)
Parks
Arsenal Park Development
S 555 (CapExp Com) ..... 182.
Capital Improvement Project
S 1254 (CapExp Com) ..... 695.
Dismal Swamp, State Park Master Plan
S 27 [Sec. 292](Ch. 321) ..... 977.
Education/Clean Water/Parks Bond Act
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .. 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Entrance Fees Pilot Program
S 734 (H Appr Com) ..... 249, 413, 536.
Fort Butler Parks Authority Created
S 784 (Appr Com) ..... 254.
Lake Benson Park Development Funds
S 1210 (H 1476)(reref CapExp Com) ..... 575, 772.
Land Acquisition/Construction Funds
S 26 [Sec. 112; 113](Ch. 561) ..... 1308.
Leigh Farm Park (Durham)
S 1105 (H 1326)(CapExp Com) ..... 455.

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (continued)
Parks (continued)
Lumber River State Park Phase I
S 1049 (CapExp Com)(In S 26) ..... 408.
Maintenance and Repairs/B.R.I.D.G.E. Program
S 27 [Sec. 293](Ch. 321) ..... 978.
Maintenance/Forest Products Sales Receipts
S 27 [Sec. 294](Ch. 321) ..... 978.
Mountain Island Lake Area Study
S 1275 (Rules Com) ..... 735.
Mountain Island Park/Nature Preserve Development
S 1246 (reref CapExp Com) ..... 658, 772.
Natural and Scenic River System
Designation Process/Land Use Control Approval
S 735 (H Envir Com) ..... 249, 402, 420, 451.
Nature and Historic Preserve—see **State** (Lands)
Outdoor Advertising Limited
H 1053 (Ch. 524) ..... 513, 530, 1103, 1122, 1152, 1243.
Park Authority/Fund Created
S 733 (H Appr Com) ..... 249, 564, 748, 762, 777.
Park Ranger Authority (Mecklenburg)
H 814 (Ch. 477) ..... 347, 1011, 1023, 1099, 1117, 1210.
Pilot Mountain State Park
Right-of-way Conveyance to Transportation Department
H 1127 (Ch. 457) ..... 1054, 1095, 1120, 1146, 1200.
State Parks and Recreation Area Study (LRC)
H 1319 [Sec. 2.1(11)](ordered enrolled)
(see S 1270; H 149) ..... 1249, 1320.
Trails System Defined/Developed
S 918 (Ch. 184) ..... 317, 381, 398, 656.
Zoo—see **Zoo**
Pesticide Environmental Trust/Programs
H 1102 (Ch. 481) ..... 512, 530, 581, 1037, 1100, 1118, 1210.
Pollution—see **Pollution Control**
Ports—see **Commerce and Business**
Recycling Industry—see **Recycled Materials**
Rivers—see **Rivers**
Rural Health and Resource Development Transfer
S 356 (reref Appr Com/see H 342) ..... 116, 204.
Secretary
Child Care Commission Membership
S 89 (H 213)(Rules Com/see H 1319) ..... 56.
Pollution Prevention Advisory Council Chair
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.
Salary, Annual
S 27 [Sec. 50](Ch. 321) ..... 816.
Shellfish—see **Marine Resources** (Fish)
Studies—see **Studies**
Tattoo—see **Tattoo**
Underground Storage—see **Public** (Health—Hazardous Waste)
Waste—see **Public** (Health)
Water—see **Water**
Watershed—see **Water**
Wildlife—see **Wildlife**
EQUAL EMPLOYMENT OPPORTUNITY—see **Employment**
EQUALIZATION AND REVIEW BOARD—see **Taxation** (Property)
EQUINE—see **Animals** (Horses)
EQUIPMENT FAILURE, VOTING—see **Vote**

EQUITABLE DISTRIBUTION—see **Married Persons** (Divorce)
EQUITY
Line of Credit—see **Banks**
North Carolina Equity Funds
S 1101 (reref CapExp Com) ..... 455, 1018.
Women—see **Women**
EROSION—see **Pollution Control**
ESCHEATS [G.S. 116B]
Abandoned Property Defined
H 765 (Ch. 541) ..... 347, 1163, 1203, 1223, 1313.
Estate—see **Estate**
Insurance Premium Refund Exemption
S 574 (H Ins Com) ..... 187, 243, 259.
Layaway Contract Abandoned Property
S 709 (Ch. 340) ..... 232, 239, 405, 421, 422, 1003, 1019, 1023.
ESCORT COMMITTEES—see **Committees**
ESCROW—see **Mortgages**
ESTATE [G.S. 41]
Administration of Estates [G.S. 28A]
Filing of Account/Costs
S 537 (J2 Com) ..... 180.
Property Collectible in Small Estate
H 542 (Rules Com) ..... 1039.
Wrongful Death/Medical Expenses
H 944 (Ch. 299) ..... 395, 725, 732, 744, 748.
Amount Changes/Omnibus Bill
H 542 (Rules Com) ..... 1039.
Claims—see under this heading (Administration)
Funeral Expense Increase/Probate Proceedings
S 474 (held in Clerk's office) ..... 150.
Inheritance Tax—see **Taxation**
Intestate [G.S. 29]
Personal Property Amount Increased
H 542 (Rules Com) ..... 1039.
Renunciation of Property
H 545 (Ch. 308) ..... 332, 740, 756, 759.
Option in Gross Restriction
S 609 (reref J2 Com) ..... 194, 205.
Principal and Income—see **Principal and Income**
Surviving Spouse [G.S. 30]
Trust—see **Trusts**
Uniform Statutory Rule Against Perpetuities
S 608 (reref J2 Com) ..... 194, 205.
Wills [G.S. 31]
Inheritance Tax—see **Taxation**
ETHICS
American Ethics Taught in Public School
S 1169 (H 1408)(reref Appr Com) ..... 521, 592.
State Ethics Act Created
S 399 (H 282)(reref J2 Com) ..... 121, 188.
ETHNIC ANIMOSITY
Discrimination—see **Discrimination**
Holocaust—see **Holocaust**
EURE, The Honorable Thad
Adjournment in Memory ..... 1192, 1316.
Memorializing Former Secretary of State
S 1298 (adopted) ..... 1245, 1533.
EVICTION—see **Housing** (Landlord and Tenant)

EVIDENCE [G.S. 8]
Administrative Hearing Mediation/Rule 408
S 986 (H J3 Com) ..... 359, 454, 490.
H 657 (Ch. 363/see S 27) ..... 514, 528, 720, 1026, 1049, 1053.
Certification by Register of Deeds
H 395 (Ch. 288) ..... 182, 640, 653, 669, 740.
Code [G.S. 8C]
Counselor-Client Privilege Confidentiality
S 255 (reref W&M Com) ..... 92, 154, 266, 374, 673, 690.
H 218 (Ch. 514) ..... 741, 1115, 1147, 1243.
Electronic Surveillance—see **Prison**
Optometrist/Patient Privilege
H 987 (Rules Com) ..... 1244.
Parentage Civil Action
S 953 (J2 Com) ..... 332.
H 1119 (Ch. 333) ..... 512, 530, 555, 582, 602, 608, 1011.
Prima Facie
Crime Site/Homicide
S 1126 (J1 Com) ..... 457.
Firearm Discharged on Road Right-of-way
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
School Bus Passing Violation
H 419 (J1 Com) ..... 480.
Speeding to Elude Arrest
S 925 (H J1 Com) ..... 318, 418, 444.
Removal to Jury Room Allowed
H 116 (J1 Com) ..... 189.
Seat Belt Usage Admissible/Criminal Proceeding
S 731 (J1 Com) ..... 244.
H 728 (H 697)(J1 Com) ..... 332.
Speciality Market Merchandise Source
H 698 (H Rules Com) ..... 346, 1152, 1203.
Testimony by Television for Child
S 1288 (J1 Com) ..... 736.
Weapons Possession Under Eighteen Years
S 793 (Ch. 259) ..... 259, 417, 436, 461, 463, 703, 714, 721, 722.
H 858 (J1 Com) ..... 481.
EXCEPTIONAL CHILDREN—see **Education**
EXCUSED ABSENCE—see Individual Senator
EXCUSED VOTES—see Individual Senator
EXECUTION—see **Criminal Procedure**
EXECUTIVE
Budget Act—see **Appropriations** (Budget); **Rules** (Statute)
Orders [G.S. 147-16.1]
Governor James G. Martin
Number 172 ..... 26.
Number 173 ..... 26.
Number 174 ..... 26, 1535.
Number 175 ..... 26, 1535.
Number 176 ..... 26, 1535.
Number 177 ..... 27, 1536.
Number 178 ..... 27, 1536.
Number 179 ..... 27, 1536.
Number 180 ..... 27, 1536.
Number 181 ..... 27, 1536.
Number 182 ..... 27, 1537.

EXECUTIVE (continued)
Orders [G.S. 147-16.1] (continued)
Governor James G. Martin (continued)
Number 183 ..... 27, 1537.
Number 184 ..... 27, 1537.
Number 185 ..... 27, 1537.
Number 186 ..... 27, 1538.
Governor James B. Hunt, Jr.
Number 1 ..... 27, 1539.
Number 2 ..... 71, 1539.
Number 3 ..... 128, 1540.
Number 4 ..... 158, 1540.
Number 5 ..... 174, 1540.
Number 6 ..... 273, 1540.
Number 7 ..... 315, 1541.
Number 8 ..... 333, 1541.
Number 9 ..... 462, 1541.
Number 10 ..... 462, 1541.
Number 11 ..... 462, 1542.
Number 12 ..... 462, 1542.
Number 13 ..... 520, 566, 1542.
Number 14 ..... 566, 1543.
Number 15 ..... 547, 1543.
Number 16 ..... 559, 1543.
Number 17 ..... 660, 1544.
Number 18 ..... 666, 1544.
Number 19 ..... 738, 1545.
Number 20 ..... 1112, 1545.
Organization, Act of 1973 [G.S. 143B]
Reorganization, State Government [G.S. 143A]
Administration Department
Advocacy Group Transfers to Governor/ Human Resources
S 279 (GovPerform Com/see H 369) ..... 94.
Marine Affairs Office to Environment, Health, and Natural Resources
S 27 [Sec. 28])(Ch. 321) ..... 805.
S 244 (GovPerform Com/see H 369) ..... 89.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
State Information Processing Type I Transfer
S 263 (GovPerform Com/see H 369) ..... 93.
Administrative Hearings Publications to Secretary of State
S 299 (GovPerform Com/see H 310) ..... 98.
Authority on Strategic Planning Created
S 150 (EconDev Com) ..... 69, 77.
Commerce Department
Worker Training Programs to Labor Department
S 278 (H 336)(GovPerform Com) ..... 94.
Crime Control and Public Safety
Alcohol Law Enforcement Division Transfer
S 416 (H 374)(reref Appr Com) ..... 126, 229.
Elimination/Reorganization
S 286 (H 337)(reref Appr Com) ..... 95, 228.
Transfer to Corrections
S 27 [Sec. 178.1](Ch. 321) ..... 899.
S 240 (H 301)(reref Appr Com) ..... 88, 227.

EXECUTIVE (continued)
Reorganization, State Government [G.S. 143A] (continued)
Department of Public Instruction
Three Function Area Recommendation
S 27 [Sec. 144.1](Ch. 321) ..... 879.
S 370 (reref Appr Com/see H 378) ..... 118, 200.
Environment, Health, and Natural Resources
Marine Affairs From Administration
S 27 [Sec. 28])(Ch. 321) ..... 805.
S 244 (GovPerform Com/see H 369) ..... 89.
S 315 (H Appr Com/see H 322) . 108, 219, 465, 473, 476, 483, 505.
Rural Health and Resource Development Transfer
S 356 (reref Appr Com/see H 342) ..... 116, 204.
Early Childhood Initiatives—G.S. 143B, Art. 3, Part 10B
S 27 [Sec. 254](Ch. 321) ..... 948.
Governor's Waste Management Board to Environment Department
S 27 [Sec. 267](Ch. 321) ..... 959.
Housing Finance Agency Programs Transfer
S 27 [Sec. 305](Ch. 321) ..... 982.
Human Resources Department
S 360 (reref Appr Com/see H 342) ..... 116, 220.
Adult Services Branch to Facility Services
Charitable Solicitation to Attorney General
Employee Assistance Branch to Personnel Management Services
Miscellaneous Positions Transferred
Persons with Disabilities Transfer
S 279 (GovPerform Com/see H 369) ..... 94.
Reorganization/Decentralization
S 356 (reref Appr Com/see H 342) ..... 116, 204.
Intergovernmental Relation Functions
S 368 (reref Appr Com/see H 369) ..... 117, 208.
Labor Department
Employment Security Type II Transfer
S 278 (H 336)(GovPerform Com) ..... 94.
Management and Productivity to Administration Department
S 241 (GovPerform Com/see H 369) ..... 88.
Marine Affairs Transfer to
Environment, Health, and Natural Resources
S 27 [Sec. 28])(Ch. 321) ..... 805.
S 244 (GovPerform Com/see H 369) ..... 89.
S 315 (H Appr Com/see H 322) .... 108, 219, 465, 473, 476, 483, 505.
Natural Science Museum
Agriculture/Environment Department
S 26 [Sec. 116](Ch. 561) ..... 1308.
Transfer Proposed
S 829 (H 638)(H Calendar) ..... 264, 533, 581, 601.
Science and Technology Board Transfer
S 189 (GovPerform Com/see H 294) ..... 81.
S 315 (H Appr Com/see H 322) .... 108, 219, 465, 473, 476, 483, 505.
EXECUTOR—see **Estates**
EXPLOSIVE—see **Bomb; Pyrotechnics**
EXPORT—see **Commerce and Business** (Ports)
EXTRADITION—see **Criminal Procedure**
EXTRATERRITORIAL JURISDICTION
—see **Local Government** (Cities); Specific County

EXUM, JR., Honorable James G.
Chief Justice of the Supreme Court of North Carolina
Addresses Joint Session
H 440 (Res. 6) ..... 189, 197, 207, 214, 220, 221.
EYES—see Medicine (Oculist; Opthamologist; Optometry)

- F -

FAIR AND BEACH PLAN—see Insurance
FAIR HOUSING [G.S. 41A]**—see Housing**
FAIR SENTENCING—see Criminal Procedure
FAIRGROUNDS—see Agriculture
FAMILY
Aid to Families with Dependent Children—see **Child**
Child—see **Child**
Family and Medical Leave Act—see **Labor**
Family Care Home—see **Handicapped**
Family Law Certification Encouraged
H 357 (J1 Com) ..... 425.
Family Preservation Services
Social Services Planned
S 27 [Sec. 236](Ch. 321) ..... 942.
Family Resources Inter-Agency Task Force—see **Task Force**
Family Support Network Program/Equipment
S 542 (Appr Com) ..... 180.
Law Reform Study—see **Studies** (LRC)
Marriage and Family Therapy Licensure Act
S 478 (Ch&HumRes Com) ..... 154, 316.
H 233 (reref Fin Com) ..... 696, 749.
Married Persons—see **Marriage; Married Persons**
Planning—see **Maternal and Child Health**
Preservation Services County Unit
S 491 (H 362)(Appr Com) ..... 160.
Violence—see **Married Persons**
FARM—see Agriculture
Farmer's Market—see **Agriculture**
FATALITY REVIEW AND PREVENTION SYSTEM
—see Maternal and Child Health
FAYETTEVILLE STATE UNIVERSITY—see Higher Education (UNC)
FEDERAL RETIREMENT—see Retirement
FEED ADVISORY SERVICE—see Agriculture
FEES [G.S. 138]**—see also Specific Subject**
Administrative Hearings Schedule/Cost Assessment
S 302 (reref Fin Com/see H 310) ..... 98, 320.
Airline Fuel Inspection Fee Refund
S 786 (reref W&M Com) ..... 254, 649.
Alcoholic Beverage Control—see **Alcohol Regulation**
Attorneys—see **Attorneys**
Auctioneer—see **Auctioneer**
Billboard—see **Advertising**
Boat Certificate of Number Fee Increase
S 590 (Ch. 422) ..... 192, 557, 641, 653, 662, 1066, 1090, 1105, 1110.
Boiler Inspection—see **Labor Department**
Certificate of Need Increase/Program Self-funded
S 204 (Ch. 383/see H 314) ..... 82, 208, 372, 390, 399, 1066, 1072, 1077.

FEES [G.S. 138] (continued)
Charitable Organizations/Sponsor
S 940 (H Rules Com) ..... 325, 725, 1036, 1102.
Community College—see **Higher Education**
Community Water Systems Restructured/Schedule
S 66 (H 51)(reref E&NR Com) ..... 52, 410.
S 907 (reref Fin Com) ..... 312, 1165.
Contractor—see **Contractor**
Controlled Substances Registrant's Fees
S 621 (Ch. 384) ..... 195, 282, 582, 600, 606, 1078.
Cosmetology Instructor Continuing Education
S 974 (H 1155)(H Rules Com) ..... 350, 709, 1025, 1048, 1103.
Court—see **Judicial Department**
Day Care Operator Fingerprinting
S 336 (H 200)(J2 Com) ..... 113.
Dentist—see **Medicine**
Drivers License
Processing Fee/Failure to Appear
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
Drug Education School Fee Increase
H 499 (Ch. 395) ..... 326, 1024, 1045, 1057, 1069, 1088.
Emergency Services—see **Emergency Services/Personnel/Equipment**
Employee Assistance Program Certification
S 543 (H Rules Com) ..... 181, 419, 641, 749, 765.
Engineers/Surveyor Fee Increase
H 382 (J2 Com) ..... 440.
Environment
Asbestos Hazard Management Program
S 27 [Sec. 273](Ch. 321) ..... 960.
Hazardous Waste Fees to General Fund
S 1165 (Ch. 511) ..... 491, 628, 713, 728, 1211, 1214, 1243.
Sedimentation Control Act Fees
S 570 (reref Fin Com) ..... 187, 288.
H 644 (E&NR Com) ..... 514, 528.
Farm Product—see **Agriculture**
Farmers Mutual Fire Insurance Name Change
S 1111 (Ch. 495) ..... 456, 557, 673, 690, 1204, 1208, 1222.
Fee in Lieu of Bond
S 1242 (StPers&StGov Com) ..... 652.
Fines—see **Fines**
Fire District—see **Fire Protection** (District)
Fish Marketing/Vessel
H 297 (Ch. 515/see H 544) ..... 1039, 1092, 1116, 1147, 1198, 1243.
Funds—see **Funds**
Garner User Fees (Wake)
S 1011 (LocGov Com) ..... 382.
Household Hazard Products License
S 54 (reref Fin Com) ..... 50, 564.
Identification Card for Homeless/Indigent Exemption
S 836 (Ch. 490) ..... 265, 324, 413, 536, 1207, 1209, 1222.
H 1016 (Ch. 368/see H 544) ..... 629, 673, 713, 755, 762, 1068.
Insurance—see **Insurance**

FEES [G.S. 138] (continued)
Laboratory Certification Fee/Credit
S 1112 (H 1137)(Ch. 496) ..... 456, 504, 724, 732, 743, 754, 1195, 1208, 1222.
Liability—see **Liability**
Licensed Professional Counselor
S 255 (reref W&M Com) ..... 92, 154, 266, 374, 673, 690.
H 218 (Ch. 514) ..... 741, 1115, 1147, 1243.
Limited Liability Company—see **Liability**
Local Regulatory Fees Enabling Legislation
S 634 (Rules Com) ..... 199.
Mappers—see **Maps/Plats; Register of Deeds**
Marriage and Family Therapy License
S 478 (Ch&HumRes Com) ..... 154, 316.
H 233 (reref Fin Com) ..... 696, 749.
Massage Therapy—see **Medicine** (Therapy)
Medicaid Drug Dispensing Fee Frozen
S 203 (reref Appr Com/see H 313) ..... 82, 202.
Medical Examiners Fees/Per Diem
S 719 (H 721)(H Fin Com) ..... 238, 1058, 1085, 1116, 1148.
Medical Records Copied
S 7 (H Ins Com) ..... 29, 243, 257, 267, 322, 335, 336, 355.
Mortgage Broker Restrictions
S 681 (Ch. 339) ..... 224, 375, 396, 712, 762, 1005, 1015, 1020, 1023.
Motor Vehicle
Repair Authorization Act
S 1184 (J1 Com) ..... 524.
Safety Inspection Fee Increase
S 1248 (Ch. 385) ..... 665, 724, 732, 744, 1078.
Nonprofit Corporation Registration
S 584 (H 540)(Fin Com) ..... 188.
S 585 (H 624)(J2 Com/see S 584) ..... 188.
H 624 (S 585)(Ch. 398/see H 544) ... 592, 688, 1025, 1046, 1058, 1088.
Optometrist—see **Medicine** (Optometry)
Ostrich Meat Inspection
S 70 (Ch. 311) ..... 53, 113, 149, 156, 158, 751, 773, 775.
Outdoor Advertising Permit Fee Increase
S 1227 (LocGov Com) ..... 612.
Park Entrance Fees Pilot Program
S 734 (H Appr Com) ..... 249, 413, 536.
Payroll Records/State Employee
S 749 (Fin Com) ..... 250.
Personnel Placement—see **Employment**
Pharmacy—see **Medicine**
Radiation Technology Practice Act
S 972 (J1 Com) ..... 350, 537.
Real Estate Appraiser—see **Property; Real Estate**
Recreational Land Dedication (Orange County)
H 114 (Ch. 549) ..... 684, 750, 1096, 1114, 1141, 1314.
Register of Deeds Fee Schedule
S 924 (Ch. 425) ..... 318, 615, 624, 632, 1093, 1107, 1110.
School Administrator Standards Board Examination Fee
S 452 (held in Clerk's office) ..... 137.
H 284 (Ch. 392) ..... 514, 526, 561, 1024, 1044, 1057, 1087.

FEES [G.S. 138] (continued)
Seafood Park Authority—see **Marine Resources** (Fish)
Septage Management Fee Schedule
S 980 (reref Fin Com) ..... 359, 506.
H 1077 (Ch. 173) ..... 512, 530, 570, 582, 601, 608, 644.
Solid Waste Management, Local Government
S 51 (reref E&NR Com) ..... 50, 375, 675.
Special/Multiyear License Plate
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Speech/Language Pathologist—see **Medicine** (Pathology)
Substance Abuse Professional Certification—see **Medicine** (Drugs)
Surety Bondsman Examination Fee
S 922 (H Rules Com) ..... 318, 703, 1037, 1102.
Surplus Property Sale Proceeds
S 142 (reref Appr Com/see H 306) ..... 68, 75, 111.
Tax—see **Taxation**
Uniform Commercial Code Termination Statement Fee
S 701 (Fin Com) ..... 231.
University of North Carolina—see **Higher Education**
Veterinary—see **Agriculture**
Water Withdrawal Registration Fee
S 821 (Ch. 344/see H 544) ..... 262, 332, 539, 550, 1004, 1019, 1023.
Wildlife Resources Commission
Disabled Sportsman
S 1222 (ordered enrolled) ..... 591, 635, 713, 729, 1212, 1216, 1218, 1251, 1320.
Workers' Compensation Medical Costs
S 1032 (H J2 Com) ..... 392, 504, 508.
FELLOWS PROGRAM—see **Education** (Principals; Teachers)
FELONY—see **Criminal Law**
FENCES AND STOCK [G.S. 68]—see **Agriculture**
FERRY—see **Transportation**
FERTILIZER—see **Agriculture**
FESTIVALS—see **Celebrations/Festivals**
FICA (Federal Insurance Contributions Act)—see **Insurance**
FIDUCIARY [G.S. 32]—see **Trusts**
FILM SCHOOL—see **Arts; Higher Education** (Community Colleges)
FINANCIAL INSTITUTIONS—see **Banks**
FINANCIAL PRIVACY [G.S. 53B]
FINES—see also Specific Subject
Fees—see **Fees**
Fines and Forfeiture Proceeds Study (LRC)
S 1167 (Rules Com/see H 1319) ..... 520.
Fishing Violation—see **Marine Resources**
Funds—see **Funds**
Hunting Violation—see **Wildlife**
Littering Offenses Increased
H 998 (J1 Com) ..... 629.
Smoking in Public Places Violation
H 957 (Ch. 367) ..... 512, 529, 760, 779, 1000, 1068.
FINK, Sylvia Morris (Principal Clerk)—see **Principal Clerk**

FIRE PROTECTION [G.S. 69]—see also Specific County
Airport—see **Aeronautics**
Bostian Heights Fire District Expanded (Rowan)
H 207 (Ch. 94) ..... 244, 559, 567, 573.
Career Firefighter Retirement Benefits Study (LRC)
S 1266 (reref Rules Com/see H 1319) ..... 702, 723.
Department Expenditure Approval/Newport (Carteret)
H 867 (Ch. 77) ..... 513, 528, 533, 543, 547.
Districts, Local
Alexander Fire District Expansion Procedures
H 399 (Ch. 237) ..... 239, 559, 674, 686, 698, 701.
Halifax Fire District/Fees
H 379 (Ch. 316) ..... 239, 583, 674, 685, 697, 775.
Nantahala Fire and Rescue Funds
S 88 (CapExp Com) ..... 56.
Emergency Personnel—see **Emergency Personnel/Services/Equipment**
Fire and Occupational Safety Issues Study
S 107 (H 191)(Rules Com/see H 1319) ..... 59.
Fire Prevention Code Violation Penalty
S 164 (H 190)(Ch. 329) ..... 73, 387, 398, 712, 762, 1005, 1011.
Fire and Rescue Squad Commission
—see **Boards and Commissions; Insurance**
Firemen
Career Firefighter Defined
S 1235 (Pens&Ret Com) ..... 635.
East Howellsville Volunteer Fire Department Tower
S 26 [Sec. 115](Ch. 561) ..... 1308.
Firefighters' Early Retirement Incentives Study (LRC)
H 1319 [Sec. 2.1(39)](ordered enrolled)
(see S 1270; H 1033) ..... 1249, 1320.
OSHA—see **Labor**
Pension Fund—see **Boards and Commissions** (Board); **Retirement** (Firemen)
Sprinkler Contract
Bid
S 1098 (Mfg&Labor Com) ..... 455.
Contractor Exemption
S 71 (Ch. 78) ..... 53, 256, 267, 551.
Design/Public Building
S 864 (StPers&StGov Com) ..... 272.
Surplus Property Purchase (Currituck)
H 590 (Ch. 97) ..... 227, 560, 567, 573.
FIREARMS—see **Criminal Law** (Weapons)
FIREFIGHTER—see **Fire Protection**
FIREWORKS—see **Pyrotechnics**
FISCAL RESEARCH DIVISON OF GENERAL ASSEMBLY
—see **General Assembly**
FISCAL TRENDS AND REFORM STUDY COMMISSION
—see **Studies** (Legislative)
FISH—see **Marine Resources** (Fish)
FLAG, STATE [G.S. 144]
FLEA MARKET—see **Commerce and Business** (Specialty Market); **Taxation** (Privilege License)
FLETCHER/JERALDS HEALTH REFORM ACT
—see **Insurance** (Health)

FOLGER, JR., Fred—Senator Alleghany, Ashe, Guilford (part), Rockingham, Stokes, **Surry**, Watauga—**12th District**
Absent With Leave ..... 90, 91, 96, 596, 733, 1077, 1209, 1233.
Adjournment Motion—Second ..... 522, 633.
Certificate of Election ..... 6.
Committee Assignments ..... 34, 35, 38, 40.
Standing—
Local Government and Regional Affairs (Chairman)
Constitution and Election Laws (Vice-Chairman)
Judiciary I (Vice-Chairman)
Appropriations—Appropriations on Justice and Public Safety—State Personnel and State Government—Transportation
Conference—
S 60 ..... 1091, 1136.
S 699 ..... 241, 274.
H 602 ..... 728, 1006.
H 799 ..... 1086, 1132.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 447, 522, 563, 957, 997, 1021.
Co-Sponsor ..... 48, 471, 553, 572, 674, 676, 699, 723, 780, 858, 876, 896, 913, 914, 934, 970, 976, 982, 1012, 1092, 1110, 1135, 1200, 1222, 1245, 1250, 1260, 1264.

FOOD
Farm—see **Agriculture**
Food and Lodging—see **Hotels and Restaurants**
Handlers—see **Hotels and Restaurants**
Stamp—see **Social Services**
Tax—see **Taxation** (Sales and Use)
Unwrapped Sample Restrictions
H 1122 (H 886)(Ch. 346) ..... 482, 534, 710, 729, 756, 766, 1023.

FORCE ACCOUNT—see **Bids**

FORECLOSURE—see **Liens; Mortgages; Taxation** (Fees)

FOREIGN
Banking—see **Banks**
Language Center—see **Libraries**
Sales—see **International Market**
Trade Zone [G.S. 55C]

FORESTERS [G.S. 89B]
Agriculture and Forestry Awareness Commission
S 37 (Ch. 23) ..... 48, 139, 145, 277.
H 35 (reref Appr Com) ..... 164, 176, 183, 205.
Christmas Tree Production Support Service
S 27 [Sec. 95](Ch. 321) ..... 847.
Cumberland County Ranger Funds
S 480 (reref CapExp Com) ..... 154, 770.
East Robeson Fire Tower Transfer
S 26 [Sec. 115](Ch. 561) ..... 1308.
Forestry Headquarters (Davidson)
S 1191 (reref CapExp Com)(In S 26) ..... 541, 774.
Forestry Headquarters District Six/Multiple County
S 26 [Sec. 114](Ch. 561) ..... 1308.
Forest Products Sales Receipts
S 27 [Sec. 294](Ch. 321) ..... 978.
Parks—see **Environment, Health, and Natural Resources**

FORESTERS [G.S. 89B] (continued)
Timber Sales/Forest Management Reserve
S 27 [Sec. 260](Ch. 321) ..... 954.
Tractor-Plow Funds (Vance)
S 1099 (reref CapExp Com) ..... 455, 771.
Wayne County Headquarters Building Storage Facility
S 713 (CapExp Com)(In S 26) ..... 237.
Winston-Salem/Forsyth Assessment Deferral
H 46 (Ch. 380) ..... 147, 590, 1028, 1044, 1056, 1077.
FORFEITURES
Proceed Study (LRC)
S 1167 (Rules Com/see H 1319) ..... 520.
FORMULA, RETIREMENT—see **Retirement**
FORRESTER, James—Senator **Gaston** (part), Iredell (part), Lincoln (part)—**39th District**
Absent With Leave ..... 85, 545, 1052, 1067, 1077, 1193, 1233.
Adjournment Motion—Second ..... 537, 721.
Certificate of Election ..... 7.
Committee Assignments ..... 33, 35, 36, 39, 41, 64, 65, 66, 166.
Standing—
Appropriations on Human Resources (Ranking Minority)
Children and Human Resources (Ranking Minority)
Appropriations—Education/Higher Education—
Pensions and Retirement—Public Utilities—Ways and Means
Select—
Bonds
Government Performance Audit
Escorts—
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 50, 87, 397, 500, 533, 638, 722, 1043, 1054.
Co-Sponsor ..... 6, 7, 17, 18, 25, 35, 48, 69, 89, 91, 92, 93, 95, 103, 153, 161, 162, 224, 225, 226, 227, 228, 229, 230, 231, 232, 237, 251, 256, 336, 342, 399, 400, 421, 424, 429, 430, 432, 433, 434, 435, 436, 437, 438, 440, 446, 453, 479, 484, 488, 493, 499, 511, 541, 542, 549, 556, 557, 572, 593, 599, 665, 674, 675, 676, 694, 719, 818, 848, 852, 863, 876, 878, 884, 888, 904, 906, 910, 919, 934, 945, 949, 966, 970, 993, 996, 1012, 1027, 1029, 1174, 1175, 1200, 1222, 1234, 1239, 1245, 1246, 1250, 1264.
FORSYTH COUNTY—District 20—Senator Ted Kaplan
—Senator Marvin Ward
—District 38—Senator Betsy L. Cochrane
Downtown School Project Exemption
S 666 (Ch. 128) ..... 211, 328, 334, 604.
H 691 (Rules Com) ..... 584.
Winston-Salem
Motor Vehicle Tax Increase
H 836 (Ch. 56) ..... 326, 466, 498, 517, 525, 532.
Piedmont Triad Area Transportation Need Study
S 27 [Sec. 167](Ch. 321) ..... 892.
Sports Commission Authorization Repealed
H 156 (Ch. 46) ..... 141, 474, 498, 517, 523.
Wheel Locks/Illegally Parked Vehicle
S 117 (Ch. 291) ..... 62, 121, 128, 737, 742, 747.

FORSYTH COUNTY (continued)
Winston-Salem/Forsyth
Assessment Due Date/Interest Computation
H 46 (Ch. 380) ..... 147, 590, 1028, 1044, 1056, 1077.
Board of Education Exemption
S 666 (Ch. 128) ..... 211, 328, 334, 604.
H 691 (Rules Com) ..... 584.
County Commissioner Exemption
S 666 (Ch. 128) ..... 211, 328, 334, 604.
H 691 (Rules Com) ..... 584.
Zoning Notice Exemption
S 817 (Ch. 271/see H 799) ..... 261, 415, 432, 726, 733.
FORT FISHER—see **Coastal Area**
FOSTER CARE—see **Child**
4-H CLUBS—see **Higher Education** (UNC-NCSU)
FOWLE, S.R. "BUD", Memorializing
H 1496 (Res. 19) ..... 648, 657.
FOX HUNTING—see **Wildlife**; Specific County
FRANCHISE
Motor Vehicle Dealership Termination
S 840 (Ch. 123) ..... 265, 469, 502, 596.
Tax—see **Taxation**
FRANKLIN COUNTY—District 11—Senator James D. Speed
Dental Hygienist Position Funding
S 456 (H 386)(Appr Com)(In S 27) ..... 137.
Fox Hunting/Trapping Season Established
H 881 (Ch. 208) ..... 442, 610, 614, 642, 646, 672.
Franklinton
Charter Revision/Consolidation
S 730 (Ch. 160) ..... 239, 324, 466, 499, 518, 634.
School Merger
S 729 (Ch. 341) ..... 239, 447, 470, 1012, 1023.
Watershed Zoning Ordinance Exemption
S 1082 (Ch. 296/see H 799) ..... 438, 475, 500, 726, 732, 742, 743, 747.
FRAUD [G.S. 22]
FTE (Full Time Equivalent)
S 27 [Sec. 102](Ch. 321) ..... 851.
FUEL—see **Energy; Utilities**
FUNDING FLEXIBILITY—see **Education** (Board of Education, Local)
FUNDS
Abortion Fund, State
Eligibility Criteria
S 27 [Sec. 259.1](Ch. 321) ..... 954.
Advance Planning Reserve
Budget and Management Office
S 26 [Sec. 117; 121](Ch. 561) ..... 1311, 1312.
Agricultural Grading/Inspection Trust Fund
S 499 (H Agric Com) ..... 163, 175, 544, 549.
H 446 (Ch. 223) ..... 440, 581, 678, 691, 693.
Aid to Public Libraries Fund
S 27 [Sec. 38](Ch. 321) ..... 809.
S 534 (H 530)(reref CapExp Com) ..... 180, 770.
Aquariums Funds, North Carolina Special
S 27 [Sec. 28](Ch. 321) ..... 805.
Auctioneer Recovery Fund Claims
H 1212 (Ch. 421) ..... 597, 1037, 1099, 1110, 1110.

FUNDS (continued)
Basic Education Funding Formula
S 377 (reref Appr Com/see H 273) ..... 118, 201.
Child Day Care Loan Guarantee Fund
S 26 [Sec. 104.1](Ch. 561) ..... 1301.
Child Day Care Revolving Loan Fund
Investments/Expenditure Authority
S 27 [Sec. 256](Ch. 321) ..... 951.
Child Support Fund/DHR
S 314 (H 272)(reref Appr Com/see H 1319) ..... 100, 208, 466.
Clean Water Bonds Fund
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .... 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Clean Water Revolving Loan and Grant Fund
Local Government–shared Tax Revenue Transfer
S 26 [Sec. 23](Ch. 561) ..... 1268.
Collegiate and Historical Attraction Plate Account
Renamed
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Community College Bonds Fund
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .... 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Community College Challenge Grant Scholarship
Established
S 415 (reref Appr Com) ..... 126, 208.
Consumer Protection Fund Created
S 580 (reref Fin Com) ..... 188, 533.
Contingency and Emergency Fund
Allocations
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .. 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
S 27 [Sec. 12](Ch. 321) ..... 791.
Bond Election Expenses
S 14 (Ch. 542/see S 65; H 60; H 544) ..... 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
S 26 [Sec. 25](Ch. 561) ..... 1269.
Human Resources Temporary Management Contingency Fund
S 842 (H 959)(Ch. 390) ..... 265, 358, 360, 1020, 1029, 1078.
Crime Victim Compensation Fund
Automated Administration/Reimbursement System
S 27 [Sec. 185](Ch. 321) ..... 901.
Expenditure Report to General Assembly
S 27 [Sec. 183](Ch. 321) ..... 900.
Criminal Justice Partnership Account/Formula
S 405 (J1 Com) ..... 125.
H 281 (Ch. 534) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1223, 1246.

FUNDS (continued)
Dam Safety Account
Trust Fund Classification Deleted
S 571 (H Rules Com) ..... 187, 339, 539, 548, 560, 628, 636, 637.
H 483 (Ch. 394/see H 544) ..... 360, 650, 748, 759, 1016, 1088.
Distinguished Professors Endowment Trust Fund
S 182 (Appr Com) ..... 80.
Drug Education School Nonreverting Fund
H 499 (Ch. 395) ..... 326, 1024, 1045, 1057, 1069, 1088.
Energy Improvement Bond Fund, State
S 95 (H 103)(H Appr Com) ..... 57, 574, 615, 678, 689, 699.
Environment, Health, and Natural Resources Department
Mining Account, Nonreverting
S 624 (E&NR Com) ..... 195.
H 550 (reref Fin Com) ..... 458, 1095.
Escheat Fund
Insurance Premium Refund Exemption
S 574 (H Ins Com) ..... 187, 243, 259.
Expenditure Authorization
S 27 [Sec. 10](Ch. 321) ..... 790.
General Fund
Automobile Manufacturing Facility Reversion
S 26 [Sec. 27](Ch. 561) ..... 1269.
Capital Improvements
S 26 [Part 4](Ch. 561) ..... 1254.
Certificate of Need Fee Non-tax Revenue
S 204 (Ch. 383/see H 314) ..... 82, 208, 372, 390, 399, 1066, 1072, 1077.
Current Operations Appropriations
S 27 [Sec. 3](Ch. 321) ..... 782.
Financial Model
S 138 (reref GovPerform Com/see H 330) ..... 68, 75, 110, 122, 128.
Hazardous Waste Fees/Non-tax Revenue
S 1165 (Ch. 511) ..... 491, 628, 713, 728, 1211, 1214, 1243.
Insurance Department Receipt Reversion
S 27 [Sec. 40](Ch. 321) ..... 812.
Non-recurring Appropriation
S 26 [Part 6](Ch. 561) ..... 1258.
Nontax Revenue
Air Pollutant Violation Civil Penalty
H 650 (J2 Com) ..... 458.
Gas Pipeline Civil Penalty
H 1083 (Ch. 189) ..... 481, 534, 641, 654, 657.
Human Resources Department Unobligated Balance
S 26 [Sec. 26](Ch. 561) ..... 1269.
Liquified Petroleum Violation Civil Penalty
H 567 (Ch. 356) ..... 441, 640, 748, 764, 779, 1052.
School Administrator Examination Fee
S 452 (held in Clerk's office) ..... 137.
H 284 (Ch. 392) ..... 514, 526, 561, 1024, 1044, 1057, 1087.
Warehouse Act Fund Interest
S 26 [Sec. 95](Ch. 561) ..... 1295.

FUNDS (continued)
General Fund (continued)
Repairs and Renovations Reserve Account
Created
S 27 [Sec. 17.1](Ch. 321) ..... 792.
S 814 (Appr Com)(In S 26) ..... 261.
Expenditure Approval/Reports
S 26 [Sec. 16; 22](Ch. 561) ..... 1266, 1267.
S 27 [Sec. 17.1(b)](Ch. 321) ..... 793.
Reserve for Salary Increases
S 27 [Sec. 47](Ch. 321) ..... 815.
Revenue from Highway Trust Fund
S 27 [Sec. 164](Ch. 321) ..... 891.
Reversion
Alcohol Testing Program Exemption/DEH&NR
S 27 [Sec. 272](Ch. 321) ..... 960.
Maternal and Child Health Program Exemption
S 27 [Sec. 275](Ch. 321) ..... 960.
Groundwater Protection Loan Fund
Rules for Lending
S 928 (E&NR Com) ..... 318.
H 1061 (Ch. 402) ..... 659, 723, 1036, 1055, 1060, 1070, 1088.
Head Start Facilities Bonds Fund Created
S 1087 (H 1312)(Bonds Com) ..... 439.
Health Plan Purchasing Alliance Fund
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
Highway Fund
Appropriations Allocations
S 27 [Sec. 156; 157; 158; 160](Ch. 321) ..... 889, 890.
Availability Increase
S 26 [Sec. 7](Ch. 561) ..... 1262.
S 27 [Sec. 18](Ch. 321) ..... 795.
Capital Improvements
S 26 [Part 5](Ch. 561) ..... 1256.
Collegiate and Cultural Attraction Plate Account
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Current Operations Appropriations
S 27 [Sec. 4](Ch. 321) ..... 784.
Equipment Fund Transfer
S 27 [Sec. 150](Ch. 321) ..... 888.
Motor Vehicle Dealer License Plate/Changes
S 162 (Ch. 440) ..... 70, 185, 275, 285, 310, 1012, 1038, 1106, 1127, 1138.
Reserve for Salary Increases
S 27 [Sec. 47](Ch. 321) ..... 815.
Highway Trust Fund
Appropriations Allocation
S 27 [Sec. 157](Ch. 321) ..... 890.
Current Operations Appropriations
S 27 [Sec. 5](Ch. 321) ..... 786.
Revenue Transfer to General Fund
S 27 [Sec. 164](Ch. 321) ..... 891.

FUNDS (continued)
Highway Trust Fund (continued)
Vehicle Registration Renewal
S 128 (Ch. 467) ..... 67, 124, 185, 205, 212, 1027, 1037, 1051, 1053, 1085, 1112, 1163, 1201.
Housing Trust Fund [G.S. 122E]
Oil Overcharge Special Reserve
Funds Appropriated
S 556 (H 478)(Appr Com)(In S 26) ..... 182.
I&M Air Pollution Control Account/Non-reverting
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Inactive Hazardous Sites Clean-up Fund
Remedial Action Program Funding
S 27 [Sec. 265](Ch. 321) ..... 958.
Indigent Persons Attorney Fee Fund
Reserve
S 27 [Sec. 187](Ch. 321) ..... 901.
Transfer from Special Capital Case Rehearing Fund
S 27 [Sec. 195](Ch. 321) ..... 904.
Industrial Development Fund
Local Government Matching Funds
S 27 [Sec. 296](Ch. 321) ..... 979.
Qualification Expansion
H 992 (Ch. 444) ..... 1061, 1100, 1105, 1122, 1133, 1139.
Industrial Recruitment Competitive Fund
Established
S 27 [Sec. 314.3](Ch. 321) ..... 998.
Insurance Fund
Allocation of Funds to Department
S 1079 (Appr Com) ..... 438.
Rate Increase/Cap Removed/Reversion from General Fund
S 580 (reref Fin Com) ..... 188, 533.
Leaking Petroleum Underground Storage Tank Clean-up Fund
Commercial Fund
Clean-up Costs Criteria Amendments
S 928 (E&NR Com) ..... 318.
H 1061 (Ch. 402) ..... 659, 723, 1036, 1055, 1060, 1070, 1088.
Gas Tax Proceeds
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Non-commercial Fund
Clean-up Costs Criteria Amendments
S 928 (E&NR Com) ..... 318.
H 1061 (Ch. 402) ..... 659, 723, 1036, 1055, 1060, 1070, 1088.
Gas Tax Proceeds
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Low Income Energy Assistance Fund Created
S 813 (PubUtil Com) ..... 261.
Managed Competition Health Care Trust Fund, North Carolina
S 2 (Ins Com) ..... 29.

FUNDS (continued)
Oil or Other Hazardous Substance Pollution Protection Fund
Discharge Damage Assessment/Restoration
S 928 (E&NR Com) ..... 318.
H 1061 (Ch. 402) ..... 659, 723, 1036, 1055, 1060, 1070, 1088.
Oil Overcharge Fund [G.S. 122E]
Allocation of Funds
S 27 [Sec. 302](Ch. 321) ..... 980.
Attorneys Fees/Reasonable Expenses Authorization
S 27 [Sec. 301](Ch. 321) ..... 980.
Housing Trust Fund Appropriations
S 556 (H 478)(Appr Com)(In S 26) ..... 182.
Park Fund Created
S 733 (H Appr Com) ..... 249, 564, 748, 762, 777.
Pesticide Environmental Trust Fund
Created/Proceed Distribution
H 1102 (Ch. 481) ..... 512, 530, 581, 1037, 1100, 1118, 1210.
Project Reserve Fund
Budget and Management Office
S 26 [Sec. 118](Ch. 561) ..... 1311.
Public School Building Capital Fund
Corporation Income Tax Transfer
S 1234 (CapExp Com) ..... 629.
Public School Fund
Local Flexibility/Fund Consolidation
S 380 (reref Appr Com/see H 273) ..... 119, 201.
Reserve for Advance Planning
S 26 [Sec. 117](Ch. 561) ..... 1311.
Scrap Tire Disposal Fund Created
S 57 (E&NR Com) ..... 51.
H 83 (Ch. 548) ..... 226, 1035, 1096, 1119, 1145, 1314.
Second Injury Funds Assessments
S 540 (Mfg&Labor Com) ..... 180.
Sedimentation Account/Trust Fund
S 570 (reref Fin Com) ..... 187, 288.
H 644 (E&NR Com) ..... 514, 528.
Solid Waste Management Trust Fund
S 57 (E&NR Com) ..... 51.
S 60 (H 67)(Ch. 471) ..... 51, 223, 682, 696, 704, 713, 1075, 1082, 1090, 1091, 1111, 1135, 1140, 1196, 1197, 1210.
H 83 (Ch. 548) ..... 226, 1035, 1096, 1119, 1145, 1314.
Household Hazardous Disposal Tax
S 54 (reref Fin Com) ..... 50, 564.
Report
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Special Capital Case Rehearing Fund
McCory vs. North Carolina Funds
S 27 [Sec. 188](Ch. 321) ..... 902.
Transfer to Indigent Persons Attorney Fee Fund
S 27 [Sec. 195](Ch. 321) ..... 904.
Special Identification Card Reserve Fund Abolished
S 836 (Ch. 490) ..... 265, 324, 413, 536, 1207, 1209, 1222.
H 1016 (Ch. 368/see H 544) ..... 629, 673, 713, 755, 762, 1068.

FUNDS (continued)
Special Industrial Commission Fund Created
S 540 (Mfg&Labor Com) ..... 180.
Special Registration Plate Fund
Visitor and Welcome Center Fund Allocation
S 27 [Sec. 169.3](Ch. 321) ..... 895.
State Parks Bonds Fund
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .... 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Teacher Scholarship Loan Fund
H 494 (Ch. 260) ..... 360, 680, 706, 720, 722.
Transportation Department Equipment Fund Transfer
S 27 [Sec. 150](Ch. 321) ..... 888.
Uninsured Employees Fund
S 1185 (reref Fin Com) ..... 524, 1102.
University Improvement Bonds Fund
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .... 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Water and Air Quality Account/Non-reverting
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Wildlife Resources Fund
Boating Account Created
S 590 (Ch. 422) ..... 192, 557, 641, 653, 662, 1066, 1090, 1105, 1110.
Revenue from Sales and Use Tax
S 27 [Sec. 290](Ch. 321) ..... 977.
Wildlife Conservation Account
Income Tax Refund Contribution
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Worker Training Trust Fund
S 27 [Sec. 306](Ch. 321) ..... 983.
Employment and Training Grant Program
Focused Industrial Training Program
Local Office Operation
Occupational Information Coordinating Committee
REAL Enterprise Program
Unemployed/Working Poor Training
Veterans Employment Program
Welfare Recipient Employment
FUNERAL—see Mortuary

- G -

GAMBLING—see Criminal Law (Gambling)
GAME LANDS—see Wildlife
GAMES, STATE—see Athletics
GAMING COMMISSION, N.C.—see Boards and Commissions
GAMING CONTRACTS AND FUTURES [G.S. 16]
GARBAGE—see Public (Health—Solid Waste)
GAS, NATURAL—see Energy; Utilities

GASOLINE AND OIL REGULATIONS [G.S. 119]—see **Energy**
GASTON COUNTY—District 25—Senator David Hoyle
—District 39—Senator James Forrester
Bessemer City 100th Anniversary
S 465 (Rules Com) ..... 140.
S 468 (adopted) ..... 141, 1527.
Board of Education Filing Dates
H 694 (Ch. 73) ..... 332, 532, 542, 546.
Condemnation Commissioner Approval
S 87 (H J2 Com) ..... 56, 79, 89, 110, 121, 134, 138, 142, 145, 147, 151, 156.
Court Drive Property Lease Exemption
H 733 (LocGov Com) ..... 346.
Denton Zoning Notice Requirements
H 803 (Ch. 154/see H 799) ..... 442, 613, 624, 627.
Dispute Settlement Center Funds
S 1171 (H 1396)(Appr Com) ..... 521.
Gastonia
Council Term Reduction/Manager Authority
H 553 (Ch. 136) ..... 314, 582, 599, 605.
Zoning Authority to Planning Agency
H 575 (Ch. 247) ..... 314, 651, 660, 677, 709.
Lowell Charter Revision/Consolidation
S 557 (reref Fin Com) ..... 182, 241.
H 461 (Ch. 111) ..... 273, 399, 558, 566, 577, 580.
Mountain Island Lake Park Funds
S 1246 (reref CapExp Com) ..... 658, 772.
Mountain Island Lake Park Study
S 1275 (Rules Com) ..... 735.
GATES COUNTY—District 2—Senator Frank W. Ballance, Jr.
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
Turkey Hunting Prohibition Repeal
H 428 (Ch. 65) ..... 440, 532, 542, 546.
GENERAL ASSEMBLY [G.S. 120]
Actuarial Note—see **Rules**
Adjournment—see **Adjournment**
Appointments—see **Appointments**
Automated Systems Division
Information System Management/Operation Report
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 322 (GovPerform Com/see H 322) ..... 108.
Bill Filing Rules—see **Enabling Legislation; Rules**
Board of Governors/UNC Election—see **Higher Education** (UNC)
Budget—see **Appropriations**
Capital Improvements Funds—see **Appropriations; Funds**
Commissions, Legislative—see **Boards and Commissions** (Legislative)
Computer—see **Communications; Computers**
Conference Committees—see **Committees**
Convene—see **Convene**
Districts—see **Districts; Elections**
Economic Interest Statement [G.S. 120-89]
Filed
S 399 (H 282)(reref J2 Com) ..... 121, 188.
Employee Hospital and Medical Benefits
—see **State** (Personnel—Major Medical Plan)
Enabling Legislation—see **Enabling Legislation** (Authorizing)

GENERAL ASSEMBLY [G.S. 120] (continued)
Facility Space/Storage Needs Plan
S 258 (GovPerform Com/see H 290) ..... 92.
Fiscal Research Division
Advance Planning Report
S 26 [Sec. 117; 121](Ch. 561) ..... 1311, 1312.
Economic Impact Assessment/Administrative Procedure
S 1012 (reref W&M Com) ..... 382, 418, 444, 451, 493, 495, 507, 516.
Fiscal Note Five Year Estimate
S 26 [Sec. 21](Ch. 561) ..... 1267.
Information Technology Multiyear Funding Procedure
S 315 Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 319 (GovPerform Com/see H 322) ..... 108.
Tax Forms Upon Request
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
Tax Return Sample Upon Request
H 74 (Rules Com) ..... 1012.
UNC Hospital Vending Operation Report
S 219 (Ch. 406) ..... 84, 544, 549, 1078, 1091, 1098.
Fund-raising During Session Limited
S 636 (H 403)(J2 Com/see H 278 [Sec. 1114]) ..... 199.
Governmental Operations Commission
—see **Boards and Commissions** (Legislative)
Governor—see **Governor**
House of Representatives—see **House of Representatives**
Human Resources Management Officer Proposed
S 297 (GovPerform Com/see H 290) ..... 98.
Inquiry Process Obstruction/Contract Interference
H 6 (J1 Com) ..... 273.
Joint Legislative Commissions
—see **Boards and Commissions** (Legislative)
Joint Resolutions—see **Resolutions, Joint**
Joint Sessions—see **Joint Sessions**
Legislative Agent
Lobbyist Definition/Registration
S 398 (H 262)(reref Appr Com) ..... 121, 188, 387.
Legislative Building—see **State** (Building)
Legislative Research Commission
—see **Boards and Commissions** (Legislative); **Studies** (LRC)
Legislative Services Commission
—see **Boards and Commissions** (Legislative)
Legislator Eligibility/UNC Board of Governors
S 248 (H failed 2nd rdg) ..... 91, 246, 257.
License Plate Changes
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Lieutenant Governor—see **Lieutenant Governor; President of Senate; State** (Officers)
New Licensing Board, Joint Legislative
—see **Boards and Commissions** (Legislative)
Performance Audit—see **Audit; Committees** (Select)

GENERAL ASSEMBLY [G.S. 120] (continued)
Police
Civilian Status Requirement Review
S 27 [Sec. 34])(Ch. 321) ..... 809.
S 369 (H PubEmp Com/see H 373) ..... 117, 228, 246, 374, 465, 476.
Reports—see **Reports to Legislature**
Retirement—see **Retirement** (Legislative)
Rules—see **Rules**
Salaries and Expenses
Equal Employment Opportunity Monitoring/Reporting
S 289 (H Appr Com/see H 288) ..... 97, 393, 406.
Established
Employee
S 27 [Sec. 55](Ch. 321) ..... 818.
Legislator
S 27 [Sec. 52](Ch. 321) ..... 816.
Principal Clerk
S 27 [Sec. 53](Ch. 321) ..... 817.
Reading Clerk
S 27 [Sec. 54](Ch. 321) ..... 817.
Sergeant-at-Arms
S 27 [Sec. 54](Ch. 321) ..... 817.
Salaries Percentage of Superior Court Judge
S 76 (Rules Com) ..... 54.
Security—see under this heading (Police)
Senate—see **Senate**
Senior Tarheel Legislature Created
S 479 (Ch. 503) ..... 154, 443, 477, 484, 1242.
Session Length Limited/90 Days
S 17 (unf rpt) ..... 30, 404.
Staff
Opinion Survey, Annual
S 311 (H Appr Com/see H 288)(In S 27) ..... 100, 393, 406.
Organization Peer Review
S 257 (GovPerform Com/see H 290) ..... 92.
Temporary Employee Benefit Equalization
S 308 (reref Appr Com/see H 373) ..... 99, 393.
Strategic Planning Authority—see **Boards and Commissions** (Legislative)
Studies—see **Studies**
Term
Four-year Terms/Three-term Limit
S 79 (unf rpt) ..... 54, 468.
S 660 (unf rpt) ..... 211, 468.
Six Consecutive Terms Limitation
S 15 (unf rpt) ..... 30, 468.
Veto
S 25 (H ppi/see H 39; H 45; H 62; H 1072) ..... 43, 358, 398, 405.
GENERAL FUND—see Funds; Taxation
GENERAL STATUTES [G.S. 164]
Chapter 93—Certified Public Accountants Name
H 541 (Ch. 518) ..... 458, 1162, 1199, 1243.
Chapter 112—Confederate Homes and Pensions Repealed
S 744 (Ch. 257) ..... 250, 340, 451, 488, 722.
Commission
Computer Legal Research Study
S 1092 (Rules Com/see H 1319) ..... 439.
Construction [G.S. 12]

GENERAL STATUTES [G.S. 164] (continued)
Created
Chapter 57C—Limited Liability Company Act
S 780 (reref Fin Com) ..... 254, 652.
H 923 (Ch. 354) ..... 684, 705, 749, 764, 779, 1034.
Chapter 93E—North Carolina Appraisers Act
H 473 (Ch. 419/see H 472; H 544) ..... 703, 740, 1037, 1076, 1084, 1089, 1110.
Chapter 116C—Continuum of Education Programs
H 292 (Ch. 393/see S 389; S 390; S 391) ..... 352, 720, 1035, 1061, 1087.
Numerical Listing ..... 2005.
Proposed
Chapter 16A—North Carolina Racing Act
S 116 (H 42)(reref J1 Com) ..... 60, 341.
Chapter 17F—Law Enforcement Review Board
S 683 (reref Rules Com/see H 1319) ..... 225, 673.
Chapter 38A—Land Owner Liability
S 40 (J2 Com) ..... 48.
H 36 (J2 Com) ..... 384.
Chapter 42A—Manufactured Home Owners Bill of Rights
S 1228 (reref J2 Com) ..... 612, 1028.
Chapter 54D—Financial Institution Regulatory Board
S 718 (J2 Com) ..... 238.
Chapter 83B—Certified Interior Designers Title Registration Act
S 900 (H 266)(reref Fin Com) ..... 312, 578, 735.
Chapter 89F—Locksmith Licensing/Regulation
S 1039 (held in Clerk's office) ..... 407.
Chapter 116C—Continuum of Education Programs
S 391 (H Educ Com/see H 292) ..... 120, 258, 329, 336.
Chapter 131F—Soliciations of Contributions Act
S 940 (H Rules Com) ..... 325, 725, 1036, 1102.
Chapter 138A—State Ethics Act
S 399 (H 282)(reref J2 Com) ..... 121, 188.
Chapter 143C—North Carolina State Lottery
S 11 (H Const Com/see H 38) ..... 29, 554, 591, 607, 615.
Chapter 163A—Redistricting
S 1218 (Rules Com) ..... 584.
Repealed
Chapter 104F—Low-level Radioactive Management Repeal
S 1153 (J1 Com) ..... 497.
Chapter 131C—Charity Facilities
S 940 (H Rules Com) ..... 325, 725, 1036, 1102.
Chapter 159F—Energy Development Authority
S 753 (StPers&StGov Com) ..... 251.
H 94 (Ch. 16) ..... 182, 236, 248, 255.
Office of Teacher Recruitment
S 27 [Sec. 128](Ch. 321) ..... 860.
Sentencing Policy Advisory Commission
Extended
S 27 [Sec. 200.1](Ch. 321) ..... 906.
S 847 (reref Appr Com) ..... 271, 417.
Technical Changes Omnibus Bill—see **Omnibus**
GENESIS PROJECT—see Education
GENETIC ENGINEERING REVIEW
State Health Director as Member
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.

GEODETIC SURVEY
—see **Environment, Health, and Natural Resources** (Land)
GEOGRAPHICAL INFORMATION
Cumberland/Guilford/Nash Public Record
S 234 (reref J2 Com) ..... 87, 121, 128, 138, 147, 169.
Geographic Alliance Network Program Funds
S 637 (Appr Com) ..... 209.
Public Records Act Exemption
(Guilford, Mecklenburg, Nash, Pitt)
H 143 (Ch. 82) ..... 158, 474, 498, 517, 535, 556.
GEOLOGISTS LICENSING [G.S. 89E]
GERONTOLOGY—see **Aged**
GIBBS, WARMOTH T.—Memorializing
S 1252 (Res. 20) ..... 695, 705, 709.
GLOBAL AIR CARGO INDUSTRIAL COMPLEX
—see **Air Cargo Airport Authority**
GLOBAL TRANSPARK—see **Air Cargo Airport Authority**
GOINS, Cecil (Sergeant-at-Arms)—see **Sergeant-at-Arms**
GORE, JR., The Honorable Albert—see **United States** (Vice President)
GOVERNMENT
Performance Audit—see **Audit; Committees** (Select)
Publications—see **Publications**
Reorganization [G.S. 143A]—see **Executive Reorganization**
State—see **State of North Carolina**
GOVERNMENTAL OPERATIONS COMMISSION
—see **Boards and Commissions** (Legislative)
GOVERNOR—James B. Hunt, Jr.
Agency Organizational/Staffing Analyses
S 242 (H StGov Com) ..... 88, 412, 434.
H 309 (GovPerform Com) ..... 384.
Appointments—see **Appointments**
Budget 1994-95
S 975 (Appr Com/see S 27) ..... 350.
H 1216 (Ch. 253/see S 27) ..... 707, 709.
Confidential Tax Information Prohibited
H 74 (Rules Com) ..... 1012.
Constitutional Review Commission
S 21 (reref Appr Com/see H 1319) ..... 30, 404, 574.
Council of State Vote/Property Conveyance
S 766 (Rules Com) ..... 252.
H 61 (S 766)(Rules Com) ..... 244.
Courts Commission Chairman Appointment
H 1157 (Ch. 438) ..... 442, 1054, 1072, 1138.
Escort Committee ..... 66, 67.
Executive Institute Re-established
S 1255 (Appr Com) ..... 695.
Gubernatorial Team Ticket
S 77 (Const Com) ..... 54.
Home Preservation—see **Historical Properties**
Lieutenant Governor—see **Lieutenant Governor**
Office of the Governor
S 279 (GovPerform Com/see H 369) ..... 94.
Human Relations Commission
Indian Affairs Commission
Persons with Disabilities
Veterans Affairs Commission
Women, North Carolina Council
Youth Advocacy Involvement Office

GOVERNOR (continued)
Office of the Governor (continued)
Agency Organization/Staffing Analyses
S 242 (H StGov Com) ..... 88, 412, 434.
H 309 (GovPerform Com) ..... 384.
Automobile Manufacturing Facility Funds
S 26 [Sec. 27](Ch. 561) ..... 1269.
Banking Regulatory Agencies Study
S 264 (H 271)(GovPerform Com) ..... 93.
Cities in Schools Funds
S 27 [Sec. 39.2](Ch. 321) ..... 810.
Current Operations Appropriations
S 27 [Part 9](Ch. 321) ..... 809.
Economic Development Institute
S 26 [Sec. 28](Ch. 561) ..... 1270.
Education Cabinet Created
S 391 (H Educ Com) ..... 120, 258, 329, 336.
H 292 (Ch. 393/see S 389; S 390) ..... 352, 720, 1035, 1061, 1087.
Education Cabinet/UNC Program Review
S 393 (Ch. 407/see H 340) ..... 120, 374, 395, 1079, 1091, 1098.
Executive Institute
S 26 [Sec. 28](Ch. 561) ..... 1270.
Health Care Office Established
S 413 (H 293)(GovPerform Com) ..... 126.
Health Services Planning Office Study
S 298 (H 289)(reref Rules Com/see H 1319) ..... 98, 320.
Intergovernmental Relation Functions Transfer
S 368 (reref Appr Com/see H 369) ..... 117, 208.
Planning Office
Performance Budgeting Funds
S 253 (reref Appr Com/see H 330)(In S 27) ..... 92, 448.
Studies—see **Studies** (Agency)
Total Quality Management Program
S 26 [Sec. 28](Ch. 561) ..... 1270.
S 1256 (Appr Com) ..... 695.
Waste Management Board Transfer
S 27 [Sec. 267](Ch. 321) ..... 959.
Salary
S 27 [Sec. 48](Ch. 321) ..... 815.
State of the State Address ..... 72.
S 1 (H 2)(Res. 1) ..... 28, 62, 67, 71.
Strategic Planning Authority Created
S 150 (EconDev Com) ..... 69, 77.
Succession to Office [G.S. 147-11.1]
Veto
S 25 (H ppi/see H 39; H 45; H 62; H 1072) ..... 43, 358, 398, 405.
GOVERNOR MOREHEAD SCHOOL
—see **Handicapped** (Visually Impaired)
GRAHAM COUNTY—District 42—Senator Robert C. Carpenter
Condemnation Commissioner Approval
S 87 (H J2 Com) ..... 56, 79, 89, 110, 121, 134, 138, 142, 145, 147, 151, 156.
Forestry Headquarters Force Account Construction
S 26 [Sec. 114](Ch. 561) ..... 1308.
Santeetlah Property Improvement Assessment
S 887 (Ch. 546) ..... 310, 541, 613, 1024, 1042, 1056, 1314.

GRAHAM COUNTY (continued)
Tri-county/Graham Center Construction Funds
S 947 (CapExp Com) ..... 331.
Trout Production Project
S 27 [Sec. 96](Ch. 321) ..... 847.
S 1005 (Appr Com) ..... 376.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
GRANDPARENTS—see **Child**
GRANVILLE COUNTY—District 13—Senator Ralph Hunt
—Senator Wilbur Gulley
Butner
Incorporation Study
S 285 (GovPerform Com) ..... 95.
H 312 (GovPerform Com) ..... 352.
Public Safety Study
S 285 (GovPerform Com) ..... 95.
H 312 (GovPerform Com) ..... 352.
Dental Hygienist Position Funding
S 456 (H 386)(Appr Com)(In S 27) ..... 137.
Fox Hunting/Trapping Season Established
H 881 (Ch. 208) ..... 442, 610, 614, 642, 646, 672.
Oxford
Sidewalk Assessment Without Petition
H 879 (Ch. 240) ..... 347, 560, 674, 686, 698, 701.
Prison Bonds/Umstead Hospital Expansion
S 1077 (H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.
Prison Consolidation Funds
S 1220 (CapExp Com) ..... 584.
Prison Facility Closing/Consolidation
S 27 [Sec. 177](Ch. 321) ..... 899.
Room Occupancy Tax Levied
H 859 (Ch. 454) ..... 684, 750, 1095, 1114, 1141, 1200.
Teacher Support, Colaborative
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
GRASSROOTS SCIENCE PROGRAM—see **Agriculture**
GREEN, Paul—Memorializing Dramatist Laureate
S 594 (Res. 25) ..... 192, 419, 435, 1139, 1153, 1201.
GREENE COUNTY—District 8—Senator John Kerr
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Map of Census Block Boundaries
H 563 (Ch. 352) ..... 425, 621, 632, 1034.
Prison Bond/50-Bed Expansion
S 1077 (H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.
GREENSBORO, UNC—see **Higher Education** (UNC)
GROUNDWATER SYSTEMS—see **Water**
GROUP HOME—see **Mental Health**
GUARANTY FUND—see **Insurance**
GUARDIAN AND WARD [G.S. 35A]—see **Child; Judicial Department; Mental Health** (Incompetent)
GUEST ROOM ABC PERMIT—see **Alcohol Regulation**

GUILFORD COUNTY—District 12—Senator Fred Folger, Jr.
—Senator A.P. Sands
—District 19—Senator Robert G. Shaw
—District 31—Senator William N. Martin
—District 32—Senator Mary P. Seymour

Board of Commissioners Plan for Election
S 909 (Const Com) ..... 312.
H 865 (Ch. 521) ..... 353, 1111, 1143, 1145, 1197, 1198, 1243.

Greensboro
Bidding Requirement Monetary Limit
H 339 (Ch. 153) ..... 377, 560, 567, 568, 578, 627.
Child Medical Evaluation Program/Moses Cone
S 1069 (reref CapExp Com)(In S 26) ..... 424, 1018.
Contract Award, Lease, Settlement
H 144 (Ch. 6) ..... 127, 149, 156, 159.
Economic Development Prospective Revenue
H 466 (Ch. 246/see S 708; H 544) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
H 791 (LocGov Com) ..... 576.
Firemen Relief Fund Transfer
H 450 (Ch. 431) ..... 319, 620, 1105, 1115, 1138.
Geographical Information System/Public Record
S 234 (reref J2 Com) ..... 87, 121, 128, 138, 147, 169.
Piedmont Triad Area Transportation Needs Study
S 27 [Sec. 167](Ch. 321) ..... 892.
Private Sale of Property Vote Requirement
H 182 (Ch. 92) ..... 155, 559, 567, 573.
Public Records Exemption/Geographical Information
H 143 (Ch. 82) ..... 158, 474, 498, 517, 535, 556.
Wheel Locks/Illegally Parked Vehicle
S 117 (Ch. 291) ..... 62, 121, 128, 737, 742, 747.

Guilford Technical Community College Hearing Impaired Programs
S 1062 (H 1273)(Appr Com) ..... 423.

High Point
Annexation Agreement Thomasville/Davidson County
S 442 (Ch. 292) ..... 133, 149, 275, 283, 308, 737, 742, 747.
Economic Development Prospective Revenue
H 398 (Ch. 275) ..... 440, 583, 674, 685, 698, 734.
H 466 (Ch. 246/see S 708; H 544) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
H 791 (LocGov Com) ..... 576.
Eminent Domain Authority/Procedures
H 398 (Ch. 275) ..... 440, 583, 674, 685, 698, 734.
Geographical Information System Public Record
S 234 (reref J2 Com) ..... 87, 121, 128, 138, 147, 169.
Piedmont Triad Area Transportation Needs Study
S 27 [Sec. 167](Ch. 321) ..... 892.
Public Records Exemption/Geographical Information
H 143 (Ch. 82) ..... 158, 474, 498, 517, 535, 556.

Juvenile Detention Facility Construction Funds
S 1263 (CapExp Com) ..... 702.

Piedmont Agricultural Center Funds
S 553 (H 260)(CapExp Com)(In S 26) ..... 182.

GUILFORD COUNTY (continued)
School Funding Amendments
S 1057 (Ch. 161) ..... 423, 437, 451, 462, 632, 634.
Voting Prior to Election Day
H 252 (Const Com) ..... 227.
GULLEY, Wilbur P. "Wib"—Senator **Durham,** Granville, Person (part), Wake (part)—**13th District**
Absent With Leave ..... 129, 132, 135, 149, 163, 167, 400.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 36, 38, 39, 40.
Standing—
Local Government and Regional Affairs (Vice-Chairman)
Appropriations—Appropriations on Human Resources—Education/Higher Education—Environment and Natural Resources—Judiciary II—Manufacturing and Labor—Public Utilities—Transportation
Conference—
H 358 ..... 1143.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 687, 688, 689, 690, 691, 772, 773, 774, 811, 833, 901, 902, 971, 977, 989, 1071, 1089, 1090, 1105, 1137.
Co-Sponsor .... 20, 48, 61, 62, 63, 64, 68, 162, 215, 251, 256, 336, 341, 419, 421, 422, 534, 570, 571, 572, 618, 664, 665, 669, 670, 674, 675, 676, 693, 770, 771, 779, 781, 793, 813, 821, 836, 837, 838, 863, 873, 878, 884, 929, 934, 955, 956, 976, 993, 1001, 1019, 1029, 1037, 1041, 1042, 1092, 1184, 1188, 1200, 1201, 1222, 1245, 1250.
GUNS—see **Criminal Law** (Weapons); **Wildlife**
GUNTER, Linda—Senator Wake (part)—**36th District**
Absent With Leave ..... 1033, 1052, 1067, 1074 (present).
Adjournment Motion—Second ..... 66, 179, 230, 671, 1002.
Certificate of Election ..... 7.
Committee Assignments ..... 33, 36, 37, 38, 39, 64, 65, 122, 123.
Standing—
Education/Higher Education (Vice-Chairman)
Appropriations—Appropriations on General Government—Constitution and Election Laws—Environment and Natural Resources—Local Government and Regional Affairs—Transportation
Conference—
S 1066 ..... 1213.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 20, 215, 649, 650, 651, 664, 665, 818, 819, 820, 863, 910, 921, 974, 1037, 1065, 1066, 1127, 1184, 1200.
Co-Sponsor ..... 48, 68, 91, 92, 93, 162, 237, 251, 255, 337, 424, 429, 430, 435, 436, 478, 479, 500, 502, 534, 559, 572, 630, 631, 663, 669, 670, 674, 676, 677, 684, 696, 714, 770, 771, 779, 873, 874, 876, 878, 879, 883, 884, 888, 892, 900, 934, 949, 967, 968, 969, 977, 989, 993, 1019, 1029, 1040, 1093, 1094, 1096, 1129, 1151, 1154, 1158, 1160, 1174, 1180, 1188, 1245, 1264.

- H -

HABEAS CORPUS [G.S. 17]—see **Criminal Procedure**
HABITAT FOR HUMANITY—see **Housing**
HALIFAX COUNTY—District 2—Senator Frank W. Ballance, Jr.
—District 10—Senator Roy A. Cooper III
Coroners Office Abolished
S 642 (LocGov Com) ..... 209.
H 586 (Ch. 36) ..... 257, 324, 334, 339.
Fire Protection District/Fees
H 379 (Ch. 316) ..... 239, 583, 674, 685, 697, 775.
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
Prison Consolidation Funds
S 1220 (CapExp Com) ..... 584.
Prison Facility Closing/Consolidation
S 27 [Sec. 177](Ch. 321) ..... 899.
Teacher Support, Collaborative
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
Weldon
Teacher Support, Collaborative
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
HALIFAX RESOLVES COMMEMORATIVE ..... 259, 1563.
HAM RADIO—see **Telecommunications**
HANDGUNS—see **Criminal Law** (Weapons)
HANDICAPPED [G.S. 168; 168A]
Americans With Disabilities Act
Employer Training Funds
S 1095 (Appr Com) ..... 439.
Hearing Deferral Agency
S 604 (Ch. 234) ..... 193, 224, 235, 701.
Report to Governmental Operations
S 761 (H Rules Com) ..... 252, 419, 436.
Blind—see under this heading (Visually Impaired)
Children With Special Needs—see **Mental Health**
Commission for Mental Health, Developmental Disabilities, and
Substance Abuse—see **Boards and Commissions; Mental Health**
Contracts from State Promoted
H 946 (Ch. 252) ..... 513, 529, 695, 707, 709.
Developmentally Disabled
Americans with Disabilities Act Report
S 761 (H Rules Com) ..... 252, 419, 436.
Entry/Exit Policy for Services
H 513 (Ch. 396)(In S 27) ..... 512, 527, 672, 690, 706, 744, 1029, 1088.
In-home/Community Living Arrangements/Training
S 1109 (H 535)(Appr Com)(In S 27) ..... 456.
LIFEguardianship Program Funds (ARC)
S 469 (H 223)(Appr Com)(In S 27) ..... 144.
Disabilities, Governor's Advocacy Council for Persons
Appointments
(Brantley; Elders; Harton; Johnson; Lewis; Smith;
Townsend; Williams)
S 1124 [Sec. 6](Ch. 405/see H 544) .... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Transfer
S 279 (GovPerform Com/see H 369) ..... 94.

HANDICAPPED [G.S. 168; 168A] (continued)
Disabled Sportsman Program
S 1222 (ordered enrolled) ..... 591, 635, 713, 729, 1212, 1216, 1218, 1251, 1320.
Early Intervention
Hearing Impaired Children/Families
S 644 (H 722)(Appr Com)(In S 27) ..... 209.
Interagency Coordinating Council
S 544 (Ch. 487) ..... 181, 215, 544, 549, 1195, 1208, 1222.
Related Services Funds
S 541 (Appr Com)(In S 27) ..... 180.
Family Care Home/Residence
S 872 (H Fin Com) ..... 279, 429, 576, 594, 603.
Gas Service for Handicapped
S 73 (H 138)(Transp Com) ..... 53.
Hearing Impaired
Council for Deaf and Hard of Hearing
Membership
H 505 (Ch. 551) ..... 385, 695, 1043, 1061, 1314.
Cued Speech Program Funding
S 1123 (Appr Com) ..... 457.
Early Intervention Children/Families
S 644 (H 722)(Appr Com)(In S 27) ..... 209.
Guilford Technical Community College Programs
S 1062 (H 1273)(Appr Com) ..... 423.
Regional Resource Centers Funds
S 645 (H 723)(Appr Com) ..... 209.
Schools for the Deaf Funding Study
S 246 (H 302)(GovPerform Com) ..... 89.
Schools for the Deaf Minimum Standards
S 646 (H 746)(Appr Com) ..... 209.
Homestead Exemption—see **Taxation** (Property)
Housing—see **Housing** (Fair Housing)
Independent Living Rehabilitation Program
S 80 (H 9)(Appr Com)(In S 27) ..... 54.
Medicaid—see **Medicaid/Medicare**
Medicine—see **Medicine**
Mental Health—see **Mental Health**
Parking—see **Motor Vehicle**
Sheltered Workshop—see **Mental Health**
Transportation Assistance Program Renamed
S 27 [Sec. 147](Ch. 321) ..... 884.
Visually Impaired
Braille Literacy Evaluation
S 1024 (H 1316)(reref Appr Com)(In S 26) ..... 391, 539.
Commission for Blind
Membership/Authority
S 26 [Sec. 89](Ch. 561) ..... 1291.
Powers/Duties Rewritten
S 561 (H 635)(Rules Com) ..... 186.
Governor Morehead School Repairs/Renovations
S 26 [Sec. 93.1](Ch. 561) ..... 1294.
Medical Service Reimbursement/Non-Medicaid
S 27 [Sec. 215](Ch. 321) ..... 928.
Recording Studio/Chapel Hill
S 565 (H 925)(CapExp Com) ..... 186.

HANDICAPPED [G.S. 168; 168A] (continued)
Vocational Rehabilitation
Fund Distribution Formula
H 471 (Ch. 180) ..... 353, 561, 633, 643, 648.
HARNETT COUNTY—District 15—Senator Elaine Marshall
Erwin
Textile Museum Funds
S 1030 (H 1238)(reref CapExp Com) ..... 392, 771.
Map for Taxation Purpose Funds
S 1117 (Appr Com) ..... 456.
Prison Bonds/Sanford 50-Bed Expansion
S 1077 (H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.
HARRIET'S HOUSE—see **Prison**
HARRIS, Ollie—Senator **Cleveland** (part), Rutherford—**37th District**
Absent With Leave ..... 90, 381, 774.
Adjournment Motion—Second ..... 286, 380, 496, 700, 1136.
Certificate of Election ..... 7.
Committee Assignments ..... 33, 34, 35, 38, 39, 40, 41, 64, 65.
Standing—
Pensions and Retirement (Chairman)
Children and Human Resources on Veteran and Military Affairs, and Senior Citizens (Chairman)
Appropriations on Human Resources (Vice-Chairman)
Children and Human Resources (Vice-Chairman)
Appropriations—Banks and Thrift Institutions—Insurance—Judiciary II—Public Utilities—Rules and Operation of the Senate—Ways and Means
Conference—
S 513 ..... 719.
S 1148 ..... 753, 1202.
H 1008 ..... 1127, 1248.
Oath of Office ..... 7.
Prayer ..... 206.
Remarks Spread—
Eure Eulogy ..... 1137.
Votes—
Excused
S 466 ..... 452.
Pair Announced
S 11 ..... 616.
Recorded
H 792 ..... 542.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 24, 400, 407, 458, 466, 513, 526, 527, 528, 529, 538, 564, 719, 720, 721. 890, 1050, 1231, 1264, 1283 (by request).
Co-Sponsor ..... 50, 237, 251, 424, 500, 543, 544, 549, 572, 665, 672, 674, 675, 676, 852, 872, 876, 906, 920, 934, 949, 952, 956, 964, 966, 970, 976, 996, 1012, 1013, 1029, 1131, 1194, 1245, 1246, 1250, 1251.
HARTSELL, JR., Fletcher L.—Senator **Cabarrus**, Rowan (part), Stanly (part)—**22nd District**
Absent With Leave ..... 53, 67, 129, 157, 287, 338, 515, 733, 738.
Adjournment Motion—Second ..... 708, 1067.
Certificate of Election ..... 6.

HARTSELL, JR., Fletcher L.—Senator (continued)
Committee Assignments ..... 34, 36, 37, 38, 39, 40, 64, 65.
Standing—
Judiciary I (Ranking Minority)
Local Government and Regional Affairs (Ranking Minority)
Rules and Operation of the Senate (Ranking Minority)
Banks and Thrift Institutions—Constitution and Election Laws—
Education/Higher Education—Finance—Manufacturing and Labor
Select—
S 906 (Worker's Compensation) ..... 540.
Statutory—
Legislative Education Oversight Committee ..... 622.
Legislative Ethics Committee ..... 585.
Conference—
S 431 ..... 780.
S 1066 ..... 1213.
H 101 ..... 642, 1008.
H 539 ..... 780, 1220.
Escorts—
Honorable James G. Exum, Jr., Chief Justice ..... 214.
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Honorable Albert Gore, Jr., United States Vice President ..... 90.
Oath of Office ..... 7.
Remarks Spread—
Quinn Eulogy ..... 365.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 425, 455, 483, 516, 535, 536, 537 (by request), 582, 584, 585, 607, 608, 609, 610, 611, 612, 894, 895.
Co-Sponsor ..... 25, 29, 48, 50, 65, 68, 91, 92, 94, 95, 237, 251, 336, 337, 396, 429, 430, 431 (by request), 432, 433, 434, 435, 436, 437, 446, 453, 479, 511, 572, 573, 617, 664, 665, 674, 675, 676, 678, 694, 696, 770, 771, 876, 906, 915, 949, 952, 970, 976, 989, 996, 1012, 1029, 1092, 1174, 1194, 1200, 1245, 1246, 1250.
HAYWOOD COUNTY—District 29—Senator Clark Plexico
—District 42—Senator Robert C. Carpenter
Hazelwood
Merger with Waynesville
H 743 (Ch. 353) ..... 459, 613, 749, 761, 777, 1034.
High Technology Training Center Funds
S 998 (CapExp Com) ..... 376.
Subdivision Predevelopment Ordinance Exemption
H 762 (Ch. 282) ..... 332, 710, 727, 734.
Waynesville
Merger with Hazelwood
H 743 (Ch. 353) ..... 459, 613, 749, 761, 777, 1034.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
HAZARDOUS MATERIAL
Emergency Regional Response Team
S 72 (H 86)(Mfg&Labor Com)(In S 27) ..... 53.
Waste—see **Public** (Health—Hazardous Waste)
Management Board—see **Environment, Health, and Natural Resources**
HEAD-START PROGRAM—see **Education**

HEALTH
AHEC (Area Health Education Center)
Allied Health Personnel Study
S 27 [Sec. 84](Ch. 321) ..... 839.
Nurse Anesthetist Training Funds
S 27 [Sec. 98](Ch. 321) ..... 848.
Rural/Primary Care Initiative Funds
S 27 [Sec. 101.3](Ch. 321) ..... 849.
Director, State—see also **Public** (Health)
Medical/Health Care Plan
S 1043 (reref Rules Com) ..... 407, 540, 1021.
Education/Poe Center Equipment
S 1208 (H 1471)(Appr Com) ..... 575.
Facilities [G.S. 131E]—see **Medicine**
Certificate of Need—see **Medicine**
Nursing Home Regulation—see **Medicine** (Long-Term Care)
Financing [G.S. 131A]—see **Insurance**
Fitness/Health Club Issues Study—see **Studies** (LRC)
Health and Safety Training—see **Employment**
Health Care
Governor's Office
S 413 (H 293)(GovPerform Com) ..... 126.
Personnel Liability Protection
H 1172 (Ch. 439) ..... 442, 1027, 1050, 1138.
Power of Attorney
S 477 (J1 Com) ..... 150.
Power of Attorney/Anatomical Gift Act
H 1043 (Ch. 523) ..... 512, 530, 1035, 1147, 1204, 1243.
Reform
Act
S 2 (Ins Com) ..... 29.
Commission—see **Boards ands Commissions**
Congress Memorialized for Assistance
H 429 (held in Clerk's office) ..... 220.
Reserve Initiatives
S 27 [Sec. 20](Ch. 321) ..... 795.
"Runners" Law/Solicitation
H 795 (J2 Com) ..... 514, 528.
Infant Mortality—see **Maternal and Child Health**
Insurance [G.S. 57]—see **Insurance**
Maintenance [G.S. 57B]
Health Maintenance Organizations (HMO)—see **Insurance**
Medicaid—see **Medicaid/Medicare**
Medicine—see **Medicine**
Minor Child Care Consent Authorized
S 955 (Ch. 150) ..... 332, 445, 489, 612, 625, 627.
H 915 (J1 Com) ..... 512, 529.
Minority Health Office—see **Minorities**
Natural Death Act—see **Medicine**
Occupational Health—see **Public** (Health)
Provider Referrals
S 8 (Ch. 482) ..... 29, 136, 143, 147, 152, 153, 156, 1139, 1205, 1221.
Public Health—see **Public** (Health)
Recovery Care Center Study (LRC)
S 1172 (H 1434)(Rules Com/see H 1319) ..... 521.

HEALTH (continued)
School Health Screening
S 488 (Ed/HighEd Com) ..... 160.
H 365 (Ch. 124) ..... 346, 561, 569, 596.
Services Commission Rules/Unwrapped Food
H 1122 (H 886)(Ch. 346) ..... 482, 534, 710, 729, 756, 766, 1023.
Statistics Center Child Fatality Study
S 495 (H 360)(Ch&HumRes Com) ..... 161.
HEARING
Hearing Aid Board [G.S. 93D]
Impaired—see **Handicapped**
HEATING
Contractor—see **Contractor**
Oil—see **Energy** (Gasoline and Oil)
HEMOPHILIA—see **Medicine**
HENDERSON COUNTY—District 29—Senator Clark Plexico
—District 42—Senator Robert C. Carpenter
Blue Ridge Community College Health Building
S 1047 (CapExp Com)(In S 14) ..... 407.
Economic Development Prospective Revenue Consideration
H 686 (Ch. 520/see H 544) ..... 752, 1028, 1060, 1069, 1083, 1243.
Flat Rock Playhouse Funds (Vagabond School of Drama, Inc.)
S 1155 (H 1401)(CapExp Com) ..... 497.
Hendersonville
Firefighter Retirement Fund
S 812 (Ch. 244) ..... 261, 349, 437, 462, 709.
"Something Special" Sheltered Workshop
S 999 (CapExp Com) ..... 376.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
HERTFORD COUNTY—District 2—Senator Frank W. Ballance, Jr.
Enfield
Charter Revision and Consolidation
H 888 (Ch. 479) ..... 541, 750, 1096, 1115, 1132, 1142, 1210.
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
Northeastern Watermelon Festival
S 647 (Rules Com) ..... 210.
H 318 (Ch. 212) ..... 281, 625, 650, 655, 681.
HIGHER EDUCATION [G.S. 116]
Assistance Authority
Contracts with Private Institutions
S 392 (H 303)(GovPerform Com) ..... 120.
Beer Sale/Possession Decriminalization
S 700 (recommit J2 Com) ..... 231, 445, 488.
Campus Police Assault/Misdemeanor
H 1049 (J1 Com) ..... 629.
Community College [G.S. 115D]
Audit Policies
S 27 [Sec. 103](Ch. 321) ..... 851.
Beaufort Campus Building Construction Funds
S 1182 (CapExp Com)(In S 14) ..... 523.
Blue Ridge Allied Health Building
S 1047 (CapExp Com)(In S 14) ..... 407.

HIGHER EDUCATION [G.S. 116] (continued)
Community College [G.S. 115D] (continued)
Board, State
Chair Elected from Membership
H 559 (Ch. 69) ..... 385, 536, 543, 546.
Community College System Review
S 27 [Sec. 119](Ch. 321) ..... 855.
Education Commission Membership
S 389 (GovPerform Com) ..... 120.
S 390 (GovPerform Com/see H 1319) ..... 120.
S 391 (H Educ Com) ..... 120, 258, 329, 336.
H 292 (Ch. 393) ..... 352, 720, 1035, 1061, 1087.
Election Date
H 1209 (Res. 13) ..... 459, 487, 498, 518, 523, 571.
Local Trustee Elected by State Board
S 274 (GovPerform Com/see H 315) ..... 94.
Bonds, General Obligation
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .. 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
H 664 (Fin Com) ..... 1073.
Capital Improvements
S 396 (reref Bonds Com/see H 164) ..... 120, 258.
Capital Improvements/Instructional Equipment
S 824 (CapExp Com) ..... 264.
Books/Equipment Funds/Reversion
S 26 [Sec. 51](Ch. 561) ..... 1279.
S 27 [Sec. 113](Ch. 321) ..... 854.
Capital Improvements
Design and Contract Evaluation
S 26 [Sec. 29](Ch. 561) ..... 1270.
Tri-county Classroom
Child Care Center
S 946 (CapExp Com)(In S 14) ..... 331.
Student Services Center Funds
S 948 (CapExp Com) ..... 331.
Tri-county Laboratory/Study Building
S 947 (CapExp Com) ..... 331.
Wayne Campus Building Construction
S 712 (CapExp Com)(In S 14) ..... 237.
Challenge Grant Scholarship Funds
S 415 (reref Appr Com) ..... 126, 208.
Class Size Study
S 27 [Sec. 124](Ch. 321) ..... 857.
Current Operations Appropriations
S 27 [Part 16](Ch. 321) ..... 851.
Curriculum
Hosiery Technology Program
S 27 [Sec. 116](Ch. 321) ..... 854.
Huskins Bill Program
S 27 [Sec. 106](Ch. 321) ..... 852.
Remediation Courses
S 27 [Sec. 108](Ch. 321) ..... 852.
Economic Development Primary Responsibility
S 185 (GovPerform Com/see H 294) ..... 80.

HIGHER EDUCATION [G.S. 116] (continued)
Community College [G.S. 115D] (continued)
Education, Clean Water, and Parks Bond Act of 93
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .. 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Energy Savings Contracts, Local
S 94 (H 100)(H Envir Com) ..... 57, 710, 1024, 1046.
Equipment Revolving Loan Fund Created
S 783 (reref CapExp Com) ..... 254, 258, 384, 680.
Faculty
Full Time Equivalent Teaching Positions
S 27 [Sec. 112](Ch. 321) ..... 853.
Salaries
S 27 [Sec. 115](Ch. 321) ..... 854.
Film Technology Institute/Piedmont (Caswell Campus)
S 958 (CapExp Com) ..... 345.
Funding Formula/Performance Goals
S 277 (H Appr Com/see H 315) ..... 94, 207, 216, 235, 240.
Governance Structure Modifications
S 389 (GovPerform Com/see H 292) ..... 120.
Guilford Technical/Hearing Impaired Programs
S 1062 (H 1273)(Appr Com) ..... 423.
Hosiery Technology Center Funds
S 27 [Sec. 116](Ch. 321) ..... 854.
S 938 (reref CapExp Com) ..... 325, 771.
In-plant Training Programs
S 27 [Sec. 104](Ch. 321) ..... 851.
Institutional Performance Standards
S 27 [Sec. 109](Ch. 321) ..... 853.
Maintenance of Plants Funds
S 27 [Sec. 110](Ch. 321) ..... 853.
Mobile Classroom Tax Exemption
S 154 (Ch. 484) ..... 70, 139, 147, 151, 1195, 1207, 1208, 1221.
Moratorium Colleges/Multi-campus/Off-campus Centers
S 273 (H Educ Com/see H 315) ..... 94, 402, 421.
Nash/Edgecombe Merger Study
H 736 (Ch. 468) ..... 386, 1118, 1142, 1201.
Nursing Program Financial Assistance Rules/Funds
S 27 [Sec. 124.1](Ch. 321) ..... 857.
S 573 (Appr Com) ..... 187.
Occupational Repetition Policy
S 27 [Sec. 102](Ch. 321) ..... 851.
Performance Report to Public Schools
S 27 [Sec. 125](Ch. 321) ..... 858.
Personnel Act Exemptions
H 558 (Ch. 145) ..... 514, 527, 609, 617, 618.
President
Education Cabinet Membership
S 389 (GovPerform Com) ..... 120.
S 390 (GovPerform Com/see H 1319) ..... 120.
S 391 (H Educ Com) ..... 120, 258, 329, 336.
H 292 (Ch. 393) ..... 352, 720, 1035, 1061, 1087.
Selected by State Board
S 276 (GovPerform Com/see H 315) ..... 94.
Prison Inmate Education Programs
S 27 [Sec. 105](Ch. 321) ..... 852.

HIGHER EDUCATION [G.S. 116] (continued)
Community College [G.S. 115D] (continued)
Programs for Excellence Model Program
S 271 (reref Appr Com/see H 315)(In S 27) ..... 93, 224.
Program Review/Expansion with UNC
S 393 (Ch. 407/see H 340) ..... 120, 374, 395, 1079, 1091, 1098.
Public Education Department Reference Deleted
H 935 (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
Real Estate School/Licensing
H 473 (Ch. 419/see H 472; H 544) ..... 703, 740, 1037, 1076, 1084, 1089, 1110.
Regional High Technology Training Center Funds (Haywood)
S 998 (CapExp Com) ..... 376.
Reorganization/Restructuring of System
S 271 (reref Appr Com/see H 315)(In S 27) ..... 93, 224.
Review/Future of System
S 505 (H Educ Com) ..... 168, 414, 431, 463, 483.
Richmond Fine Arts Classroom Building
S 805 (H 893)(reref CapExp Com)(In S 14) ..... 260, 771.
Salary Increases
S 27 [Sec. 61](Ch. 321) ..... 820.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Salary Schedule for Personnel Established
S 1078 (H 1313)(Ed/HighEd Com) ..... 438.
Scholarship—see under this heading (Scholarship)
Sheltered Workshop Training Funds
S 27 [Sec. 107](Ch. 321) ..... 852.
State Board—see under this subheading (Board, State)
Student Census Date
S 27 [Sec. 124.2](Ch. 321) ..... 858.
Student Funding to National Average
S 275 (reref Appr Com/see H 315) ..... 94, 208.
Student Reimbursement Proration Plan
S 27 [Sec. 124](Ch. 321) ..... 857.
Tech Prep Leadership Development Center (Richmond)
S 27 [Sec. 114](Ch. 321) ..... 854.
Trustee Association Region Reorganization
H 559 (Ch. 69) ..... 385, 536, 543, 546.
Tuition
Fee Policy Restrictions
S 270 (reref Appr Com/see H 315)(In S 27) ..... 93, 207.
Policy Review/GPAC Recommendation
S 27 [Sec. 117](Ch. 321) ..... 855.
Refugees Tuition
S 26 [Sec. 50](Ch. 561) ..... 1279.
Tuition/Fee 20% of cost
S 272 (GovPerform Com/see H 315) ..... 93.
Worker Safety Health Training
S 113 (Mfg&Labor Com) ..... 60.
H 186 (Ch. 170) ..... 266, 630, 637, 644.
Current Operation Appropriations
S 27 [Part 15](Ch. 321) ..... 835.
Economic Interest Statement Filed
S 399 (H 282)(reref J2 Com) ..... 121, 188.

HIGHER EDUCATION [G.S. 116] (continued)
Education Cabinet/Education Commission Created
S 391 (H Educ Com/see H 292) ..... 120, 258, 329, 336.
Finance [G.S. 115E]
Incinerator Operator Training Program
S 55 (H 89)(Ch. 29) ..... 50, 140, 145, 177, 278, 321, 323.
Loans
Defaulted Student [G.S. 105B]
Principal Fellows Program
S 27 [Sec. 85](Ch. 321) ..... 840.
Scholarship—see under this heading (Scholarship)
Social Worker Education Loan Fund
S 1059 (H 1327)(reref Appr Com) ..... 423, 539.
Lottery Revenue—see **Criminal Law** (Gambling)
Minority Universities
Biotechnology Program Funds
S 26 [Sec. 99](Ch. 561) ..... 1296.
Private Colleges and Universities
Aid/Contracts Education Assistance Authority
S 27 [Sec. 79; 80](Ch. 321) ..... 837.
Duke University
Medical Assistance Funding Formula
S 27 [Sec. 78](Ch. 321) ..... 835.
Independent Colleges and Universities Association
Teacher Staff Development Task Force Membership
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Pfeiffer College
World Language and Culture Center
S 27 [Sec. 39.1](Ch. 321) ..... 810.
Physician Service Contracts/Mentally Ill
S 27 [Sec. 213](Ch. 321) ..... 928.
State Aid for Students Reviewed
S 392 (H 303)(GovPerform Com) ..... 120.
State Aid Up to $500 Per Student
S 904 (reref Appr Com) ..... 312, 565.
Tuition Grant Limitation
S 27 [Sec. 79](Ch. 321) ..... 837.
Wake Forest
Medical Assistance Funding Formula
S 27 [Sec. 78](Ch. 321) ..... 835.
Salary Increases, Personnel
S 27 [Sec. 62](Ch. 321) ..... 820.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Scholarship
Community College Scholarships
S 415 (reref Appr Com) ..... 126, 208.
Community College System Challenge Grant Scholarship Fund
S 27 [Sec. 120](Ch. 321) ..... 857.
Cytotechnology Scholarships, Need Based
S 27 [Sec. 101.4])(Ch. 321) ..... 849.
S 224 (Ed/HighEd Com) ..... 86.
H 106 (Ch. 427) ..... 425, 1035, 1061, 1103, 1138.

HIGHER EDUCATION [G.S. 116] (continued)
Scholarship (continued)
Fireman's Dependent
S 249 (Ins Com) ..... 91.
Physician Fellows Program
S 1091 (Appr Com) ..... 439.
Principal Fellows Program
S 27 [Sec. 85](Ch. 321) ..... 840.
S 462 (H 254)(reref Appr Com) ..... 140, 447.
Teacher Loan Repayment/Part-time Teaching
S 650 (reref Appr Com) ..... 210, 1118.
Teacher Scholarship Loan Fund Qualifications
H 494 (Ch. 260) ..... 360, 680, 706, 720, 722.
Teaching Fellows Loan Repaid by Teaching
S 630 (Ch. 330) ..... 198, 335, 399, 422, 449, 776, 1005, 1011.
School of Medicine—see **Medicine** (Hospitals)
Technical Institutes—see under this heading (Community College)
Textbook Publication Funds
S 662 (H 676)(Appr Com)(In S 27) ..... 211.
Tuition
Community College—see under this heading (Community College)
Defaulted Student Loans [G.S. 105B]
Legislative Tuition Grant Program
Limitations Established
S 27 [Sec. 79](Ch. 321) ..... 837.
Program Eliminated
S 392 (H 303)(GovPerform Com) ..... 120.
Refugees at Community College
S 26 [Sec. 50](Ch. 561) ..... 1279.
Residency Requirement/Teacher Exemption
S 233 (reref Appr Com) ..... 87, 245.
UNC—see under this heading (University of North Carolina)
University of North Carolina
Administrator Training Program
S 459 (Ed/HighEd Com) ..... 140.
H 257 (Ch. 199/see S 27) ..... 458, 562, 633, 637, 645, 671.
Alumni Mailing List Purge Exemption
S 830 (StPers&StGov Com) ..... 264.
Appalachian State University (Constituent Institution)
Brewer Stadium/Welborn Hall Funds
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.
Educational Consortia Funds
S 27 [Sec. 101.2](Ch. 321) ..... 848.
S 1110 (H 1441)(Appr Com) ..... 456.
Arts, North Carolina School (Constituent Institution)
Film School Construction Funds
S 723 (H 682)(CapExp Com)(In S 14) ..... 238.
Asheville (Constituent Institution)
Campus Property Funds
S 26 [Sec. 48](Ch. 561) ..... 1278.
Property Acquisition for Campus Growth
S 1217 (CapExp Com)(In S 26) ..... 584.
Board of Governors
AHEC Program Funding
S 6 (reref Appr Com) ..... 29, 79.
S 27 [Sec. 101.3](Ch. 321) ..... 849.

HIGHER EDUCATION [G.S. 116] (continued)
University of North Carolina (continued)
Board of Governors (continued)
Education Commission Membership
S 389 (GovPerform Com) ..... 120.
S 390 (GovPerform Com/see H 1319) ..... 120.
S 391 (H Educ Com) ..... 120, 258, 329, 336.
H 292 (Ch. 393/see S 389; S 390; S 391) ..... 352, 720, 1035, 1061, 1087.
Educational Consortia Funds
S 27 [Sec. 101.2](Ch. 321) ..... 848.
S 1110 (H 1441)(Appr Com) ..... 456.
Educational Consortia Report
S 26 [Sec. 44](Ch. 561) ..... 1276.
Election
House of Representatives
H 135 (notification) ..... 173.
Procedures to Fill Vacancy
S 102 (adopted) ..... 58, 61, 66, 84, 1525.
Process Study/LRC
S 390 (GovPerform Com/see H 292; H 1319) ..... 120.
Senate Elects (Aldridge, Britt, Collins, Hyde, Jordan, Marvin, Martin, Neill, O'Kelley) ..... 84.
Senate Nominates (Aldridge, Britt, Collins, Crotts, Ervin, Hyde, Jordan, Kinsey, Martin, Marvin, Neill, O'Kelley) ..... 76, 78.
Inventory Control/Report
S 27 [Sec. 76](Ch. 321) ..... 835.
Legislator Eligibility, Former
S 248 (H failed 2nd rdg) ..... 91, 246, 257.
Marine Science Program Evaluation
S 1282 (Rules Com/see H 1319) ..... 736.
Program Review/Expansion to all Citizens
S 393 (Ch. 407/see H 340) ..... 120, 374, 395, 1079, 1091, 1098.
Representation by Congressional District
S 464 (unf rpt) ..... 140, 213.
School Leadership Study
S 27 [Sec. 86](Ch. 321) ..... 843.
Spousal Limitation More Equitable
S 101 (reref Rules Com) ..... 57, 164, 169, 170, 447, 472, 477, 492, 1023.
Vending Operation Report Revised
S 219 (Ch. 406) ..... 84, 544, 549, 1078, 1091, 1098.
Capital Improvement
Bonds, General Obligation
$298,000,000
H 664 (Fin Com)(In S 14) ..... 1073.
$300,000,000.00
S 824 (CapExp Com) ..... 264.
Funds
Film School at School of the Arts
S 723 (H 682)(CapExp Com)(In S 14) ..... 238.
Without Appropriations
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.

HIGHER EDUCATION [G.S. 116] (continued)
University of North Carolina (continued)
Center for Public Television
Funds
S 27 [Sec. 92](Ch. 321) ..... 846.
Learning Link Program Access to Public Schools
S 27 [Sec. 100](Ch. 321) ..... 848.
S 1127 (H 1308)(Appr Com) ..... 457.
Chapel Hill (Constituent Institution)
Basketball Program/93 Division I Championship
S 919 (Res. 10) ..... 287, 358.
Bicentennial Observance Funds
S 1138 (reref CapExp Com)(In S 26) ..... 479, 772.
Childhood Hunger Study
S 27 [Sec. 94](Ch. 321) ..... 846.
Developmental Disabilities Training Institute
S 27 [Sec. 221](Ch. 321) ..... 935.
Educational Consortium Funds
S 26 [Sec. 43](Ch. 561) ..... 1276.
Hospital—see **Medicine** (Hospital)
Marine Science Laboratory Funds
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.
Women's Soccer Program Commendation
S 441 (H Rules Com) ..... 133, 269, 342.
WUNC-FM Radio Station Funds
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.
Charlotte (Constituent Institution)
Educational Consortia Funds
S 27 [Sec. 101.2](Ch. 321) ..... 848.
S 1110 (H 1441)(Appr Com) ..... 456.
Library Planning/Expansion Funds
S 1194 (CapExp Com) ..... 558.
Chiropractic College Study
S 223 (H 224)(Rules Com/see H 1319) ..... 86.
Computer Network Management/LINCNET
S 27 [Sec. 77](Ch. 321) ..... 835.
Degree Program Long Range Plan Funds
S 27 [Sec. 82](Ch. 321) ..... 839.
East Carolina University (Constituent Institution)
Educational Consortia Funds
S 27 [Sec. 101.2](Ch. 321) ..... 848.
S 1110 (H 1441)(Appr Com) ..... 456.
Library Expansion Funds
S 82 (H 239)(CapExp Com)(In S 14) ..... 55.
Medical School
Assistance Funding Technical Correction
S 26 [Sec. 10](Ch. 561) ..... 1264.
S 27 [Sec. 78(b)](Ch. 321) ..... 836.
Main Campus Funds
S 81 (H 238)(CapExp Com)(In S 14) ..... 55.
Medicare Reimbursement Funds
S 27 [Sec. 87](Ch. 321) ..... 844.
Receipts/Reimbursement to State
S 27 [Sec. 87](Ch. 321) ..... 844.
S 197 (H 212)(Appr Com/see H 264) ..... 82.

HIGHER EDUCATION [G.S. 116] (continued)
University of North Carolina (continued)
East Carolina University (continued)
Medical School (continued)
Teaching Costs
S 27 [Sec. 83](Ch. 321) ..... 839.
Minges Coliseum/Fiber Optic Network Funds
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.
Minges Coliseum Funds
S 1106 (H 1259)(CapExp Com)(In S 26) ..... 455.
Pesticide Environmental Trust Fund Proceeds
H 1102 (Ch. 481) ..... 512, 530, 581, 1037, 1100, 1118, 1210.
School of Medicine Study (LRC)
H 1319 [Sec. 2.1(61)](ordered enrolled)
(see S 1270; H 1389) ..... 1249, 1320.
Teacher Leadership Development Program
S 1063 (Appr Com) ..... 423.
Education, Clean Water, and Parks Bond Act of 93
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .. 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Educational Consortia Funds
S 27 [Sec. 101.2](Ch. 321) ..... 848.
S 1110 (H 1441)(Appr Com) ..... 456.
Elizabeth City State University (Constituent Institution)
Butler Hall Renovations
S 26 [Sec. 22.1](Ch. 561) ..... 1268.
Marine Science Funds
S 1145 (H 1363)(Appr Com) ..... 480.
Energy Conservation Improvements Budget Flexibility
S 91 (H 99)(reref Appr Com) ..... 56, 152.
Fayetteville State University (Constituent Institution)
Freshman Scholars Program Funds
S 26 [Sec. 46](Ch. 561) ..... 1278.
Process Leadership Training Program Funds
S 1120 (H 1246)(Appr Com)(In S 26) ..... 457.
Funding Levels Schedule of Priorities
S 27 [Sec. 93](Ch. 321) ..... 846.
Gerontology Institute Proposal
S 1280 (Rules Com/see H 1319) ..... 736.
Graduation Rate Improvement Plan
S 27 [Sec. 89](Ch. 321) ..... 845.
Greensboro (Constituent Institution)
Educational Consortia Funds
S 27 [Sec. 101.2](Ch. 321) ..... 848.
S 1110 (H 1441)(Appr Com) ..... 456.
McIver Street Parking/Student Housing Funds
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.
Health Care Training Programs
S 27 [Sec. 101.3](Ch. 321) ..... 849.
Hospitals at Chapel Hill—see **Medicine** (Hospitals)
Legislative Study Commission on the Status of Education
S 27 [Sec. 101.5](Ch. 321) ..... 849.
Legislative Tuition Grant Funds—see under this heading (Tuition)

HIGHER EDUCATION [G.S. 116] (continued)
University of North Carolina (continued)
Libraries Funding
S 26 [Sec. 11](Ch. 561) ..... 1264.
S 27 [Sec. 91](Ch. 321) ..... 846.
Library Network/Operation Schedule of Priorities
S 27 [Sec. 91](Ch. 321) ..... 846.
Mailing List Purging Exemption
S 572 (Ch. 448) ..... 187, 330, 343, 356, 1139.
Marine Sciences Program Evaluation
S 1282 (Rules Com/see H 1319) ..... 736.
North Carolina Agricultural & Technical State University (Constituent Institution)
Applied Manufacturing Education Center Funds
S 26 [Sec. 49](Ch. 561) ..... 1278.
Fitness and Wellness Center Funds
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.
Freshman Scholars Program Funds
S 26 [Sec. 46](Ch. 561) ..... 1278.
North Carolina Central (Constituent Institution)
Chancellor's Residence Sale/Proceeds
H 401 (Ch. 430) ..... 408, 1104, 1122, 1138.
Educational Consortia Funds
S 27 [Sec. 101.2](Ch. 321) ..... 848.
S 1110 (H 1441)(Appr Com) ..... 456.
Freshman Scholars Program Funds
S 26 [Sec. 46](Ch. 561) ..... 1278.
School of Law Accreditation
S 27 [Sec. 101](Ch. 321) ..... 848.
North Carolina State (Constituent Institution)
Agricultural Program Funding
S 27 [Sec. 90](Ch. 321) ..... 846.
Apiculture Research Funds
S 620 (H 755)(reref Appr Com) ..... 195, 557.
Centennial Authority
S 1053 (H Appr Com) ..... 408, 751, 1096, 1119, 1144.
H 1003 (H Appr Com) ..... 1130, 1148, 1198.
Centennial Center Construction Funds
S 1258 (CapExp Com)(In S 26) ..... 696.
Christmas Tree Production Support Services
S 27 [Sec. 95](Ch. 321) ..... 847.
Education Department Transfer Funds
S 39 (H 34)(reref Appr Com)(In S 26) ..... 48, 561.
Engineering Graduate Research Center Funds
S 26 [Sec. 47](Ch. 561) ..... 1278.
Engineering Parking/Residence Bathrooms/Barriers Funds
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.
4-H Camp Operation Matching Funds
S 484 (reref CapExp Com) ..... 160, 770.
Furniture Manufacturing and Management Center Technology Funds
S 27 [Sec. 81](Ch. 321) ..... 839.
Humanities Extension Program Fund
S 662 (H 676)(Appr Com)(In S 27) ..... 211.

HIGHER EDUCATION [G.S. 116] (continued)
University of North Carolina (continued)
North Carolina State (continued)
Mission Valley Inn Acquisition Funds
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.
Mycotoxin Analysis/Research Funds
S 1183 (H 1387)(Appr Com)(In S 26) ..... 524.
Rural Tourism Development Program
S 733 (H Appr Com) ..... 249, 564, 748, 762, 777.
Seafood Laboratory Program/Morehead City
S 27 [Sec. 99](Ch. 321) ..... 848.
S 420 (H 259)(reref CapExp Com) ..... 126, 769.
Swine Farm Odor Abatement/Groundwater Impact Research
S 926 (H 1159)(reref Appr Com)(In S 26) ..... 318, 1024, 1028.
Swine Farm Odor Abatement Study
S 26 [Sec. 45](Ch. 561) ..... 1277.
S 926 (H 1159)(reref Appr Com) ..... 318, 1024, 1028.
Tidewater Research Station Fund Restriction
S 27 [Sec. 90](Ch. 321) ..... 846.
Toxicology Department
Agromedicine Specialist Position
H 1102 (Ch. 481) ..... 512, 530, 581, 1037, 1100, 1118, 1210.
Building Funds
S 1241 (CapExp Com) ..... 643.
Nursing School—see **Medicine** (Nurse)
Pembroke State University (Constituent Institution)
Biotechnology Program Funds
S 26 [Sec. 99](Ch. 561) ..... 1296.
Freshman Scholars Program Funds
S 26 [Sec. 46](Ch. 561) ..... 1278.
Riverside Golf Course Construction Funds
S 426 (H 295)(CapExp Com)(In S 26) ..... 127.
Piedmont Triad Engineering Research Center Funds
S 1135 (Appr Com) ..... 479.
President
Education Cabinet Membership
S 389 (GovPerform Com) ..... 120.
S 390 (GovPerform Com/see H 1319) ..... 120.
S 391 (H Educ Com) ..... 120, 258, 329, 336.
H 292 (Ch. 393/see S 389; S 390; S 391) ..... 352, 720, 1035, 1061, 1087.
Principal Fellows Program, NC
Created
S 27 [Sec. 85](Ch. 321) ..... 840.
Funds
S 460 (H 253)(Appr Com)(In S 27) ..... 140.
Regional Facility Authority/Powers
S 1053 (H 1003)(H Appr Com) ..... 408, 751, 1096, 1119, 1144.
Retirement—see **Retirement** (Teachers and State Employees; University Employees Optional Program)
Salary Increases
Faculty
S 27 [Sec. 101.1](Ch. 321) ..... 848.

HIGHER EDUCATION [G.S. 116] (continued)
University of North Carolina (continued)
Salary Increases (continued)
Personnel, Teachers
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Scholarship—see under this heading (Scholarship)
School Administrator Program
Contingency Funds
S 27 [Sec. 317](Ch. 321)(see H 257) ..... 998.
Funding
S 461 (H 286)(Appr Com) ..... 140.
Training Program
S 459 (Ed/HighEd Com) ..... 140.
H 257 (Ch. 199/see S 27) ..... 458, 562, 633, 637, 645, 671.
Science and Math School
Trustee Appointed (Gregory)
S 1124 [Sec. 19](Ch. 405/see H 544) ... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Trustees Appointed (Artis; Watts)
H 439 [Sec. 3](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Teacher Training Task Force—see **Task Force**
Trust Fund
Distinguished Professors Endowment Funds
S 182 (Appr Com) ..... 80.
Tuition—see also under this heading (Tuition)
Rates and Policy for UNC
S 394 (GovPerform Com/see H 340) ..... 120.
Residency Requirement Exemption for Teacher
S 233 (reref Appr Com) ..... 87, 245.
Undergraduate Education Quality Study Commission
S 1150 (Rules Com) ..... 480.
Western Carolina University (Constituent Institution)
Business Enterprise Center Established/Funds
S 1015 (H 1191)(CapExp Com) ..... 383.
Capital Improvement Funds
S 1023 (H 918)(CapExp Com)(In S 26) ..... 391.
Center for the Advancement of Teaching Funds
S 27 [Sec. 142](Ch. 321) ..... 878.
Educational Consortia Funds
S 27 [Sec. 101.2](Ch. 321) ..... 848.
S 1110 (H 1441)(Appr Com) ..... 456.
Microelectronics Center Link Funds
S 1014 (H 916)(CapExp Com)(In S 26) ..... 382.
Mountain Aquaculture Research Center Funds
S 27 [Sec. 96](Ch. 321) ..... 847.
S 156 (H 119)(Appr Com) ..... 70.
Wilmington (Constituent Institution)
Educational Consortia Funds
S 27 [Sec. 101.2](Ch. 321) ..... 848.
S 1110 (H 1441)(Appr Com) ..... 456.
Marine Science Funds
S 1145 (H 1363)(Appr Com) ..... 480.
Winston-Salem State University (Constituent Institution)
Freshman Scholars Program Funds
S 26 [Sec. 46](Ch. 561) ..... 1278.

HIGHWAY
Patrol—see **Law Enforcement**
Roads and Highways—see **Transportation**
Trust Fund—see **Funds; Taxation** (Gasoline, Oil and Special Fuels); **Transportation** (Roads and Highways)
HISTORIC PROPERTIES
Albemarle-Stanly Historic Preservation Commission
S 1204 (reref CapExp Com) ..... 571, 772.
Charlotte H. Brown Site Funds
S 1233 (CapExp Com)(In S 14) ..... 628.
Crafts Training Preservation Study (LRC)
H 1319 [Sec. 2.1(66)](ordered enrolled)
(see S 1270; H 1426]) ..... 1249, 1320.
Grant Program
S 1179 (reref Appr Com) ..... 522, 576, 624.
Historic Preservation Income Tax Credit
H 1359 (Ch. 527) ..... 1055, 1116, 1152, 1244.
Historic Structure Disposition Study (LRC)
H 1319 [Sec. 2.1(69)](ordered enrolled)
(see S 1270; H 1447) ..... 1249, 1320.
Local Organization Grant-in-aid
S 26 [Sec. 36](Ch. 561) ..... 1274.
Museum—see **Museum**
Oak View Plantation Restoration
S 1214 (H 1475)(reref CapExp Com) ..... 575, 772.
Partnership Development/Public-private
S 1292 (Appr Com) ..... 737.
Raleigh Certificate of Appropriateness
S 649 (Ch. 168) ..... 210, 269, 309, 321, 326, 644.
Roanoke Island Historic Commission
Enabling Legislation
S 1286 (Rules Com) ..... 736.
Saint Matthews Rosenwald School Restoration
S 1207 (H 1473)(CapExp Com) ..... 575.
Spencer Shops Restoration Funds
S 1176 (CapExp Com) ..... 521.
Spencer Shops/Rowan County
S 472 (CapExp Com) ..... 144, 382, 770.
Union Tavern-Thomas Day House Restoration Project (Caswell)
S 1287 (CapExp Com) ..... 736.
Yates Mill Historical Site Restoration Funds
S 1209 (H 1478)(reref CapExp Com) ..... 575, 772.
HISTORY, MUSEUM OF—see **Museum**
HIV INFECTION (Human Immunodeficiency Virus)
—see **Medicine** (Drugs); **Public** (Health—Communicable Disease)
HMO (Health Maintenance Organization)[G.S. 57B]—see **Insurance**
HOGS—see **Agriculture** (Swine)
HOKE COUNTY—District 17—Senator J. Richard Conder
—Senator Aaron W. Plyler
—District 30—Senator David R. Parnell
Southeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
HOLIDAYS [G.S. 103]
HOME
Appliance Service Agreement—see **Warranty**
Family Care
Home/Residence
S 872 (H Fin Com) ..... 279, 429, 576, 594, 603.

HOME (continued)
Federal Program Matching Funds
S 27 [Sec. 298](Ch. 321) ..... 979.
Homeless
Homeless/Indigent Identification Card
S 836 (Ch. 490) ..... 265, 324, 413, 536, 1207, 1209, 1222.
H 1016 (Ch. 368/see H 544) ..... 629, 673, 713, 755, 762, 1068.
Shelters Regulated
S 1089 (reref Appr Com) ..... 439, 563.
Homemaker Center—see **Married Persons**
Homeowners Association
Manufactured Home Owner Rights
S 1228 (reref J2 Com) ..... 612, 1028.
Homeowners Insurance—see **Insurance**
Homestead Exemption—see **Taxation** (Property)
House—see **Housing; Real Estate**
Inspections
Regulation and Licensing
S 617 (H Fin Com) ..... 194, 316, 412, 581, 600.
Mentally Ill Facility—see **Mental Health**
Mobile Home—see **Motor Vehicle**
HOMEOPATHY—see **Medicine** (Complementary)
HORSE—see **Animals**
HORTICULTURE—see **Agriculture**
HOSIERY—see **Textiles**
HOSPICE—see **Health** (Facilities)
HOSPITALS—see **Medicine; Mental Health**
HOTEL AND RESTAURANT [G.S. 72]
ABC Permit Sales Percentage
S 725 (H 894)(H J1 Com) ..... 238, 317, 328.
Bed and Breakfast Inn Defined
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Food and Lodging Sanitation Law
S 597 (H Hlth Com/see H 179) ..... 192, 381, 398.
H 570 (Ch. 262/see H 179) ..... 385, 570, 652, 670, 679, 684, 723.
Food Service Over Non-navigable Waters
S 1125 (Ag/MarRes&W Com) ..... 457.
Restaurant Tax—see **Taxation** (Food and Beverage)
Sanitation Rules/ABC Permit
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Smoking Rules/Regulations
H 957 (Ch. 367) ..... 512, 529, 760, 779, 1000, 1068.
Sunday Brunch Alcohol Sales
S 726 (H 895)(Ch. 243) ..... 239, 374, 396, 420, 709.
Tourism ABC Establishment Defined
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
HOUSE ARREST—see **Prison**
HOUSE OF REPRESENTATIVES
Adjourned ..... 1316.
Appointments—see **Appointments**
District—see **Elections**
Election
University of North Carolina Board of Governors
H 135 (notification) ..... 173.
Journal Indexing Procedures by Legislative Services Commission
S 354 (reref Rules Com/see H 290) ..... 115, 412.
Message by Special Order Unread ..... 1321.

HOUSE OF REPRESENTATIVES (continued)
Officers Elected/Organized ..... 24.
Speaker ..... 24.
Speaker Pro Tempore ..... 24.
Principal Clerk ..... 24.
Reading Clerk ..... 63.
Sergeant-at-Arms ..... 63.
HOUSING—see also Specific County
Authorities [G.S. 157]
Indian Housing Authority Named
H 490 (Ch. 201) ..... 314, 657, 669, 672.
Jurisdiction to Cities Within Boundaries
S 516 (H 730)(Ch. 458) ..... 172, 217, 372, 388, 397, 1200.
Local—see Specific County
Code Complaint/Orders (Durham)
H 794 (Ch. 283) ..... 442, 710, 727, 734.
Condominium—see **Condominium**
Developmentally Disabled—see **Mental Health**
Fair Housing [G.S. 41A]
Durham Discrimination Cases
H 880 (Rules Com) ..... 622.
Finance [G.S. 122A]
Durham Relocation Payments
S 689 (Ch. 304) ..... 225, 269, 270, 284, 759.
Housing Finance Agency
Appointment of Directors (Antone, Sr.; Clark; Rash)
S 1124 [Sec. 9](Ch. 405/see H 544) .... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Executive Director's Annual Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
HOME Program Matching Funds
S 27 [Sec. 298](Ch. 321) ..... 979.
Housing Coordination and Policy Council Created
S 27 [Sec. 305](Ch. 321) ..... 982.
Programs Transfer from Commerce Department
S 27 [Sec. 305](Ch. 321) ..... 982.
Reimbursement/Department of Commerce
S 27 [Sec. 305.1](Ch. 321) ..... 983.
Habitat for Humanity
Tax Exemption Clarification
S 1108 (Fin Com) ..... 456.
H 936 (Ch. 230) ..... 584, 672, 691, 694.
Historic Property—see **Historic Properties**
Housing Coordination and Policy Council
—see under this heading (Finance—Housing Finance)
Housing Finance Agency—see under this heading (Finance)
Housing Trust Funds—see **Funds**
Manufactured
Cancellation of Contract/Deposit Refund
S 603 (H 609)(Ch. 409) ..... 193, 428, 453, 1079, 1091, 1098.
S 1064 (J2 Com) ..... 424.
Manufactured Home Owners Bill of Rights Act—Chapter 42A
S 1228 (reref J2 Com) ..... 612, 1028.
Warranty Reimbursement Rights
S 841 (Ch. 116) ..... 265, 469, 502, 589.
Wastewater System Connection
S 1244 (E&NR Com) ..... 658.

HOUSING (continued)
Mentally Ill—see **Mental Health**
Oil Overcharge Fund [G.S. 122E]
S 27 [Sec. 302](Ch. 321) ..... 980.
Partnership, North Carolina
Appointments (Alston; Bayer; Martin; Royster; Wood)
S 1124 [Sec. 10](Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Property Tax Exemption/Habitat for Humanity
S 1108 (Fin Com) ..... 456.
H 936 (Ch. 230) ..... 584, 672, 691, 694.
Residential Private Club
Alcoholic Beverage Control Permit
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Trust Fund [G.S. 122E]—see also **Funds**
Appropriations for 1993-94 Fiscal Year
S 556 (H 478)(Appr Com)(In S 26) ..... 182.
Unit Ownership [G.S. 47A]
Violation Service of Process/Durham
H 507 (Ch. 261) ..... 314, 675, 686, 692, 723.

HOYLE, David—Senator Cleveland (part), **Gaston** (part), Lincoln (part)—**25th District**
Absent With Leave ..... 1067.
Certificate of Election ..... 6.
Committee Assignments ..... 34, 36, 39, 41, 162.
Standing—
Transportation (Vice-Chairman)
Appropriations—Appropriations on Natural and Economic Resources—Banks and Thrift Institutions—Economic Development/Travel and Tourism—Education/Higher Education—Manufacturing and Labor—Public Utilities
Select—
Bonds
Government Performance Audit
S 906 (Worker's Compensation) ..... 540.
Conference—
S 10 ..... 134, 166.
S 513 ..... 719.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 465, 468, 556, 557, 576, 577, 578, 1013, 1111, 1112, 1149, 1150, 1158, 1192, 1234.
Co-Sponsor ..... 48, 61, 87, 248, 255, 342, 400, 402, 403, 404, 405, 421, 440, 446, 478, 479, 482, 572, 617, 638, 664, 665, 674, 675, 676, 696, 721, 780, 843, 852, 876, 878, 881, 891, 892, 893, 900, 904, 906, 934, 941, 949, 956, 966, 967, 968, 969, 976, 993, 996, 1012, 1026, 1029, 1174, 1188, 1191, 1194, 1200, 1202, 1245, 1246, 1250, 1268, 1269, 1271.

HUD 202 GROUP HOMES—see **Mental Health** (Group Homes)

HUMAN RELATIONS COMMISSION
Type I Transfer to Governor's Office
S 279 (GovPerform Com/see H 369) ..... 94.

HUMAN RESOURCES
Abortion—see **Maternal and Child Health**
Adult—see **Adult; Aged; Parents**
Child Support Services—see **Judicial Department** (Clerk); **Social Services**

HUMAN RESOURCES (continued)
Department
Aging Division—see also **Aged**
Senior Tarheel Legislature
S 479 (Ch. 503) ..... 154, 443, 477, 484, 1242.
Block Grant Funds
S 27 [Sec. 6](Ch. 321) ..... 786.
Child Care and Development
Community Services
Low Income Energy
Mental Health Services
Social Services
Substance Abuse Prevention and Treatment
Capital Improvements Funds
S 26 [Part 22](Ch. 561) ..... 1289.
Charitable Solicitation Unit Transfer
S 360 (reref Appr Com/see H 342) ..... 116, 220.
Child Support Enforcement System
S 314 (H 272)(reref Appr Com/see H 1319) ..... 100, 208, 466.
Current Operations Appropriations
S 27 [Part 23](Ch. 321) ..... 924.
Deaf/Hard of Hearing Division—see **Handicapped** (Hearing Impaired)
Departmental Reorganization/Decentralization
S 356 (reref Appr Com/see H 342) ..... 116, 204.
Employee Criminal Record Check Allowed
H 554 (Ch. 350) ..... 385, 1011, 1030, 1033.
External Affairs Office Proposed
S 295 (reref Appr Com/see H 342) ..... 97, 203.
Facility Services Division
Day Care
County Administration Funds
S 231 (H 211)(Appr Com) ..... 87.
County Programs
S 232 (H 206)(Rules Com) ..... 87.
Rate Payment Structure
S 230 (H 201)(reref Appr Com) ..... 87, 139.
Section Funds
S 229 (H 202)(reref Appr Com) ..... 87, 139.
Family Resources, Inter-Agency Task Force
S 12 (H 10)(CapExp Com) ..... 30, 124, 245, 1021.
Funds Balance to State Treasurer
S 26 [Sec. 26](Ch. 561) ..... 1311.
Information System Management/Operation Report
S 322 (GovPerform Com/see S 315; H 322) ..... 108.
Inter-Agency Committee Child Medical/
Mental Health Evaluation
S 496 (Ch. 357) ..... 161, 191, 205, 213, 235, 1027, 1051, 1052.
H 352 (Rules Com) ..... 385.
Institutional Services Downsized/Mentally Ill
S 281 (reref Appr Com/see H 370)(In S 27) ..... 94, 203.
In-Home Services—see **Aged**
Maternal and Child Health Division—see **Maternal and Child Health**
Medical Assistance Division
"Bundled" Payment/Medicaid Hospital Outpatient Service
S 214 (reref Appr Com/see H 313) ..... 83, 202.
Carolina Access/Risk Sharing
S 199 (GovPerform Com/see H 313) ..... 82.

HUMAN RESOURCES (continued)
Department (continued)
Medical Assistance Division (continued)
Diagnosis-related Group Reimbursement Method
S 27 [Sec. 227](Ch. 321) ..... 940.
S 208 (reref Appr Com/see H 313) ..... 83, 202.
Disproportionate Share Payment/Non-tax Revenue
S 27 [Sec. 21.3](Ch. 321) ..... 796.
Drug Purchasing Alternative Implementation
S 202 (reref Appr Com/see H 313) ..... 82, 202.
ICF/MR Medicaid Reimbursement
S 209 (reref Appr Com/see H 375)(In S 27) ..... 83, 202.
Liability Insurance Coverage for State Employee
S 27 [Sec. 214](Ch. 321) ..... 928.
Managed Care/Carolina Access Program Study
S 361 (reref Appr Com/see H 313) ..... 116, 208.
Medicaid
Contracting/In-patient Care
S 363 (reref Appr Com/see H 313) ..... 117, 203.
Managed Care Options Expanded
S 211 (reref Appr Com/see H 313) ..... 83, 202.
Management Information System Replacement
S 364 (reref Appr Com/see H 313) ..... 117, 203.
Recipient Copayment
S 212 (reref Appr Com/see H 313) ..... 83, 202.
Nursing Home Indirect Care Payment Cap
S 361 (reref Appr Com/see H 313) ..... 116, 208.
Nursing Home Medicaid Payment Methodology
S 213 (reref Appr Com/see H 313) ..... 83, 202.
Pregnant Women Medical Coverage
S 27 [Sec. 223; 224](Ch. 321) ..... 939.
Prescription Drug Dispensing Fee/$5.60
S 203 (reref Appr Com/see H 313) ..... 82, 202.
Reimbursement/Non-medicaid
S 27 [Sec. 215](Ch. 321) ..... 928.
Mental Health
Division
Alcohol Drug Abuse Treatment Center Funds
S 284 (reref Appr Com/see H 370) ..... 95, 203.
Hospital 10-Year Plan
S 283 (reref Appr Com/see H 370)(In S 27) ..... 95, 203.
Mental Retardation Centers Reduced
S 280 (reref Appr Com/see H 370)(In S 27) ..... 94, 203.
Organizational Units Reorganized
S 360 (reref Appr Com/see H 342) ..... 116, 220.
Rural Health and Resource Development Office
Nonprofit Corporation Health Care Program
S 27 [Sec. 250](Ch. 321) ..... 947.
Transfer
S 356 (reref Appr Com/see H 342) ..... 116, 204.
Secretary
Assistant Secretary Eliminated
S 313 (reref Appr Com/see H 342) ..... 100, 204.
Day Care License/Certificate
S 593 (Ch&HumRes Com) ..... 192.
H 627 (Ch. 185) ..... 273, 639, 653, 656.
Salary, Annual
S 27 [Sec. 50](Ch. 321) ..... 816.

HUMAN RESOURCES (continued)
Department (continued)
Secretary (continued)
Social Worker's Education Loan Fund Qualification
S 1059 (H 1327)(reref Appr Com) ..... 423, 539.
Staff Reduced by 38 Positions
S 357 (reref Appr Com/see H 342) ..... 116, 204.
Vocational Rehabilitation Program
Persons with Disabilities Advocacy Council Transfer
S 279 (GovPerform Com/see H 369) ..... 94.
Youth Services Division
Sex Offender Treatment Funds
S 1001 (H 1237)(Appr Com)(In S 27) ..... 376.
Developmentally Disabled—see **Mental Health**
Domiciliary Home—see **Medicine** (Long-Term Care)
Infant Mortality—see **Maternal and Child Health**
In-Home Services—see **Aged**
Long-Term Care—see **Medicine**
Maternal and Child Health Division—see **Maternal and Child Health**
Medicaid—see **Medicaid**
Nurse—see **Medicine**
Pregnancy—see **Maternal and Child Health**
Report Dates—see **Medicine** (Long-Term Care)
Rest Home—see **Medicine** (Long-Term Care)
Social Services Division—see **Social Services**
Trauma—see **Emergency Services/Personnel/Equipment**
HUMANITIES EXTENSION PROGRAM
—see **Higher Education** (UNC—NCSU)
HUNT, JR., James B.—see **Governor**
HUNT, Ralph A.—Senator **Durham**, Granville, Person (part), Wake (part)—**13th District**
Majority Whip
Absent With Leave ..... 113, 759.
Adjournment Motion—Second ..... 262.
Certificate of Election ..... 6.
Committee Assignments ..... 34, 35, 36, 37, 39, 40, 41, 166.
Standing—
Finance (Chairman)
Banks and Thrift Institutions—Capital Expenditures and Improvements—Education/Higher Education—Pensions and Retirement—Public Utilities—Transportation—Ways and Means
Select—
Bonds
Government Performance Audit (Vice-Chairman)
Statutory—
Employee Hospital and Medical Benefits Committee ..... 380.
Governmental Operations Commission, Joint Legislative ..... 112.
Highway Oversight Committee, Joint Legislative ..... 248.
Conference—
S 27 ..... 600, 781.
H 120 ..... 434.
Majority Whip ..... 22.
Nomination (second)—President *Pro Tempore* ..... 13.
Oath of Office ..... 7.
Remarks Spread—
Nomination (second)—President *Pro Tempore* ..... 13.
Resignation ..... 1225.

HUNT, Ralph A.—Senator (continued)
Resignation ..... 1224.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 419, 629, 835, 836, 837, 838, 929, 973, 1008, 1019, 1201.
Co-Sponsor ..... 12, 68, 91, 92, 93, 94, 116, 122, 215, 248, 251, 255, 341, 343, 401, 402, 403, 404, 405, 421, 422, 423, 424, 440, 446, 469, 520, 521, 572, 607, 674, 675, 676, 683, 688, 689, 690, 693, 696, 770, 771, 772, 773, 774, 779, 780, 843, 852, 876, 904, 906, 919, 920, 934, 949, 951, 956, 964, 969, 970, 976, 993, 1012, 1013, 1037, 1041, 1042, 1090, 1122, 1157, 1174, 1180, 1188, 1190, 1200, 1202, 1236, 1241, 1245, 1247, 1250, 1264.
Utilities Commission Appointment Confirmation 389
S 1162 (H 1398)(Res. 18) ..... 498, 616, 618, 627.
HUNTING—see **Wildlife**; Specific County
HURRICANES [G.S. 104B]—see **Emergency Management**
HYDE, Herbert Lee—Senator **Buncombe** (part), Burke (part), Madison, McDowell, Yancey—**28th District**
Absent With Leave ..... 43, 45, 47, 50.
Adjournment Motion—Second ..... 112.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 35, 36, 37, 38, 39.
Standing—
Constitution and Election Laws (Chairman)
Insurance (Vice-Chairman)
Appropriations—Appropriations on Human Resources—
Economic Development/Travel and Tourism—
Education/Higher Education—Judiciary II—
Manufacturing and Labor
Conference—
S 27 ..... 600, 781.
S 1066 ..... 1213.
H 120 ..... 434.
H 873 ..... 1087, 1235.
Escorts—
Deputy President *Pro Tempore*-elect ..... 18.
Honorable Albert Gore, Jr., United States Vice President ..... 90.
Oath of Office ..... 7.
Remarks Spread—
Quinn Eulogy ..... 365.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 85, 86, 508, 514, 531, 834, 924, 1072, 1274.
Co-Sponsor ..... 156, 421, 463, 464, 482, 500, 572, 674, 675, 676, 770, 771, 878, 920, 934, 956, 976, 1012, 1015, 1020, 1174, 1177, 1217, 1245, 1250.
HYDE COUNTY—District 1—Senator Marc Basnight
Lake Matamuskeet Lodge Funds
S 26 [Sec. 110](Ch. 561) ..... 1307.
Northeastern North Carolina Regional Economic Development Commission —see **Economic Development**
Prison Bonds/Correctional Center Expansion
S 1077 (H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.

- I -

ICF/MR/DD (Intermediate Care Facilities for the Mentally Retarded/Developmentally Disabled)
—see **Mental Health** (Developmentally Disabled)
ILLEGITIMATE CHILD—see **Child** (Parent)
ILLITERACY—see **Education**
IMMIGRANT—see **Alien**
IMMUNIZATION—see **Public** (Health—Communicable Diseases; Vaccine)
IMPACT—see **Prisons** (Probation)
IMPAIRED DRIVER—see **Motor Vehicle** (DWI)
IMPEACHMENT [G.S. 123]
IMPERSONATION OF LAW OFFICERS—see **Law Enforcement**
INCARCERATION—see **Prison** (Jail)
INCINERATOR—see **Public** (Health—Solid Waste)
INCOME TAX—see **Taxation**
INCOMPETENTS [G.S. 35; 35A]—see **Mental Health**
INCORPORATION OF CITIES
—see **Local Government** (Cities and Towns); Specific County
INDIANS [G.S. 71A]
Antiquities [G.S. 70]
Commission on Indian Affairs
Appointment of Commissioner (Townsend)
S 1124 [Sec. 11](Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Apointment of Commissioner (Lowery)
H 439 [Sec. 4](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Type II Transfer to Governor's Office
S 279 (GovPerform Com/see H 369) ..... 94.
Cultural Center
Funds
S 26 [Sec. 33](Ch. 561) ..... 1272.
Land/Lease
S 152 (Ch. 88/see S 26; H 544) ..... 69, 372, 402, 421, 573.
S 426 (H 295)(CapExp Com)(In S 26) ..... 127.
Housing Authority Named
H 490 (Ch. 201) ..... 314, 657, 669, 672.
INDIGENT—see **Attorneys; Civil** (Procedure); **Home; Judicial Department**
INDUSTRIAL COMMISSION
Chairman
Salary, Annual
S 27 [Sec. 51](Ch. 321) ..... 816.
Commissioner
Salary, Annual
S 27 [Sec. 51](Ch. 321) ..... 816.
Fee Schedule/Workers' Compensation Medical Costs
S 1032 (H J2 Com) ..... 392, 504, 508.
Mediation Program Authorized
S 984 (J2 Com) ..... 359.
H 658 (Ch. 399/see S 27) ..... 514, 528, 688, 699, 706, 1026, 1049, 1088.
Mediated Settlement Conference Funds
S 27 [Sec. 25](Ch. 321) ..... 798.
S 984 (J2 Com) ..... 359.
H 658 (Ch. 399) ..... 514, 528, 688, 699, 706, 1026, 1049, 1088.

INDUSTRIAL COMMISSION (continued)
Personnel Jurisdiction Clarified
S 984 (J2 Com) ..... 359.
H 658 (Ch. 399/see S 27) ..... 514, 528, 688, 699, 706, 1026, 1049, 1088.
Renamed to Workers' Compensation Commission
S 540 (Mfg&Labor Com) ..... 180.
Uninsured Employees Fund Administered
S 1185 (reref Fin Com) ..... 524, 1102.
Workers' Compensation—see **Workers' Compensation**
INDUSTRIAL DEVELOPMENT
—see **Commerce and Business; Commerce Department**
INDUSTRIAL FINANCE [G.S. 159C; 159D]
Pollution Facilities Financing—Multicounty
S 1163 (Ch. 130) ..... 491, 504, 509, 584, 602, 604.
INFANT MORTALITY—see **Maternal and Child Health**
INFECTIOUS WASTE—see **Public** (Health—Solid Waste)
INFERTILITY—see **Maternal and Child Health**
INFORMATION RESOURCE MANAGEMENT COMMISSION
—see **Boards and Commissions; Telecommunications**
INFORMATION TECHNOLOGY OVERSIGHT COMMITTEE
—see **Boards and Commissions** (Legislative)
INFRACTION—see **Criminal Procedure**
INHERITANCE—see **Estates; Taxation**
IN-HOME SERVICES—see **Aged**
INMATE—see **Prison**
INSANITY—see **Criminal Law; Mental Health**
INSPECTIONS
Amusement Device—see **Labor Department**
Labor Department Rules
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
Motor Vehicle—see **Motor Vehicle**
Resident Inspectors Program Report
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Workplace—see **Labor** (OSHA)
INSTALLMENT SALES [G.S. 25A]
Business—see **Commerce and Business**
Credit Card—see **Banks**
Motor Vehicle Cancellation Provision
S 839 (Ch. 141) ..... 265, 468, 502, 597, 608, 611.
Purchase Money Security Interest
S 125 (Ch. 370) ..... 63, 223, 234, 240, 1003, 1017, 1018, 1040, 1043, 1063, 1068.
INSTITUTIONAL FUNDS [G.S. 36B]
INSTRUCTIONAL MATERIAL—see **Education** (Textbook)
INSULATION—see **Energy**
INSURANCE [G.S. 58]
Appeal Hearing Rules/Applicable Statutes
S 603 (H 609)(Ch. 409) ..... 193, 428, 453, 1079, 1091, 1098.
Appliance Service Agreements
S 586 (H 607)(Ch. 504) ..... 191, 411, 435, 1210, 1213, 1242.
Automobile—see under this heading (Motor Vehicle)
Benefits
Deductible Minimum Amount Established
S 42 (Ins Com) ..... 48.

INSURANCE [G.S. 58] (continued)
Bonds, Surety—see **Bonds** (Surety)
Brain Disease—see under this heading (Health)
Cancer—see under this heading (Health)
Chiropractor Insurance Equality Act
H 873 (Ch. 554) ..... 481, 1038, 1062, 1081, 1087, 1228, 1234, 1315.
Claim Form
Standardized Form
S 7 (H Ins Com) ..... 29, 243, 257, 267, 322, 335, 336, 355.
Uniform Claim Form
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
Written Denial Requires Written Notice
S 7 (H Ins Com) ..... 29, 243, 257, 267, 322, 335, 336, 355.
Commissioner
Home Inspector Licensure Board Member
S 617 (H Fin Com) ..... 194, 316, 412, 581, 600.
Salary, Annual
S 27 [Sec. 49](Ch. 321) ..... 815.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Comprehensive Major Medical—see **State** (Personnel—Major Medical Plan)
Consumer Protection Fund Created
S 580 (reref Fin Com) ..... 188, 533.
Continuing Care Facility—see **Medicine** (Long-Term Care)
Corporations—see **Corporations**
Credit
Premium Rates Reduced/Regulation Amendments
S 672 (Ins Com) ..... 218.
H 665 (Ch. 226/see H 544) ..... 513, 528, 580, 600, 606, 694.
Department
Accounts Reviewed by State Controller
S 27 [Sec. 42](Ch. 321) ..... 813.
Current Operations Appropriations
S 27 [Part 10](Ch. 321) ..... 812.
Health Care Provider Jurisdiction
S 803 (H Ins Com) ..... 260, 471, 502.
Personnel Director
S 309 (GovPerform Com/see H 288) ..... 99.
Positions Established
S 1079 (Appr Com) ..... 438.
Safety Grants Coordinator
S 26 [Sec. 40](Ch. 561) ..... 1275.
Department of Insurance Fund
Personnel/Computer Funds Transfer
S 1079 (Appr Com) ..... 438.
Rate/Cap/Reversion Amendments
S 580 (reref Fin Com) ..... 188, 533.
Receipt Reversion to General Fund
S 27 [Sec. 40](Ch. 321) ..... 812.
Family Care Home Classification
S 872 (H Fin Com) ..... 279, 429, 576, 594, 603.

INSURANCE [G.S. 58] (continued)
Financial Solvency Monitoring of Companies
S 606 (reref Appr Com) ..... 193, 394.
H 622 (Ch. 452) ..... 629, 724, 1093, 1116, 1148, 1200.
Fire
Farmers Mutual Fire Insurance Association Charter
S 1111 (Ch. 495) ..... 456, 557, 673, 690, 1204, 1208, 1222.
Fire and Rescue Commission—see **Boards and Commissions**
Fire/Rescue Squad Pension Fund
Board of Trustees
Auditor Removed from Membership
H 58 (Ch. 9) ..... 151, 167, 174, 175.
Membership Eligibility Retroactive
S 236 (Pens&Ret Com) ..... 88.
H 225 (Ch. 429) ..... 147, 288, 1104, 1121, 1138.
Transfer Career Firefighter Benefits
S 1235 (Pens&Ret Com) ..... 635.
Firemen's Relief Fund
County Fire Marshall Benefits
S 1026 (reref Appr Com) ..... 391, 538.
Scholarships for Dependents
S 249 (Ins Com) ..... 91.
Foreign Insurer
Regulatory Authority Established
S 626 (H 666)(H Ins Com) ..... 198, 330, 343.
Forms
Application for Accident Health Policy Standard
S 41 (Ch&HumRes Com) ..... 48.
Funeral Preneed Policy—see **Banks; Mortuary**
Health [G.S. 57]
Brain Disease Coverage Study (LRC)
H 1319 [Sec. 2.1(47)](ordered enrolled)
(see S 1270) ..... 1249, 1320.
H 1161 (Rules Com) ..... 741.
Cancer Prescription Drug Coverage
S 935 (Ins Com) ..... 325.
Chemical Dependence Coverage Study (LRC)
H 1319 [Sec. 2.1(63)](ordered enrolled)
(see S 1270; H 1411) ..... 1249, 1320.
Chiropractor Treatment Coverage
S 1083 (Ins Com) ..... 438.
Clinical Social Worker Paid Directly
S 954 (Ch. 464) ..... 332, 471, 473, 493, 506, 507, 1140, 1154, 1201.
ERISA Benefit Exclusion Provision
S 27 [Sec. 238.1](Ch. 321) ..... 943.
Fletcher/Jeralds Health Reform Act
S 554 (reref Rules Com/see H 729; H 1319) ... 182, 236, 248, 267, 703.
H 612 (Rules Com) ..... 319.
Health Care Cost Control
S 41 (Ch&HumRes Com) ..... 48.
Health Care Purchasing Alliance Act
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
Health Care Reform Act
Managed Competition
S 2 (Ins Com) ..... 29.

INSURANCE [G.S. 58] (continued)
Health [G.S. 57] (continued)
Health Care Reform Commission Created
S 1293 (Rules Com/see H 1319) ..... 737.
Health Education and Personal Responsibility Program Created
S 554 (reref Rules Com/see H 729; H 1319) ... 182, 236, 248, 267, 703.
H 612 (Rules Com) ..... 319.
Health Plan Purchasing Alliance Created
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
Health Right Program Established
S 722 (Ins Com) ..... 238.
Inmate Medical Services Coverage
S 1021 (Ch. 510) ..... 383, 418, 449, 1211, 1214, 1242.
Maternity/Cancer/Miscellaneous Amendments
S 622 (Ch. 506) ..... 195, 428, 453, 492, 1211, 1213, 1242.
Medical and Health Benefits Plan
S 1043 (reref Rules Com) ..... 407, 540, 1021.
Payment to Governmental Agency
S 181 (Ch. 41) ..... 80, 153, 161, 164, 360, 379, 399, 401.
Pharmacy of Choice
S 885 (H 905)(Ch. 293) ..... 289, 426, 453, 469, 726, 732, 745, 747.
Prostate-specific Antigen Test
S 500 (Ch. 269) ..... 163, 243, 258, 277, 712, 730, 733.
Provider Referral Disclosures
S 41 (Ch&HumRes Com) ..... 48.
Provider Under Commissioner Jurisdiction
S 803 (H Ins Com) ..... 260, 471, 502.
Risk-based Capital Requirements Model Legislation
S 626 (H 666)(H Ins Com) ..... 198, 330, 343.
School Group Health Insurance
S 854 (H Ins Com) ..... 271, 403, 422.
Small Employer Health Coverage
S 602 (H 610)(Ch. 408) ..... 193, 428, 453, 491, 1079, 1091, 1098.
State Employee—see **State** (Personnel—Major Medical Plan)
Health Maintenance Organizations [G.S. 57B]
Peer Review Redefined/Confidential Records
S 623 (H 646)(H Ins Com) ..... 195, 428, 453.
International Finance Corporation Investments
S 481 (Ch. 105) ..... 154, 283, 310, 322, 580.
Legal
Prepaid Legal Service Regulation
S 1187 (J2 Com) ..... 534.
Liability
Medical Insurance Premium/State Employee
S 27 [Sec. 277](Ch. 321) ..... 963.
Medicine/Dentist State Employee
S 27 [Sec. 214](Ch. 321) ..... 928.
Motor Vehicle—see under this heading (Motor Vehicle)
Workers' Compensation
Self-insurer Solvency
S 579 (H 608)(Ch. 120) ..... 187, 427, 452, 584, 595, 596.

INSURANCE [G.S. 58] (continued)
Life
Risk-based Capital Requirements Model Legislation
S 626 (H 666)(H Ins Com) ..... 198, 330, 343.
Major Medical Plan—see **State** (Personnel)
Managed Care—see under this heading (Preferred Provider)
Medical Malpractice/Tort System of Recovery Study
S 1159 (Rules Com/see H 1319) ..... 497.
Medicare—see **Medicaid/Medicare**
Motor Vehicle
Delivery Contingent on Coverage
H 1094 (Ch. 328) ..... 512, 530, 621, 762, 1000, 1003.
License Plate Surrender Penalty
S 1175 (J2 Com) ..... 521.
Reinsurance Company
Accreditation/Renewal Fee
S 523 (reref Fin Com) ..... 173, 268.
Rental Vehicle Study (LRC)
H 1319 [Sec. 2.1(32)](ordered enrolled)
(see S 1270; H 798) ..... 1249, 1320.
Repair Referral Restrictions
H 1095 (Ch. 525) ..... 512, 530, 621, 1147, 1204, 1244.
Service Agreement Amendments
S 586 (H 607)(Ch. 504) ..... 191, 411, 435, 1210, 1213, 1242.
Unauthorized Driver Coverage
S 944 (Ins Com) ..... 331.
Nurse Paid by State Plan
S 770 (H 458)(Pens&Ret Com) ..... 252.
Nurses Reimbursement by Insurance
S 771 (Ins Com) ..... 253.
H 457 (Ch. 347) ..... 440, 724, 731, 741, 755, 766, 1033.
Omnibus Amendments
S 623 (H 646)(H Ins Com) ..... 195, 428, 453.
Insurance-related Laws Substantive Changes
S 603 (H 609)(Ch. 409) ..... 193, 428, 453, 1079, 1091, 1098.
Technical Amendments Clarification Insurance-related Law
S 586 (H 607)(Ch. 504) ..... 191, 411, 435, 1210, 1213, 1242.
Pension Fund—see **Retirement**
Preferred Provider
Health Care Reform Act
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
Licensing/Regulation
S 623 (H 646)(H Ins Com) ..... 195, 428, 453.
Managed Care Act
S 627 (H 907)(held in Clerk's office) ..... 198.
Managed Care Provider/Mental Health Authority
S 554 (reref Rules Com/see H 729; H 1319) ... 182, 236, 248, 267, 703.
H 612 (Rules Com) ..... 319.
Managed Care Statewide Program
S 361 (reref Appr Com/see H 313) ..... 116, 208.
Redefined
S 554 (reref Rules Com/see H 729; H 1319) ... 182, 236, 248, 267, 703.
H 612 (Rules Com) ..... 319.

INSURANCE [G.S. 58] (continued)
Preferred Provider (continued)
State Employee Major Medical Plan
S 1148 (Ch. 547) ..... 460, 467, 503, 506, 525, 526, 590, 598, 712, 715, 723, 731, 745, 746, 753, 757, 1202, 1236, 1314.
Premium
Refunds/Escheat Fund Exemption
S 574 (H Ins Com) ..... 187, 243, 259.
Special Industrial Commission/ 1%
S 540 (Mfg&Labor Com) ..... 180.
Preneed Funeral Contract—see **Banks; Mortuary**
Rate Bureau
Accident Prevention Loss Control Consultation Services
S 163 (H 189)(Ch. 40) ..... 73, 135, 143, 266, 374, 396, 401.
Commissioner Approval Requirement Higher Rate
S 603 (H 609)(Ch. 409) ..... 193, 428, 453, 1079, 1091, 1098.
Regulatory Charge 7.25%
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
Reinsurance Company Accreditation Fee
S 606 (reref Appr Com) ..... 193, 394.
H 622 (Ch. 452) ..... 629, 724, 1093, 1116, 1148, 1200.
Reinsurance Company Accreditation/Renewal Fee
S 523 (reref Fin Com) ..... 173, 268.
H 606 (H Rules Com) ..... 441, 1117, 1147.
Service Agreement Regulation
S 1084 (H Rules Com) ..... 438, 564, 682, 697, 1105, 1120, 1132.
Title
Civil Penalty for Misstatement of Premium
S 1113 (Ch. 129) ..... 456, 502, 503, 604.
Regulation of Trade
S 1115 (H Ins Com) ..... 456, 502, 509.
Tort Claims—see **Tort Claims**
Unemployment—see **Employment Security**
Workers' Compensation—see also **Workers' Compensation**
Carrier Safety Control Services
S 163 (H 189)(Ch. 40) ..... 73, 135, 143, 266, 374, 396, 401.
INTANGIBLE TAX—see **Taxation**
INTER-BASIN TRANSFER OF WATER—see **Water**
INTEREST [G.S. 24]
Funds—see **Funds**
Income Tax—see **Taxation** (Income)
Lending Institution—see **Banks**
INTERIOR DESIGNER
Certified Interior Designer's Title Registration Act
S 900 (H 266)(reref Fin Com) ..... 312, 578, 735.
INTERLOC PROGRAM—see **Education** (Board of Education, Local)
INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA)
Flexible Funding/Alternative Uses
S 625 (Ch. 488) ..... 195, 446, 544, 549, 1204, 1208, 1222.

INTERNAL
Improvement [G.S. 124]
Director Removal When State Owns Majority
S 1009 (H J1 Com) ..... 377, 411, 444, 490, 493.
Director/State Holds Majority of Stock
S 995 (H J1 Com) ..... 375, 411, 444, 490.
Revenue Code (IRC)—see **Taxation** (IRC)
INTERNATIONAL
Banking—see **Banks**
Market—see **Corporations; Taxation** (Income)
Trade Council—see **Commerce and Business**
INTERSTATE CARRIER—see **Motor Vehicle** (Trucks)
INTESTATE [G.S. 29]—see **Estates**
INTOXICATION—see **Alcohol Regulation; Criminal Law; Motor Vehicle**
INVENTORY TAX—see **Taxation** (Property)
INVESTMENT ADVISER [G.S. 78C]—see **Securities**
INVOLUNTARY
Commitment—see **Mental Health** (Commitment)
Servitude—see **Criminal Law**
IRC (Internal Revenue Code)—see **Taxation** (IRC)
IREDELL COUNTY—District 23—Senator Paul Smith
—District 39—Senator James Forrester
Condemnation Commissioner Approval
S 87 (H J2 Com) ..... 56, 79, 89, 110, 121, 134, 138, 142, 145, 147, 151, 156.
Hunting/Fishing Third Degree Trespass
H 528 (J1 Com) ..... 257.
Mooresville
Carolina Tire Building/Force Account
S 103 (Ch. 3) ..... 59, 79, 90, 127, 132, 133.
Force Account Limit Increase
H 13 (Rules Com) ..... 659.
ISTEA (Intermodal Surface Transportation Efficiency Act)—see **Intermodal**
ITINERANT MERCHANT
—see **Commerce and Business** (Specialty Market); **Taxation** (Privilege License)

- J -

JACKSON COUNTY—District 29—Senator Clark Plexico
—District 42—Senator Robert C. Carpenter
Independent Living Rehabilitation Program
S 80 (H 9)(Appr Com)(In S 27) ..... 54.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
JAIL—see **Prison**
JCAHO (Joint Commission on Accreditation of Health Care Organizations)
—see **Mental Health**
JERALDS-EZZELL-FLETCHER HEALTH CARE REFORM ACT
—see **Insurance** (Health)
JERALDS, Luther R.—Memorializing
Former Member of the General Assembly
H 18 (Res. 3) ..... 100, 107.
JET SKIS—see **Boating and Water Safety**

JOB TRAINING PARTNERSHIP ACT (JTPA)—see also **Labor**
Coordination and Special Services Plan Compliance
S 1013 (H Rules Com) ..... 382, 394, 630, 1105, 1108.
JOBS (Job Opportunities and Basic Skills)—see **Social Services**
JOBS INCENTIVE—see **Economic Development; Taxation** (Income)
JOCCA—(Joint Orange/Chatham Community Action Agency)—see Specific County
JOHNSON, Joseph E.—Senator Johnston (part), Wake (part)— **14th District**
Absent With Leave ..... 135, 139, 255, 263, 372, 556, 589, 639, 681, 1003, 1010, 1021, 1033, 1193, 1233.
Adjournment Motion—Second ..... 132, 400, 550, 569, 681, 1067.
Certificate of Election ..... 6.
Committee Assignments ..... 34, 37, 38, 39, 40, 174.
Standing—
State Personnel and State Government (Chairman)
Insurance (Vice-Chairman)
Banks and Thrift Institutions—Finance—Judiciary II—
Pensions and Retirement—Public Utilities
Statutory—
North Carolina Capital Planning Commission ..... 380.
Conference—
H 101 ..... 642, 1008.
H 747 ..... 1126, 1149.
Nomination—Sergeant-at-Arms ..... 21.
Oath of Office ..... 7.
Remarks Spread—
Nominating Sergeant-at-Arms ..... 21.
Votes Excused—
S 724 ..... 622, 630.
S 785 ..... 351, 397.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor .... 84, 118, 119, 120, 121, 600, 601, 602, 603, 604, 622, 623, 627, 681, 701, 803, 889, 922, 987, 1142.
Co-Sponsor ..... 572, 608, 609, 664, 665, 672, 674, 675, 676, 818, 873, 976, 1012, 1037, 1092, 1129, 1200, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1245, 1250, 1251.
JOHNSTON COUNTY—District 11—Senator James D. Speed
—District 14—Senator Joe Johnson
—Senator J.K. Sherron, Jr.
—District 15—Senator Elaine Marshall
Clayton Annexation/Neuse River Partners
H 162 (Ch. 63) ..... 177, 241, 413, 535, 542, 546.
Tobacco Farm Life Museum
S 254 (H 197)(reref CapExp Com)(In S 27) ..... 92, 769.
JOINT CUSTODY—see **Child** (Custody); **Married Persons** (Divorce)
JOINT ELECTRICITY [G.S. 159B]—see **Utilities** (Electricity)
JOINT RESOLUTIONS—see **Resolutions, Joint**
JOINT SESSIONS
Board of Education Confirmation
H 1247 (Res. 14) ..... 513, 531, 571, 572, 576, 579.
Convene ..... 72, 96, 221, 586.
State of the Judiciary
H 440 (Res. 6) ..... 189, 197, 207, 214, 220, 221.
State of the State
S 1 (H 2)(Res. 1) ..... 28, 62, 67, 71.

JOINT SESSIONS (continued)
United States Vice President Gore
H 199 (Res. 2) ..... 84, 86, 90, 95, 1321.
JONES COUNTY—District 5—Senator Charles Albertson
—District 7—Senator Luther Jordan
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Roadside Hunting Exemption
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Shampooer License Exemption
S 861 (Ch. 54) ..... 272, 358, 378, 532.
JORDAN, JR., Luther Henry—Senator Jones (part), Lenoir (part), **New Hanover** (part), Onslow (part), Pender (part)—**7th District**
Absent With Leave ..... 144 (present), 171, 175, 722, 1122 (present).
Adjournment Motion—Second ..... 579.
Certificate of Election ..... 6.
Committee Assignments ..... 34, 36, 39, 40.
Standing—
Banks and Thrift Institutions (Vice-Chairman)
Appropriations—Appropriations on Natural and Economic Resources—Economic Development/Travel and Tourism—Public Utilities—State Personnel and State Government—Transportation
Conference—
S 10 ..... 134, 166.
S 30 ..... 692.
S 853 ..... 1109, 1231.
H 385 ..... 1143.
H 747 ..... 1126, 1149.
Escorts—Bob J. Nash ..... 1029.
Oath of Office ..... 7.
Votes Excused—
S 466 ..... 452.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 61, 196, 474, 561, 562, 635, 703, 704, 705, 727, 798, 799, 800, 801, 867, 990, 1034, 1035, 1036, 1070, 1075, 1128, 1196, 1197, 1198, 1199, 1262.
Co-Sponsor ..... 1, 3, 4, 11, 12, 13, 14, 18, 19, 22, 45, 46, 47, 48, 68, 71, 72, 74, 75, 110, 111, 112, 113, 114, 115, 116, 122, 132, 148, 150, 251, 341, 342, 407, 419, 422, 438, 440, 466, 478, 479, 499, 503, 507, 518, 519, 520, 521, 572, 589, 637, 649, 650, 663, 664, 665, 671, 674, 675, 676, 683, 696, 770, 771, 816, 835, 836, 848, 853, 861, 876, 878, 920, 934, 956, 966, 969, 970, 993, 1012, 1013, 1026, 1077, 1122, 1174, 1188, 1190, 1200, 1202, 1236, 1241, 1245, 1250.
Endorsement After First Reading—
S 132 ..... 77.
S 148 ..... 77.
S 150 ..... 77.
S 696 ..... 232.

JOURNAL, APPROVAL MOTION .... 28, 43, 45, 47, 50, 53, 55, 58, 61, 67, 72, 78, 86, 91, 96, 107, 113, 123, 129, 132, 135, 139, 143, 146, 148, 153, 157, 159, 163, 167, 170, 175, 179, 184, 190, 197, 206, 214, 222, 231, 236, 243, 255, 263, 268, 277, 287, 315, 323, 329, 338, 348, 357, 371, 381, 390, 400, 409, 426, 443, 465, 496, 515, 522, 531, 538, 545, 551, 556, 562, 570, 572, 579, 589, 595, 604, 611, 617, 626, 634, 639, 647, 656, 664, 671, 681, 693, 701, 708, 722, 733, 738, 747, 758, 774, 1003, 1010, 1021, 1033, 1052, 1067, 1077, 1087, 1094, 1109, 1137, 1192, 1233.

JUDGES—see **Judicial Department**

JUDGMENT

Civil Procedure—see **Civil** (Procedure)
Criminal Procedure—see **Criminal Procedure**
Divorce—see **Married Persons**
Enforce Judgment [G.S. 1C]—see **Enforce Judgment**
Entry—see **Civil** (Procedure)
Equitable Distribution—see **Married Persons** (Divorce)
Foreign—see **Enforce Judgment**
Money Judgment—see **Civil** (Procedure)
Wage and Hour Assessment—see **Labor Department**

JUDICIAL DEPARTMENT [G.S. 7A]

Administrative Hearings—see under this heading (Office of Administrative Hearings)
Administrative Office of the Courts
Administrative Office Support Services
S 300 (GovPerform Com) ..... 98.
Audio/Video Equipment/Procedures Approval
S 221 (H 392)(Ch. 30) ..... 86, 134, 138, 319, 328, 329.
Child Abuse/Neglect/Prosecution Task Force—see **Task Force**
Child Sexual Abuse Civil/Criminal Case Survey
S 905 (H 1108)(reref Appr Com) ..... 312, 437, 611.
Child Support Enforcement System Restructured
S 314 (H 272)(reref Appr Com/see H 1319) ..... 100, 208, 466.
Employee Opinion Survey
S 311 (H Appr Com/see H 288)(In S 27) ..... 100, 393, 406.
Equal Employment Opportunity Monitoring/Reporting
S 289 (H Appr Com/see H 288) ..... 97, 393, 406.
Equitable Distribution Inventory Form
H 937 (Ch. 209) ..... 515, 529, 620, 632, 644, 672.
Indigent Persons Attorney's Fee Fund
Report
S 27 [Sec. 187](Ch. 321) ..... 901.
Transfer from Special Capital Case Rehearing Fund
S 27 [Sec. 195](Ch. 321) ..... 904.
Information System Management/Operation Report
S 322 (GovPerform Com/see S 315; H 322) ..... 108.
Juvenile Court Jurisdiction Pilot Program
H 283 (Ch. 47) ..... 346, 445, 490, 523.
Mediated Settlement Conference Pilot Program
H 1091 (J2 Com) ..... 512, 530.
Mediation Program Study
S 27 [Sec. 200](Ch. 321) ..... 906.
Network Ownership Transfer Study
S 27 [Sec. 186](Ch. 321) ..... 901.
Salary Schedule
S 27 [Sec. 56](Ch. 321) ..... 818.

JUDICIAL DEPARTMENT [G.S. 7A] (continued)
Administrative Office of the Courts (continued)
Special Capital Case Rehearing Fund
S 27 [Sec. 188](Ch. 321) ..... 902.
Undisciplined Juvenile Pilot Program
S 436 (J1 Com) ..... 130.
Attorney General—see **Attorney General; State** (Officers)
Attorneys—see **Attorneys**
District Attorney—see under this heading (District Attorney)
Capital Case Rehearing Fund Transfer
S 27 [Sec. 195](Ch. 321) ..... 904.
S 896 (H 931)(H Appr Com) ..... 311, 334, 344.
Clerk of Court
Assistant and Deputy
Salary Increase/Range
S 27 [Sec. 58](Ch. 321) ..... 819.
Child Support
Collection Funds
S 27 [Sec. 219](Ch. 321) ..... 930.
Income Withholding Non-IV-D
H 538 (Ch. 517/see H 544) .... 441, 1151, 1152, 1199, 1207, 1243.
Termination
H 402 (Ch. 335) ..... 409, 540, 550, 555, 561, 569, 579, 665, 670, 1008, 1013, 1019.
Real Estate Appraiser Violation Transcript
H 473 (Ch. 419/see H 472; H 544) ..... 703, 740, 1037, 1076, 1084, 1089, 1110.
Salary Determination and Increase
S 27 [Sec. 57](Ch. 321) ..... 818.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Equalized
S 303 (H 324) (GovPerform Com) ..... 99.
Longevity Pay Equalized/Permanent Level
S 304 (H 325)(GovPerform Com) ..... 99.
Wage and Hour Act Penalty Assessment
H 659 (Ch. 225) ..... 482, 673, 691, 694.
Worthless Check Restitution/Fees
S 535 (Ch. 374) ..... 180, 417, 435, 1039, 1048, 1062, 1068.
Community Penalties Program
S 26 [Sec. 78](Ch. 561) ..... 1287.
S 27 [Sec. 189](Ch. 321) ..... 903.
Courts
AOC—see under this heading (Administrative Office of the Courts)
Audio/Video Pretrial Hearing
S 221 (H 392)(Ch. 30) ..... 86, 134, 138, 319, 328, 329.
Costs [G.S. 6]
"Crime Stoppers" Program Funding
S 1061 (J1 Com) ..... 423.
Estate Accounting/Liability
S 537 (J2 Com) ..... 180.
Exemptions Eliminated
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.

JUDICIAL DEPARTMENT [G.S. 7A] (continued)
Courts (continued)
Courts Commission Chair Appointment
H 1157 (Ch. 438) ..... 442, 1054, 1072, 1138.
Courtroom Environments Child-friendly
S 492 (J2 Com) ..... 161.
H 358 (S/H conf com appt'd) ..... 440, 750, 765, 1135, 1143.
District Court
Additional 1, 3A, 6B, 8, 10, 12, 18, 19A, 19B, 19C, 20, 22, 26, 29, 30
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
Additional Seats of Court
S 27 [Sec. 200.6](Ch. 321) ..... 915.
District 9, 9A, 17A Reorganization
S 810 (Appr Com)(In S 27) ..... 248.
District 9 Person County Removed
S 27 [Sec. 200.4(e)](Ch. 321) ..... 908.
District 9A Created
S 27 [Sec. 200.4(e)](Ch. 321) ..... 908.
District 17A Caswell County Removed
S 27 [Sec. 200.4(e)](Ch. 321) ..... 908.
Jurisdiction of Solicitation Action
S 679 (H 832)(Ch. 338) ..... 224, 327, 336, 1023.
Juvenile Jurisdiction—see under this heading (Juvenile)
Magistrate—see under this heading (Magistrate)
Plea—see **Criminal Law**
Prosecutorial District
Child Protection Initiatives
S 492 (J2 Com) ..... 161.
H 358 (S/H conf com appt'd) ..... 440, 750, 765, 1135, 1143.
District 9A Created (Caswell/Person)
S 27 [Sec. 200.4](Ch. 321) ..... 906.
S 810 (Appr Com)(In S 27) ..... 248.
District 19C Created
S 895 (Appr Com) ..... 311.
Investigatorial Assistants Districts 1, 8
S 27 [Sec. 200.7(e)](Ch. 321) ..... 922.
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
Small Claims Amount Increased
S 846 (H 940)(Ch. 107/see H 544) ..... 271, 426, 488, 580.
Superior Court
Additional Judge (3B, 8B, 10A, 15A, 17B, 20B, 25B, 27B)
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
Carteret/Craven County Transfers
H 812 (Ch. 207) ..... 395, 533, 650, 661, 667, 672.
District 9, 9A, 17A Reorganization
S 810 (Appr Com)(In S 27) ..... 248.
District 9/Person County Removed
S 27 [Sec. 200.4](Ch. 321) ..... 906.
District 9A Created
S 27 [Sec. 200.4](Ch. 321) ..... 906.

JUDICIAL DEPARTMENT [G.S. 7A] (continued)
Courts (continued)
Superior Court (continued)
District 17A/Caswell County Removed
S 27 [Sec. 200.4](Ch. 321) ..... 906.
Mediated Settlement
—see under this heading (Administrative Office of the Courts)
Supreme Court
Mediator Certification Standards Established
H 1091 (J2 Com) ..... 512, 530.
Television—see **Criminal Procedure**
Trial
Jury Waiver in Contracts
S 899 (Ch. 463) ..... 311, 486, 502, 1069, 1147, 1154, 1201.
Paternity Suit Priority
S 953 (J2 Com) ..... 332.
H 1119 (Ch. 333) ..... 512, 530, 555, 582, 602, 608, 1011.
Current Operations Appropriations
S 27 [Part 21](Ch. 321) ..... 901.
Decision
Air Pollution Agency Decision Review
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
District
9/17A Reorganization
S 810 (Appr Com)(In S 27) ..... 248.
9A Created
S 810 (Appr Com)(In S 27) ..... 248.
19A, 19B, 19C Revision
S 895 (Appr Com) ..... 311.
District Attorney
Assistants
Additional
District 1, 10, 11, 15B, 18, 19A, 19B, 19C, 20, 22, 25, 26, 28
S 27 [Sec. 200.7](Ch. 321) ..... 920.
District 10, 11, 15B, 18, 19A, 19B, 20, 22, 23, 24, 25, 26, 27B, 28
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
District 9A Created
S 27 [Sec. 200.4(n)](Ch. 321) ..... 912.
Child-friendly Prosecutorial Protection
S 492 (J2 Com) ..... 161.
H 358 (S/H conf com appt'd) ..... 440, 750, 765, 1135, 1143.
District 9, 9A, 17A Reorganization
S 810 (Appr Com)(In S 27) ..... 248.
District 9 Person County Removed
S 27 [Sec. 200.4(l)](Ch. 321) ..... 911.
District 9A Created Person/Caswell
S 27 [Sec. 200.4(l)](Ch. 321) ..... 911.
District 17A Caswell County Removed
S 27 [Sec. 200.4(l)](Ch. 321) ..... 911.
Removal Court Costs Assessed
S 1056 (J1 Com) ..... 423.

JUDICIAL DEPARTMENT [G.S. 7A] (continued)
District Attorney (continued)
Salary Schedule
S 27 [Sec. 56](Ch. 321) ..... 818.
Longevity Pay Eliminated
S 305 (GovPerform Com) ..... 99.
Longevity Pay Equalized
S 303 (H 324) (GovPerform Com) ..... 99.
Longevity Pay Equalized/Permanent Level
S 304 (H 325)(GovPerform Com) ..... 99.
Equipment and Supply Reserve Account
S 27 [Sec. 193](Ch. 321) ..... 904.
Estates—see **Estates**
Fees
General Court of Justice Fee Increase
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
Grant Matching Funds
S 27 [Sec. 191](Ch. 321) ..... 903.
Guardian *ad Litem*
Alleged Abuse
S 434 (J1 Com) ..... 130.
H 230 (Ch. 537) ..... 266, 1162, 1199, 1246.
Guardianship Services Improvements Study (LRC)
H 1319 [Sec. 2.1(25)](ordered enrolled)
(see S 1270; H 451) ..... 1249, 1320.
Indigent/Pauper Litigation
H 908 (Ch. 435) ..... 531, 640, 1036, 1104, 1138.
Indigent Representation—see **Attorneys**
Judges
Additional Superior Court Judges
District 3B, 10A, 15A, 17B, 20B, 25B, 27B
S 27 [Sec. 200.5](Ch. 321) ..... 912.
Appellate
Emergency Special Superior Court Judge Qualification
S 27 [Sec. 199](Ch. 321) ..... 904.
Certified for Family/Juvenile Law
H 357 (J1 Com) ..... 425.
District Court, Additional
Chief Judge
Prayer for Judgment Administrative Procedure Rules
H 1015 (reref J2 Com) ..... 459, 641, 654, 740, 756, 775, 1055, 1071, 1072, 1104, 1122.
Districts 1, 3A, 6B, 8, 10, 12, 18, 19A, 19C, 20, 22, 26, 30
S 27 [Sec. 200.6](Ch. 321) ..... 915.
Term 8 Years/Constitutional Amendment
S 514 (Const Com) ..... 172.
S 531 (failed 2nd rdg) ..... 177, 324, 334, 354, 373, 398, 420, 451, 461, 478.
District 9A
S 27 [Sec. 200.4(b)](Ch. 321) ..... 908.
S 810 (Appr Com)(In S 27) ..... 248.
Emergency Judge Per Diem Increased
S 27 [Sec. 200.3](Ch. 321) ..... 906.
Emergency Special Superior Court Judge Qualifications
S 27 [Sec. 199](Ch. 321) ..... 904.

JUDICIAL DEPARTMENT [G.S. 7A] (continued)
Judges (continued)
Prison Time Statement Requirement
S 831 (H J3 Com) ..... 264, 446, 488.
Salary Schedule
S 27 [Sec. 56](Ch. 321) ..... 818.
Emergency Court Judge Per Diem Allowance
S 27 [Sec. 200.3](Ch. 321) ..... 906.
S 180 (Appr Com) ..... 80.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Longevity Pay Equalized
S 303 (H 324) (GovPerform Com) ..... 99.
Longevity Pay Equalized/Permanent Level
S 304 (H 325)(GovPerform Com) ..... 99.
Special Superior Court Judge, Additional
S 27 [Sec. 200.5(g)](Ch. 321) ..... 915.
Superior Court
Emergency Special Superior Court Judge
S 27 [Sec. 199](Ch. 321) ..... 904.
Judicial Center Planning Funds
S 1221 (CapExp Com) ..... 584.
Jury
Carteret/Craven County Transfers
H 812 (Ch. 207) ..... 395, 533, 650, 661, 667, 672.
Evidence in Jury Room Allowed
H 116 (J1 Com) ..... 189.
Note Taking by Jurors
H 115 (Ch. 498) ..... 189, 1151, 1199, 1207, 1222.
Waiver to Trial Unenforceable
S 899 (Ch. 463) ..... 311, 486, 502, 1069, 1147, 1154, 1201.
Justice
Chief Justice
Courts Commission Chairman Appointment
H 1157 (Ch. 438) ..... 442, 1054, 1072, 1138.
State of the Judiciary
H 440 (Res. 6) ..... 189, 197, 207, 214, 220, 221.
Salary Schedule
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Equalized
S 303 (H 324) (GovPerform Com) ..... 99.
Longevity Pay Equalized/Permanent Level
S 304 (H 325)(GovPerform Com) ..... 99.
Juvenile
Certification of District Court Judges
H 357 (J1 Com) ..... 425.
Child Abuse Protection Laws Strengthened
S 487 (J1 Com) ..... 160.
H 364 (Ch. 516) ..... 458, 1151, 1153, 1154, 1243.
Confidentiality of Records
S 860 (Ch. 461) ..... 272, 352, 368, 379, 1004, 1140, 1154, 1200.
Delinquency Prevention Program (Cumberland)
S 1073 (H 1286)(reref CapExp Com) ..... 424, 1017.

JUDICIAL DEPARTMENT [G.S. 7A] (continued)
Juvenile (continued)
Detention Center—see **Prison**
Felony Prosecution in Superior Court
S 430 (J1 Com) ..... 130.
Guardian *ad Litem* Alleged Abuse
S 434 (J1 Com) ..... 130.
H 230 (Ch. 537) ..... 266, 1162, 1199, 1246.
Juvenile Code Revision Committee Recreated
S 881 (Rules Com) ..... 288.
H 1007 (Rules Com) ..... 515, 529.
Juvenile Code Study (LRC)
H 1319 [Sec. 2.1(67)](ordered enrolled)
(see S 1270; H 1429) ..... 1249, 1320.
Juvenile Court Jurisdiction Pilot Program
H 283 (Ch. 47) ..... 346, 445, 490, 523.
Juvenile Justice Pilot Program/Report
S 26 [Sec. 80](Ch. 561) ..... 1288.
Neglected Juvenile Defined
S 568 (J1 Com) ..... 186.
H 625 (Ch. 324) ..... 482, 705, 714, 729, 744, 1002.
Probation Condition/Passing School Grade
S 892 (Ch. 462) ..... 311, 369, 379, 396, 1004, 1118, 1153, 1201.
Probation Condition School Notified
S 893 (Ed/HighEd Com) ..... 311.
H 1092 (Ch. 369) ..... 513, 530, 609, 760, 776, 1016, 1068.
Record Availability Required for Sentencing
S 437 (H 231)(J1 Com) ..... 130.
School Attendance Condition of Parole
S 893 (Ed/HighEd Com) ..... 311.
H 1092 (Ch. 369) ..... 513, 530, 609, 760, 776, 1016, 1068.
Secure Custody Study
S 26 [Sec. 87](Ch. 561) ..... 1290.
Sex Offender Treatment Funds
S 1001 (H 1237)(Appr Com)(In S 27) ..... 376.
Training School Alternative Punishment
S 433 (H 229)(J1 Com) ..... 130.
Undisciplined Juvenile Court Jurisdiction Pilot Program
S 436 (J1 Com) ..... 130.
Weapons on School Property by Minor
S 19 (H 158)(J1 Com) ..... 30.
S 891 (Ed/HighEd Com) ..... 311.
H 823 (J1 Com) ..... 481.
H 1008 (Ch. 558) ..... 512, 529, 752, 1047, 1061, 1064, 1123, 1125, 1127, 1129, 1247, 1250, 1315.
Drivers License Restricted
S 24 (J1 Com/see H 28) ..... 43.
Legal Aid—see **Attorneys**
Liability—see **Liability**
Court Costs [G.S. 6]—see under this heading (Courts)
Magistrate
Claim Amount in Controversy
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.

JUDICIAL DEPARTMENT [G.S. 7A] (continued)
Magistrate (continued)
District 9A Redistribution
S 27 [Sec. 200.4(e)](Ch. 321) ..... 908.
Domestic Violence Orders/Child Custody
H 216 (J1 Com) ..... 281.
Salary
S 27 [Sec. 60](Ch. 321) ..... 819.
Worthless Check Restitution/Fees
S 535 (Ch. 374) ..... 180, 417, 435, 1039, 1048, 1062, 1068.
Mediation—see **Mediation Services**
Office of Administrative Hearings
Agency Decision Process
S 408 (reref J2 Com/see H 310) ..... 125, 286.
Americans with Disabilities Deferral Agency
S 604 (Ch. 234) ..... 193, 224, 235, 701.
Director Annual Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
Fee Schedule/Cost Assessment
S 302 (reref Fin Com/see H 310) ..... 98, 320.
High Point Regional Office Eliminated
S 301 (GovPerform Com/see H 310) ..... 98.
Mediation Program/Funds
S 27 [Sec. 25](Ch. 321) ..... 798.
S 986 (H J3 Com) ..... 359, 454, 490.
H 657 (Ch. 363/see S 27) ..... 514, 528, 720, 1026, 1049, 1053.
Reduction in Staff/Support Service Transfer
S 300 (GovPerform Com) ..... 98.
Prosecutorial District—see under this heading (Courts)
Public Defender
Additional Personnel/Funds
S 27 [Sec. 194](Ch. 321) ..... 904.
Salary Schedule
S 27 [Sec. 56](Ch. 321) ..... 818.
Reporter
District 9A Transfer from District 17A
S 27 [Sec. 200.4(c)](Ch. 321) ..... 908.
Salary Schedule of Officials
S 27 [Sec. 56](Ch. 321) ..... 818.
SBI—see **Justice Department**
State of the Judiciary to General Assembly
H 440 (Res. 6) ..... 189, 197, 207, 214, 220, 221.
Supreme Court—see under this heading (Courts)
Trial—see under this heading (Courts)
Victim—see **Victim**
Youth Services [G.S. 134A]
B.R.I.D.G.E.S. Youthful Offenders Program
S 27 [Sec. 293](Ch. 321) ..... 978.
Community-based Alternative Program Certification
S 27 [Sec. 251](Ch. 321) ..... 947.
Community-based Alternative Services Funding
S 788 (Appr Com) ..... 254.
S 1042 (S 964; H 725)(Appr Com) ..... 407.
Staff Reduction Recommendation
S 357 (reref Appr Com/see H 342) ..... 116, 204.

JUDICIAL DEPARTMENT [G.S. 7A] (continued)
Youth Services [G.S. 134A] (continued)
Vocational Teacher Certification
S 576 (reref Ed/HighEd Com) ..... 187, 336, 718, 721.
H 514 (Ch. 397) ..... 514, 524, 526, 773, 1035, 1062, 1088.
JUICE CONCENTRATE—see Soft Drink
JUNK
Pamlico County Regulation
S 961 (Ch. 493) ..... 345, 411, 444, 447, 1222.
Regulated Metals Purchase/Recycle
S 1006 (Ch. 295) ..... 376, 410, 511, 512, 738, 745, 747.
JURORS [G.S. 9]—see **Judicial Department** (Jury)
JURY—see Judicial Department
JUSTICE DEPARTMENT [G.S. 114]
Academy [G.S. 17D]
Attorney General—see **Attorney General**
Attorneys Fees Collection Report to General Assembly
S 27 [Sec. 205](Ch. 321) ..... 924.
Capital Improvements Funds
S 26 [Part 21](Ch. 561) ..... 1288.
Counsel Assigned by Attorney General
S 27 [Sec. 206](Ch. 321) ..... 924.
Criminal Record Check to Hospitals/Facilities
S 1081 (J1 Com) ..... 438.
Criminal Record/Human Resources Employee
H 554 (Ch. 350) ..... 385, 1011, 1030, 1033.
Criminal Record Review of State Personnel
S 549 (Ch. 403) ..... 181, 374, 539, 549, 1075, 1084, 1088.
Current Operations Appropriations
S 27 [Part 22](Ch. 321) ..... 923.
Justice Academy—see under this heading (Academy)
Police Information Network (PIN)
Attorneys Access for Infractions
S 741 (Rules Com/see H 1319) ..... 250.
H 141 (Ch. 39) ..... 314, 334, 337, 356, 390.
Crime Control and Public Safety Department Access
S 26 [Sec. 77](Ch. 561) ..... 1286.
Property Seized by Federal Government Transfer
S 27 [Sec. 204](Ch. 321) ..... 923.
SBI (State Bureau of Investigation)
Child Abuse/Neglect/Prosecution Task Force—see **Task Force**
Complex Construction Funds
S 1219 (CapExp Com)(In S 26) ..... 584.
DNA Database and Databank Act
H 1050 (Ch. 401)(In S 27) ..... 512, 530, 1030, 1049, 1088.
Motor Vehicle Law Enforcement Transfer
S 291 (H 338)(reref Appr Com) ..... 97, 228.
Overtime Payment Funds
S 27 [Sec. 201](Ch. 321) ..... 923.
Undercover Drug Operation/Restitution Funds
S 27 [Sec. 202](Ch. 321) ..... 923.
Truancy Crime Prevention Grant
S 1188 (Appr Com) ..... 535.
JUVENILE—see Child; Judicial Department; Youth
JUVENILE CODE—see Judicial Department

- K -

KAPLAN, Ian Theodore "Ted"—Senator Forsyth (part)—20th District
Absent Upon Convening ..... 7.
Absent With Leave ..... 28, 144, 174, 184, 222, 231, 255.
Adjournment Motion—Second ..... 85, 1192.
Certificate of Election ..... 43.
Committee Assignments ..... 33, 34, 35, 39, 41, 63.
Standing—
Capital Expenditures and Improvements (Chairman)
Appropriations (Vice-Chairman)
Appropriations on Department of Transportation (Vice-Chairman)
Finance (Vice-Chairman)
Banks and Thrift Institutions—Constitution and Election Laws—
Pensions and Retirement—Ways and Means
Statutory—
Legislative Services Commission ..... 85.
Conference—
S 14 ..... 1083, 1167.
S 26 ..... 1114, 1252.
S 27 ..... 600, 781.
S 1148 ..... 753, 1202.
H 235 ..... 1086.
H 1062 ..... 1127.
Oath of Office ..... 43.
Votes Recorded—
S 84 ..... 555.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 653, 654, 655, 656, 657, 658, 659, 660, 661, 780, 786, 857, 935, 958, 1006, 1007, 1268, 1269, 1270, 1271.
Co-Sponsor ..... 68, 78, 116, 117, 218, 219, 251, 334, 421, 424, 500, 506, 553, 583, 666, 674, 676, 723, 770, 771, 858, 875, 876, 919, 920, 934, 964, 970, 976, 1012, 1018, 1135, 1174, 1200, 1216, 1234, 1245, 1249, 1250, 1260.
Endorsement Withdrawn—
S 906 ..... 329.

KEROSENE—see **Energy** (Gasoline and Oil)

KERR, John—Senator Greene, Lenoir (part), Wayne—8th District
Absent With Leave ..... 90.
Adjournment Motion—Second ..... 277.
Certificate of Election ..... 6.
Committee Assignments ..... 36, 37, 38, 39, 65, 166.
Standing—
Manufacturing and Labor (Chairman)
Environment and Natural Resources (Vice-Chairman)
Judiciary I (Vice-Chairman)
Public Utilities (Vice-Chairman)
Economic Development/Travel and Tourism—Finance—
Insurance—State Personnel and State Government
Select—
Bonds
S 906 (Worker's Compensation) (Vice-Chairman) ..... 540.

KERR, John—Senator (continued)
Committee Assignments (continued)
Conference—
S 60 ..... 1091, 1136.
S 161 ..... 1129, 1232.
S 128 ..... 1053, 1113.
S 710 ..... 1166, 1239.
S 853 ..... 1109, 1231.
H 873 ..... 1087, 1235.
H 1062 ..... 1127.
Escorts—
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Oath of Office ..... 7.
Remarks Spread—
Thompson Eulogy ..... 1159.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 157, 158, 159, 160, 161, 162, 183, 470, 548, 624, 712, 713, 714, 715, 716, 717, 787, 852, 853, 1025, 1141, 1179.
Co-Sponsor ..... 125, 128, 129, 153, 154, 155, 180, 441, 457, 570, 571, 572, 620, 635, 665, 669, 670, 671, 674, 676, 802, 811, 861, 876, 878, 884, 900, 906, 919, 934, 956, 969, 976, 1012, 1027, 1029, 1034, 1035, 1092, 1174, 1200, 1202, 1239, 1245, 1250.

KESLER, John C.—Memorializing
S 522 (Res. 8) ..... 172, 269, 275, 277.

KEYS
Duplication Authorization/Penalty
H 565 (J1 Com) ..... 385.

KIDNAPPING—see **Criminal Law** (Felony)

KINCAID, Donald R.—Senator Alexander, Avery, Burke (part), **Caldwell**, Mitchell, Wilkes, Yadkin—**27th District**
Absent With Leave ..... 139, 163, 167, 531, 538, 617.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 34, 35, 37, 39, 63, 64, 65.
Standing—
Agriculture, Marine Resources, and Wildlife (Vice-Chairman)
Appropriations (Vice-Chairman and Ranking Minority)
Banks and Thrift Institutions (Ranking Minority)
Insurance (Ranking Minority)
Manufacturing and Labor (Ranking Minority)
Appropriations on Natural and Economic Resources—Capital Expenditures and Improvements
Select—
S 906 (Worker's Compensation) ..... 540.
Conference—
S 100 ..... 1092, 1126.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 15, 16, 17, 41, 42, 501, 682, 944, 945, 1224.
Co-Sponsor ..... 237, 446, 511, 553, 572, 674, 675, 676, 852, 853, 876, 904, 906, 919, 949, 956, 976, 996, 1174, 1200, 1222, 1226, 1245, 1250.

KINDERGARTEN—see **Education**

KING, JR., MARTIN LUTHER COMMISSION
—see **Boards and Commissions**

- L -

LABOR DEPARTMENT [G.S. 95]
Agricultural Employment Defined
H 1047 (Ch. 300) ..... 395, 700, 707, 748.
Amusement Device—see under this heading (Inspections)
Apprenticeship
Division Expansion Funds
S 1136 (H 1342)(Appr Com) ..... 479.
Boiler and Pressure Vessel Act
Exemptions, Inspections, and Fees
H 556 (Ch. 351) ..... 541, 630, 637, 748, 763, 778, 1034.
Commissioner
Salary, Annual
S 27 [Sec. 49](Ch. 321) ..... 815.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Computerized Network Resources Expansion/Funds
S 1137 (H 1334)(Appr Com)(In S 26) ..... 479.
Controlled Substance Examination—see **Medicine** (Drugs)
Current Operations Appropriations
S 27 [Part 27](Ch. 321) ..... 998.
Drug Test—see **Medicine** (Drugs)
Economic Development Primary Responsibility
S 185 (GovPerform Com/see H 294) ..... 80.
Employee Assistance Program Provider
S 543 (H Rules Com) ..... 181, 419, 641, 749, 765.
Employment Discrimination Grievance Filing Period
S 680 (reref J1 Com) ..... 224, 282, 327.
Employment Training Center—see **Employment**
Family and Medical Leave Act
S 29 (H 53)(J2 Com) ..... 45.
Health Care Workers/HIV, Hepatitis B Infected
S 639 (J2 Com) ..... 209.
High-voltage Line Safety Act
S 987 (H J1 Com) ..... 359, 401, 427, 461, 493.
Inspections
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
Amusement Device Inspection Fee
Elevator Inspection Fee Increase
Insurance Regulatory Charge
Motorcycle Safety Education Program
Public Utility Regulatory Fee
Job Listing Service Surety Bond
S 657 (Ch. 172) ..... 210, 454, 488, 636, 646, 648.
Job Training
Worker Training Programs Type II Transfer
S 278 (H 336)(GovPerform Com) ..... 94.
OSHA (Occupational Safety and Health Act)
Bloodborne Pathogens Federal Regulations Reserve
S 27 [Sec. 23](Ch. 321) ..... 798.
Citation/Appeal Procedure Revision
H 1047 (Ch. 300) ..... 395, 700, 707, 748.

LABOR DEPARTMENT [G.S. 95] (continued)
OSHA (continued)
Enforcement Personnel/Compliance Bureau
S 27 [Sec. 315](Ch. 321) ..... 998.
Fire and Occupational Safety Issues Study Continued
S 107 (H 191)(Rules Com/see H 1319) ..... 59.
Machine Safety Guard Removal
S 115 (H 185)(Mfg&Labor Com) ..... 60.
Penalty Uniform Standards
S 109 (H Bus&Labor Com) ..... 59, 242, 247, 277.
H 187 (Ch. 474) ..... 346, 1103, 1121, 1210.
Personnel Funds
S 548 (H 1261)(Appr Com)(In S 27) ..... 181.
Public Records Exemption
H 504 (Ch. 317) ..... 513, 527, 740, 756, 765, 775.
Reportable Diseases/Illnesses/Injuries
S 533 (Ch. 486) ..... 180, 474, 544, 548, 554, 560, 591, 625, 632, 1222.
Review Board Decisions Requirement
S 109 (H Bus&Labor Com) ..... 59, 242, 247, 277.
H 187 (Ch. 474) ..... 346, 1103, 1121, 1210.
Toilet Facility Requirements
H 668 (Ch. 204) ..... 425, 652, 670, 672.
Witnesses/Third Party Litigation
S 618 (J1 Com) ..... 195.
Parental School Involvement Leave Requirement
S 989 (Ch. 509) ..... 357, 369, 379, 487, 494, 1211, 1214, 1242.
Personnel Director
S 309 (GovPerform Com/see H 288) ..... 99.
Personnel Service Placement Fee Reimbursement
H 533 (Ch. 202) ..... 514, 527, 652, 669, 672.
Retaliatory Discrimination Law Rules
S 643 (Ch. 423) ..... 209, 405, 422, 495, 501, 1063, 1072, 1107, 1110.
Staff/Equipment Funds
S 1128 (H 1333)(Appr Com)(In S 27) ..... 457.
Union Government Agency Conference Required
S 816 (Mfg&Labor Com) ..... 261.
Wage and Hour Act
ABC Permit Youth Employment Exemption
H 524 (Ch. 239) ..... 512, 527, 630, 644, 654, 670, 701.
Civil Money Penalty Assessment
H 659 (Ch. 225) ..... 482, 673, 691, 694.
Local Tax Increment Financing Plan Requirement
S 1157 (H 1372)(Ch. 497) ..... 497, 516, 558, 568, 569, 577, 578, 594, 1130, 1153, 1205, 1207, 1222.
Seasonal/Recreational Business Exemption
S 1051 (reref Mfg&Labor Com) ..... 408, 511, 520.
Terms of Employment/Record Availability
H 599 (Ch. 203) ..... 513, 527, 630, 644, 646, 672.
Wage Payment/Exemptions
H 561 (Ch. 214) ..... 385, 630, 644, 679, 681.
Workers' Compensation—see **Workers' Compensation**

LABORATORY
Agriculture—see **Agriculture**
Standards Division—see **Weights and Measures**
LAKES—see **Marine Resources**; Specific County
LAND
Development—see **Economic Development**; Specific County
Donated Land Use Value
S 1195 (H Fin Com) ..... 558, 713, 728.
Land Owner Liability
S 40 (J2 Com) ..... 48.
H 36 (J2 Com) ..... 384.
Land Resources Staff Funds
S 927 (Appr Com) ..... 318.
Real Property Transaction Inspection Exemption
S 755 (J2 Com) ..... 251.
Records Public Inspection Exemption
S 752 (H 93)(J2 Com) ..... 251.
Registration [G.S. 43]
Land Records Management [G.S. 147-54.3]
Advisory Committee Appointee by Secretary of State
S 748 (Ch. 258) ..... 250, 467, 501, 722.
State Land [G.S. 146]
Capital Improvement Bond Act—see **Bonds** (Revenue)
Council of State/Governor References
S 766 (Rules Com) ..... 252.
H 61 (Rules Com) ..... 244.
Real Property Acquisition/Management
S 754 (H 96)(H StGov Com) ..... 251, 482, 486, 501.
Surveyor—see **Engineers**
LANDFILL—see **Public** (Health)
LANDLORD AND TENANT [G.S. 42]
Complaint Amount/Rent in Arrears
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Housing Authority—see **Housing**
Manufactured Home Owner Rights
S 1228 (reref J2 Com) ..... 612, 1028.
LANDOWNER LIABILITY—see **Insurance**
LANDSCAPE ARCHITECT [G.S. 89A]
LANDSCAPE CONTRACTOR [G.S. 89D]
LANGUAGE
World Languages and Culture Center, N.C.
S 27 [Sec. 39.1](Ch. 321) ..... 810.
LANGUAGE PATHOLOGIST—see **Medicine** (Pathology)
LARCENY—see **Criminal Law**
LAUNDRY
Prison Laundry Emergency Use
S 45 (H Bus&Labor Com) ..... 49, 89, 110, 112.
H 71 (reref J1 Com) ..... 395, 746.
LAW ENFORCEMENT
Alcohol Law Enforcement Officer (ALE)
Operating Funds
S 1104 (Appr Com)(In S 27) ..... 455.
Police Information Network Access
S 26 [Sec. 77](Ch. 561) ..... 1286.
Reorganization
S 416 (H 374)(reref Appr Com) ..... 126, 229.

LAW ENFORCEMENT (continued)
Alcoholic Beverage Control Premise Inspection
S 1237 (J1 Com) ..... 642.
Burn Related Injury Report
H 788 (J2 Com) ..... 514, 528.
Citizens Law Enforcement Review Commission
S 683 (reref Rules Com/see H 1319) ..... 225, 673.
Civil Procedures—see **Civil** (Procedure)
Company Police Act [G.S. 74E]—see under this heading (Police)
Coroner—see Specific County
Crime Control and Public Safety
Motor Vehicles Law Enforcement Transferred to SBI
S 291 (H 338)(reref Appr Com) ..... 97, 228.
Secretary
Salary, Annual
S 27 [Sec. 50](Ch. 321) ..... 816.
Criminal Justice and Education Training Standards
—see also under this heading (Sheriff)
Commission
Appointment of Commissioner (Farmer)
S 1124 [Sec. 3](Ch. 405/see H 544) .... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Youth Services Vocational Teacher Certification
S 576 (reref Ed/HighEd Com) ..... 187, 336, 718, 721.
H 514 (Ch. 397) ..... 514, 524, 526, 773, 1035, 1062, 1088.
Criminal Procedures—see **Criminal Procedure**
Drugs—see **Drugs** (Abuse)
Finance
Privilege License/Entertainment Tax Increase
S 661 (Fin Com) ..... 211.
Hall of Honor Foundation Funds
S 26 [Sec. 82](Ch. 561) ..... 1289.
Highway Patrol
Communications and Logistics Headquarters
Facility Construction Funds
S 1272 (CapExp Com) ..... 712.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Merit Pay Increase Automatic, Repeal
S 294 (GovPerform Com/see H 373) ..... 97.
Staff Pay/Development/Use Report
S 27 [Sec. 182](Ch. 321) ..... 900.
Wrecker Service System Authorization
S 220 (H 110)(H J3 Com) ..... 86, 400, 405.
Immigration/Naturalization Agent Authority
S 508 (H J1 Com) ..... 171, 217, 230.
Impersonation of Officer Penalties
H 863 (J1 Com) ..... 481.
Magistrate—see **Judicial Department**
Marine Fisheries Inspector Assistants Proposed
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
911 Service Statewide—see **Utilities** (Telephone)
Park Ranger Authority (Mecklenburg)
H 814 (Ch. 477) ..... 347, 1011, 1023, 1099, 1117, 1210.

LAW ENFORCEMENT (continued)
Personnel Reclassification/Civilian Status
S 27 [Sec. 34](Ch. 321) ..... 809.
S 369 (H PubEmp Com/see H 373) ..... 117, 228, 246, 374, 465, 476.
Personnel Rules/Procedures
S 367 (reref GovPerform Com/see H 373) ..... 117, 228, 246.
Police
Campus/Company Police Officer Assault Misdemeanor
H 1049 (J1 Com) ..... 629.
Highway Patrol—see under this heading (Highway Patrol)
Information Network—see **Justice Department**
Regulated Metals Enforcement
S 1006 (Ch. 295) ..... 376, 410, 511, 512, 738, 745, 747.
Private Police [G.S. 74E]—see under this heading (Police)
Retirement—see **Retirement**
Safekeeper of Prisoner—see **Prisons** (Jail)
SBI (State Bureau of Investigation)—see **Justice Department**
School Crime Reports Requirement
S 879 (Ed/HighEd Com) ..... 280.
H 1009 (Ch. 327) ..... 459, 609, 711, 729, 744, 1002.
Security Officer
Cultural Resources Department Reclassification
S 27 [Sec. 34](Ch. 321) ..... 809.
Sheriff
Education and Training Standards Commission [G.S. 17E]
Appointment by President of Senate (Frye)
S 1124 [Sec. 21](Ch. 405/see H 544) ... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Appointment by Sheriffs' Association
S 785 (ordered enrolled) ..... 254, 317, 550, 555, 1231, 1237, 1245, 1249, 1250, 1315, 1320.
Appointment by Speaker (Farris)
H 439 [Sec. 1](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Twelve-year Term Limitation
S 660 (unf rpt) ..... 211, 468.
Weapon Permit—see **Criminal Law** (Weapon)
Wildlife Protector—see **Wildlife**
LAW JUDGE—see **Judicial Department** (Judge)
LAYAWAY CONTRACTS—see **Contracts**
LEAD HAZARD MANAGEMENT PROGRAM
Study (LRC)
H 1319 [Sec. 2.1(27)](ordered enrolled)
(see S 1270; H 23) ..... 1249, 1320.
LEAKING UNDERGROUND STORAGE
—see **Public** (Health—Hazardous Waste)
LEARNING LINK—see **Education; Higher Education** (UNC)
LEASE
Computers—see **Computers**
Indian Cultural Center Lease/Pledges
S 152 (Ch. 88/see S 26; H 544) ..... 69, 372, 402, 421, 573.
Real Estate for Development (Gaston)
H 733 (LocGov Com) ..... 346.
Shellfish Lease—see **Marine Resources** (Fish)

LEASE (continued)
Uniform Commercial Code Regulation
S 899 (Ch. 463) ..... 311, 486, 502, 1069, 1147, 1154, 1201.

LEASH LAW—see **Animals**

LEE COUNTY—District 15—Senator Elaine Marshall
—District 16—Senator Howard N. Lee
—Senator Russell Walker
Funds for Public Purposes
S 1118 (Appr Com) ..... 457.

LEE, Howard N.—Senator Chatham, Lee (part), Moore, **Orange,** Randolph (part)—**16th District**
Absent With Leave ..... 222, 231 (present).
Adjournment Motion—Second ..... 159, 390.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 35, 36, 37, 38, 40, 41, 162.
Standing—
Appropriations on Department of Transportation (Chairman)
Education/Higher Education (Vice-Chairman)
Appropriations—Capital Expenditures and Improvements—Constitution and Election Laws—Insurance—Judiciary I—Local Government and Regional Affairs—Transportation—Ways and Means
Select—
Bonds
Government Performance Audit
Statutory—
Joint Legislative Highway Oversight Committee ..... 248.
Legislative Education Oversight Committee ..... 622.
Legislative Services Commission ..... 85.
Conference—
S 14 ..... 1083, 1167.
S 26 ..... 1114, 1252.
S 27 ..... 600, 781.
S 785 ..... 1245, 1251.
H 235 ..... 1086.
H 385 ..... 638, 717.
H 1062 ..... 1127.
Escorts—
President Pro Tempore-elect ..... 14.
Sergeant-at-Arms-elect ..... 22.
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Oath of Office ..... 7.
Prayer ..... 348.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 21, 62, 63, 64, 424, 549, 565, 567, 625, 807, 808, 809, 844, 845, 882, 883, 903, 918, 919, 933, 967, 968, 1058, 1074, 1080, 1088, 1138, 1144.
Co-Sponsor ..... 20, 48, 49, 68, 91, 92, 93, 94, 95, 110, 111, 116, 122, 123, 124, 151, 162, 251, 255, 256, 334, 336, 337, 341, 342, 398, 399, 400, 419, 422, 441, 448, 449, 450, 451, 452, 459, 460, 461, 462, 469, 471, 478, 500, 534, 541, 542, 553, 572, 583, 594, 672, 674, 676, 683, 687, 694, 723, 770, 771, 779, 780, 793, 835, 843, 858, 863, 865, 866, 872, 873, 876, 878, 881, 888, 891, 892, 893, 900, 906, 920, 934, 949, 964, 970, 973, 976, 996, 1012, 1027, 1029, 1041, 1042, 1059, 1122, 1129, 1130, 1132, 1133, 1135, 1151, 1174, 1175, 1184, 1200, 1245, 1247, 1248, 1250, 1260.

LEGAL AID—see **Attorneys**
LEGAL INSURANCE—see **Insurance**
LEGISLATIVE
Agent (Lobbyist)—see **General Assembly**
Appointments—see **Appointments**
Branch of Government—see **General Assembly**
Budget Commission—see **Boards and Commissions** (Legislative)
Building—see **State** (Buildings)
Ethics—see **Boards and Commissions; Ethics**
House of Represenatives—see **House of Representatives**
Research Commission Studies—see **Studies** (LRC)
Retirement—see **Retirement** (Legislative)
Salaries—see **General Assembly**
Senate—see **Senate**
Services Commission—see **Boards and Commissions** (Legislative)
Session/Terms—see **General Assembly**
Staff—see **General Assembly**
Tuition Grant Program—see **Higher Education**
"LEMON LAW"—see **Warranty**
LENOIR COUNTY—District 7—Senator Luther Jordan
—District 8—Senator John Kerr
—District 9—Senator Ed Warren
Arts Center/Civic Center Funds
S 671 (H 693)(reref CapExp Com) ..... 217, 771.
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Juvenile Court Jurisdiction Pilot Program
S 436 (J1 Com) ..... 130.
Kinston
Adkin High School Private Sale
S 635 (reref Fin Com) ..... 199, 269.
H 692 (Ch. 265) ..... 441, 675, 687, 723.
Atkin High School Alumni and Friends Funds
S 1197 (CapExp Com) ..... 559.
Kinston-Lenior Opportunities and Industrialization Center
S 1196 (reref CapExp Com) ..... 558, 1001.
National Guard Armory Construction Fund
S 1239 (CapExp Com)(In S 26) ..... 642.
Netta Community Center Funds
S 1036 (CapExp Com) ..... 392.
Shampooer License Exemption
S 861 (Ch. 54) ..... 272, 358, 378, 532.
LIABILITY
Alcoholic Beverage Served to Guest
S 765 (J2 Com) ..... 252.
Blood Related Services Clarification
S 1267 (Ch&HumRes Com) ..... 702.
Civil Damages for Certain Crimes
S 937 (H Rules Com) ..... 325, 1055, 1071.
Court Costs [G.S. 6]—see **Judicial Department** (Courts)
Health Care Personnel Protection
H 1172 (Ch. 439) ..... 442, 1027, 1050, 1138.
HIV/Hepatitis B Investigator Immune
S 598 (recommit J2 Com) ..... 192, 255, 267.
H 613 (H J2 Com) ..... 314, 1026, 1049.

LIABILITY (continued)
Immunity from Liability Study (LRC)
H 1319 [Sec. 2.1(17)](ordered enrolled)
(see S 1270; H 242) ..... 1249, 1320.
Insurance—see **Insurance**
Landowner Protection
S 40 (J2 Com) ..... 48.
H 36 (J2 Com) ..... 384.
Limited Liability Company Act [G.S. 57C]
S 780 (reref Fin Com) ..... 254, 652.
H 923 (Ch. 354) ..... 684, 705, 749, 764, 779, 1034.
Minor's Damage/Maximum Amount Recovery
S 431 (Ch. 540) ..... 130, 445, 476, 760, 767, 776, 780, 1040, 1217, 1313.
Occupational Health/Reporting
S 533 (Ch. 486) ..... 180, 474, 544, 548, 554, 560, 591, 625, 632, 1222.
Products Liability/Surveyor Repose
S 108 (H 184)(H J1 Com) ..... 59, 242, 247, 276.
Social Services Department Employee Immunity
S 340 (H 242)(J2 Com) ..... 114.
Sports Officials Qualified Immunity
S 30 (Ch. 286) ..... 47, 468, 501, 665, 679, 680, 692, 734, 740.
Unlawful Purchases/State Employee
S 759 (reref J2 Com) ..... 251, 469, 501.
H 20 (J2 Com) ..... 480.
LIBEL AND SLANDER [G.S. 99]
LIBRARIES [G.S. 125]
Aid to Public Libraries
S 27 [Sec. 38](Ch. 321) ..... 809.
S 534 (H 530)(reref CapExp Com) ..... 180, 770.
Community College Funds/Reversion
S 26 [Sec. 51](Ch. 561) ..... 1279.
S 27 [Sec. 113](Ch. 321) ..... 854.
Depository Library System Report Repealed
S 217 (Ch. 447) ..... 84, 215, 229, 1139.
East Carolina University Library Expansion Funds
S 82 (H 239)(CapExp Com)(In S 14) ..... 55.
Foreign Language Center Fund Created
S 1060 (reref Appr Com) ..... 423, 565.
Public Library Construction/Renovation Funds
S 596 (H 651)(CapExp Com) ..... 192.
Public Library Funding Reduction
S 27 [Sec. 38](Ch. 321) ..... 809.
Public School Library Technology Funds
S 26 [Sec. 59](Ch. 561) ..... 1282.
Recording Studio Funds/Chapel Hill
S 565 (H 925)(CapExp Com) ..... 186.
University of North Carolina—see **Higher Education** (UNC)
LICENSE
Accountant—see **Certified Public Accountant**
Acupuncture—see **Medicine**
Aquaculture—see **Marine Resources**
Automobile—see **Motor Vehicle** (License, Operators; Plate)
Bail Bondsman—see **Bonds** (Surety)
Barbers—see **Barbers**
Building Improvement Contractor—see **Building; Contractor**

LICENSE (continued)
Business
Automated Application System
S 869 (H 979)(reref Appr Com)(In S 26) ..... 278, 454, 749.
License Information Office Report Repeal
S 216 (Ch. 446) ..... 83, 215, 229, 1139.
Quarterly Report Required
H 1021 (Ch. 289) ..... 515, 529, 695, 707, 740.
Charitable Solicitations—see **Corporations** (Nonprofit)
Contractor—see **Contractor**
Counselor—see **Counselor**
Day Care—see **Child**
Dental Laboratory—see **Medicine** (Dentist)
Domiciliary Home—see **Medicine** (Long-Term Care)
Driver License—see **Motor Vehicle** (License, Operator)
Electrolysis—see **Electrolysis**
Environment—see **Environment, Health, and Natural Resources**
Fees—see **Fees**
Fire Sprinkler Contractor—see **Contractors; Fire Protection**
Fishing—see **Marine Resources**
Gaming Commission Authority Proposed
S 656 (held in Clerk's office) ..... 210.
Highway Construction—see **Transportation** (Roads and Highways)
Horse Racing—see **Animals; Criminal Law** (Gambling)
Household Hazardous Products License
S 54 (reref Fin Com) ..... 50, 564.
Hunter Safety Course Requirement
S 589 (H J1 Com) ..... 192, 401, 421.
Hunting—see **Wildlife**
Interior Designer—see **Interior Designer**
Language Pathologist—see **Medicine** (Pathology)
Locksmith—see **Locksmith**
Marriage and Family Therapy—see **Marriage**
Massage—see **Medicine** (Therapy)
Medical—see **Medicine** (Medical Examiners Board)
Motor Vehicle—see **Motor Vehicle** (License, Operator; Plates)
Dealer—see **Motor Vehicle** (Dealer)
Naturopathy—see **Medicine**
New Licensing Board—see **Boards and Commissions** (Legislative)
Nurse—see **Medicine** (Nurse)
Oral Surgeon—see **Medicine** (Dentist)
Pesticide Applicator—see **Agriculture**
Pharmacy, Out-of-State—see **Medicine**
Preferred Provider Organization—see **Insurance**
Privilege License Tax—see **Taxation**
Psychology—see **Medicine**
Radiation Technology—see **Medicine**
Real Estate—see **Real Estate**
Rest Home—see **Medicine** (Long-Term Care—Domiciliary)
School Administrator—see **Education**
Shampooer—see **Cosmetic Art**
Speech Pathologist—see **Medicine** (Pathology)
Veterinary—see **Agriculture**
Wastewater Contractor—see **Water**
LICENSING BOARDS [G.S. 93B]—see **Boards and Commissions**

LIENS [G.S. 44; 44A]
Impact Fees, Garner (Wake)
H 825 (reref Fin Com) ..... 1054, 1110.
Molders Retention Obligation
H 647 (Rules Com) ..... 535.
Poultry Producer Protection Act
S 476 (H 414)(Ag/MarRes&W Com) ..... 150.
Wrightsville Beach User Fees
S 706 (H 775)(H Fin Com) ..... 231, 361, 581, 598, 606.
LIEUTENANT GOVERNOR—Dennis A. Wicker
Appointments—see **Appointments**
Constitutional Review Commission
S 21 (reref Appr Com/see H 1319) ..... 30, 404, 574.
Gubernatorial Team Ticket
S 77 (Const Com) ..... 54.
Office of the Lieutenant Governor
Appropriations/Non-Transferrable
S 27 [Sec. 43](Ch. 321) ..... 813.
Current Operations Appropriations
S 27 [Part 11](Ch. 321) ..... 813.
President of the Senate—see **President of the Senate**
Salary, Annual
S 27 [Sec. 49](Ch. 321) ..... 815.
State Officer—see **State** (Officer)
LIFE CARE CENTERS—see **Medicine** (Long-Term Care)
LIMING MATERIALS AND LANDPLASTER ACT—see **Agriculture**
LIMITED LIABILITY COMPANY ACT [G.S. 57C]—see **Liability**
LINCOLN COUNTY—District 25—Senator David Hoyle
—District 26—Senator Austin M. Allran
—District 34—Senator T.L. "Fountain" Odom
—District 39—Senator James Forrester
Condemnation Commissioner Approval
S 87 (H J2 Com) ..... 56, 79, 89, 110, 121, 134, 138, 142, 145, 147, 151, 156.
Mountain Island Lake Park Fund
S 1246 (reref CapExp Com) ..... 658, 772.
Mountain Island Lake Park Study
S 1275 (Rules Com) ..... 735.
Occupancy Tax Rate 6%
H 114 (Ch. 549) ..... 684, 750, 1096, 1114, 1141, 1314.
Subdivision Definition Repealed
H 842 (Ch. 195) ..... 442, 651, 662, 664.
Superior Court Judge Increase
S 27 [Sec. 200.5](Ch. 321) ..... 912.
LIQUIFIED PETROLEUM (LP Gas)—see **Energy** (Gasoline and Oil)
LIQUOR REGULATION—see **Alcohol Regulation**
LITERACY—see **Education; Higher Education**
LITERACY FUND, STATE—see **Funds**
LITTER—see **Criminal Law; Transportation** (Roads and Highways)
LIVESTOCK—see **Agriculture**
LOAN—see **Banks; Higher Education**
LOBBYING—see **General Assembly** (Legislative Agent)
LOCAL APPROPRIATIONS PROJECT—see Specific County
LOCAL DEVELOPMENT [G.S. 158]
Charlotte Coliseum Public/Private Project
S 768 (Ch. 417) ..... 252, 416, 432, 1110.
Economic Development Commission Name (Brunswick)
H 420 (Ch. 24) ..... 227, 263, 276, 277.

LOCAL DEVELOPMENT [G.S. 158] (continued)
Economic Development Conveyance/Prospective Revenue
S 708 (H 708)(Ch. 42/see H 466; H 791) ..... 232, 278, 309, 322, 487.

Counties	Cities/Towns
Burke	Connelly Springs; Drexel; Glen Alpine; Hildebran; Rhodhiss; Valdese
Caldwell	Rhodhiss
Edgecombe	Rocky Mount
Harnett	Angier; Coats; Dunn; Erwin; Lillington
Lee	Broadway; Sanford
Madison	Hot Springs
McDowell	Marion; Old Fort
Nash	Rocky Mount
Polk	
Sampson	Clinton
Union	Monroe
Yancey	Burnsville

H 466 (Ch. 246/see S 708; H 544; H 791) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.

Counties	Cities/Towns
Caldwell	Granite Falls
Cleveland	
Columbus	
Guilford	Greensboro; High Point
Mecklenburg	Charlotte
Richmond	
Rockingham	
Wayne	

H 686 (Ch. 520/see H 544) ..... 752, 1028, 1060, 1069, 1083, 1243.

Counties
Clay
Henderson
Transylvania

H 1109 (Ch. 536) ..... 761, 1028, 1117, 1148, 1198, 1246.
Alleghany County
H 516 (Ch. 31) ..... 256, 317, 326, 330.
Greensboro/High Point (Guilford)
H 791 (LocGov Com/see H 466) ..... 576.
High Point Charter Amendments (Guilford)
H 398 (Ch. 275) ..... 440, 583, 674, 685, 698, 734.
Nash County
S 619 (reref Fin Com) ..... 195, 237.
Polk County
S 512 (LocGov Com) ..... 171.
Economic Development Financing Bonds Authority
S 1157 (H 1372)(Ch. 497) ..... 497, 516, 558, 568, 569, 577, 578, 594, 1130, 1153, 1205, 1207, 1222.
Exaction Study (LRC)
S 1181 (H 1413)(Rules Com/see H 1319) ..... 523.
Industrial Development Matching Funds Hardship
S 27 [Sec. 296](Ch. 321) ..... 979.
Kinston-Lenoir Opportunities and Industrialization Center (Lenoir)
S 1196 (reref CapExp Com) ..... 558, 1001.

LOCAL DEVELOPMENT [G.S. 158] (continued)
Mecklenburg/Charlotte Site Preparation
S 767 (Ch. 174) ..... 252, 360, 415, 431, 470, 498, 629, 637, 645, 646.

LOCAL GOVERNMENT
Alcoholic Beverage Control—see **Alcohol Regulation**
Annexation—see under this heading (Cities)
Bids—see **Bids**
Building Code Civil Penalties
S 164 (H 190)(Ch. 329) ..... 73, 387, 398, 712, 762, 1005, 1011.
Building Inspection Non-employee
H 1045 (Ch. 232) ..... 512, 530, 651, 662, 694.
Census Map—see **Elections**
Certificate of Participation Study Commission
S 739 (Rules Com/see H 1319) ..... 249.
Child Fatality Prevention
S 27 [Sec. 285](Ch. 321) ..... 967.
Cities, Towns, and Municipalities [G.S. 160A]
Adjustment Board Vote (Craven)
H 380 (Ch. 177) ..... 189, 614, 623, 648.
Annexation—see also Specific County
Apex (Wake)
S 1019 (Ch. 312) ..... 383, 474, 581, 598, 606, 775.
Burlington/Graham Township Deannexation (Alamance)
H 423 (Ch. 162) ..... 266, 533, 582, 598, 606, 614, 623, 631, 634.
Clayton Satellite Exemption (Johnston)
H 162 (Ch. 63) ..... 177, 241, 413, 535, 542, 546.
Durham Annexation Ordinances (Durham)
S 773 (Ch. 342) ..... 253, 415, 431, 434, 444, 461, 1003, 1016, 1023.
Eden Annexation Contract (Rockingham)
S 792 (H Fin Com) ..... 259, 475, 614, 623, 630.
Eden Contract Negotiation (Rockingham)
S 855 (Ch. 418) ..... 272, 415, 432, 1074, 1082, 1089, 1098, 1110.
H 869 (Ch. 139/see H 799) ..... 442, 583, 599, 605.
Middlesex (Nash)
H 890 (Ch. 480) ..... 776, 1065, 1116, 1133, 1142, 1197, 1210.
Old Fort/Old Morris Farm (McDowell)
H 734 (Ch. 309) ..... 459, 583, 724, 732, 742, 753, 759.
Polkville Deannexation (Cleveland)
H 208 (Ch. 28) ..... 164, 183, 275, 284, 309, 316.
Streets Included for Density Calculation
S 685 (H Fin Com) ..... 225, 232, 613, 724, 731, 743, 754.
Troy, Satellite (Montgomery)
S 711 (Ch. 159) ..... 232, 269, 466, 498, 518, 634.
Water/Sewer Services One-year Limitation
S 686 (LocGov Com) ..... 225.
Building Height Ordinance Sunset Beach (Brunswick)
H 700 (Ch. 181) ..... 386, 613, 624, 648.
Certificate of Participation
Moratorium for Major Projects
S 1276 (reref Fin Com) ..... 735, 1038.

LOCAL GOVERNMENT (continued)
Cities, Towns, and Municipalities [G.S. 160A] (continued)
Charters—see Specific County
Cities in Schools Funds
S 27 [Sec. 39.2](Ch. 321) ..... 810.
Council of Government Funding Criteria
S 27 [Sec. 39](Ch. 321) ..... 809.
Electric Utility Assistance—see **Utilities** (Electricity)
Extraterritorial Jurisdiction
Apex (Wake)
S 1019 (Ch. 312) ..... 383, 474, 581, 598, 606, 775.
Land Use Jurisdiction/Grifton (Pitt)
S 777 (Ch. 53) ..... 253, 361, 378, 531.
Fire Protection—see **Fire Protection**
Incorporation
Carolina Shores Village (Brunswick)
S 667 (H LocGov 1 Com) ..... 211, 241, 372, 378, 386.
Northwest Incorporated (Brunswick)
S 473 (LocGov Com) ..... 144.
H 405 (Ch. 222) ..... 212, 533, 650, 660, 666, 693.
Maintenance and Security District Created (Davie)
S 886 (held in Clerk's office) ..... 289.
Mayor Twelve-year Term Limitation
S 660 (unf rpt) ..... 211, 468.
Mental Health Area Authority Defined
H 536 (reref Fin Com) ..... 584, 720, 1035.
Merger of Hazelwood/Waynesville (Haywood)
H 743 (Ch. 353) ..... 459, 613, 749, 761, 777, 1034.
Metropolitan Sewerage District—see **Water and Sewer**
Municipal Privilege License Tax—see **Taxation** (Privilege)
Permit for Roofing Removal/Replacement
H 844 (Ch. 381) ..... 481, 750, 761, 1015, 1044, 1077.
Property Tax for Public Transit—see under this heading (Finance)
Real Property/Private Sale
Burlington City Schools (Alamance)
H 456 (Ch. 277/see H 544) ..... 220, 651, 662, 734.
New Bern/Neuse River (Craven)
H 456 (Ch. 277/see H 544) ..... 220, 651, 662, 734.
Washington Chamber of Commerce (Beaufort)
H 265 (Ch. 133) ..... 173, 474, 581, 599, 605.
Willard Primary School Property (Pender)
S 727 (Ch. 52) ..... 239, 361, 378, 531.
Road Abandonment/Closing Consent
H 1150 (Rules Com)(In S 27) ..... 676.
School System Merger—see **Education** (School)
Solid Waste—see under this heading (Solid Waste)
Transportation Maintenance Operations Through Agreement
S 168 (GovPerform Com/see H 307) ..... 73.
User Fee on Revenue Source
S 1112 (H 1137)(Ch. 496) ..... 456, 504, 724, 732, 743, 754, 1195, 1208, 1222.
Wastewater Collection/Treatment—see **Water and Sewer Authority**
Water Supply—see **Water**
Zoning—see under this heading (Zoning)
Commissioners—see under this heading (County)
Community Centers—see **Community**
Community Water System Permit—see **Fees; Water**

LOCAL GOVERNMENT (continued)
Condemnation Restrictions
S 87 (J2 Com) ..... 56, 79, 89, 110, 121, 134, 138, 142, 145, 147, 151, 156.
Consolidation of Local Governments [G.S. 160B]
Construction—see **Contractor; Construction**
Contracts—see **Contract; Contractor**
Council of Government, Regional
S 27 [Sec. 39](Ch. 321) ..... 809.
County [G.S. 153A]
Boundaries of Carteret/Craven
H 812 (Ch. 207) ..... 395, 533, 650, 661, 667, 672.
Building Code—see **Building**
Child Protective Services—see **Social Services**
Children's Grants Funds
S 26 [Sec. 85](Ch. 561) ..... 1290.
Commissioners—see also Specific County
Carteret County Terms/Districts
H 726 (Ch. 113) ..... 514, 528, 560, 568, 578, 580.
Child Support Enforcement System Restructured
S 314 (H 272)(reref Appr Com/see H 1319) ..... 100, 208, 466.
Cleveland County Election/District
S 720 (Ch. 89) ..... 238, 359, 378, 573.
License Plate Authorized
S 1151 (H Fin Com) ..... 496, 574, 641, 653, 655, 669, 677.
License Plate, Special
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Membership Increased to Five (Alleghany)
H 517 (Ch. 49) ..... 257, 475, 498, 517, 523.
One Hundred Twenty-fifth Anniversary Recognition
H 181 (Res. 4) ..... 141, 176, 183, 184.
Organizational Meeting in December
H 407 (Ch. 95) ..... 196, 559, 569, 573.
Pender County Districts
S 703 (LocGov Com) ..... 231.
Perquimans County Election/Membership
H 413 (Ch. 96) ..... 196, 559, 567, 573.
Twelve-year Term Limitation
S 660 (unf rpt) ..... 211, 468.
Wake Forest Staggered Terms (Wake)
H 678 (Ch. 118) ..... 314, 582, 590.
Communicable Disease Control Aid—see **Public** (Health)
Community Child Protection Team Established
S 490 (H 367)(reref Appr Com) ..... 160, 288.
Criminal Justice Partnership Act
S 405 (J1 Com) ..... 125.
H 281 (Ch. 534) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1223, 1246.
Criminal Justice Partnership Advisory Board Created
S 405 (J1 Com) ..... 125.
H 281 (Ch. 534) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1223, 1246.

LOCAL GOVERNMENT (continued)
County [G.S. 153A] (continued)
County/City Mandates Without Funds Study (LRC)
H 1319 [Sec. 2.1(24)]
(ordered enrolled)(see S 1270; H 433) ..... 1249, 1320.
Day Care Administration Funds
S 231 (H 211)(Appr Com) ..... 87.
Day Care Programs
S 232 (H 206)(Rules Com) ..... 87.
Fishing License—see **Marine Resources** (Fish)
Funds for Public Purposes (Lee)
S 1118 (Appr Com) ..... 457.
Health Board Membership/Chiropractor
S 867 (H 1088)(Ch&HumRes Com) ..... 278.
Inmate Medical Services Costs Recovered
S 1021 (Ch. 510) ..... 383, 418, 449, 1211, 1214, 1242.
Jobs Tax Credit Qualification
H 654 (Ch. 45) ..... 441, 466, 491, 495, 510.
Littering Violation Reward
H 998 (J1 Com) ..... 629.
Pawn Brokers—see **Pawn Brokers**
Permit for Roofing Removal/Replacement
H 844 (Ch. 381) ..... 481, 750, 761, 1015, 1044, 1077.
Property Tax for Public Transit—see under this heading (Finance)
Public Safety District
Durham/Granville Counties (Butner)
S 285 (GovPerform Com) ..... 95.
H 312 (GovPerform Com) ..... 352.
Real Property/Private Sale
Greensboro Voting Requirement (Guilford)
H 182 (Ch. 92) ..... 155, 559, 567, 573.
New Bern Conveyance (Craven)
H 198 (Ch. 93) ..... 189, 559, 567, 573.
Real Property Lease for Development (Gaston)
H 733 (LocGov Com) ..... 346.
Register of Deeds Salary Reimbursement
H 467 (tabled) ..... 326, 725, 732, 744, 765, 769, 1000.
Roads Named—see **Transportation** (Roads and Highways)
Sales Tax for Schools Restriction
H 136 (Ch. 255) ..... 541, 592, 664, 678, 689, 719.
School Property Acquisition—see **Education** (Property)
Scrap Tire Disposal Reimbursement
S 57 (E&NR Com) ..... 51.
H 83 (Ch. 548) ..... 226, 1035, 1096, 1119, 1145, 1314.
Solid Waste—see under this heading (Solid Waste)
Subdivision Defined (Pasquotank)
H 820 (Ch. 194) ..... 347, 651, 662, 664.
Transportation Services for Pregnant Women on Medicaid
S 27 [Sec. 224](Ch. 321) ..... 939.
Water and Sewer Authority—see **Water and Sewer**
Youth Services Alternative Program
S 27 [Sec. 251](Ch. 321) ..... 947.
Detention Center—see **Prison**
Economic Development—see **Local Development**
Economic Interest Statement File
S 399 (H 282)(reref J2 Com) ..... 121, 188.

LOCAL GOVERNMENT (continued)
Education—see **Education**
Emergency [G.S. 162B]
Hazardous Materials Emergency Response Program
S 72 (H 86)(Mfg&Labor Com)(In S 27) ..... 53.
Eminent Domain—see **Eminent Domain**
Employees
Appeals Process Changes
S 118 (H 193)(H J3 Com) ..... 62, 324, 335.
Black Creek/Public Office Prohibited (Wilson)
H 737 (Ch. 186) ..... 347, 621, 631, 657.
Open Meetings Law Exemption
H 120 (S/H conf com appt'd/see S 417) ..... 195, 206, 213, 430, 433.
Political Activity Limited
H 818 (Ch. 298) ..... 425, 673, 691, 699, 721, 748.
Salary Increase
Water and Sewer Authority Per Diem Increase
S 612 (Appr Com) ..... 194.
Tax Record Confidentiality Violation
H 74 (Rules Com) ..... 1012.
Energy Savings Contracts
S 94 (H 100)(H Envir Com) ..... 57, 710, 1024, 1046.
Exaction Imposed on Development Study (LRC)
S 1181 (H 1413)(Rules Com/see H 1319) ..... 523.
Extraterritorial Jurisdiction—see under this heading (Cities)
Fees—see **Fees**
Finance [G.S. 159]
Bonds
Clean Water Bonds
H 664 (Fin Com)(In S 14) ..... 1073.
Economic Development Financing Bonds Authority
S 1157 (H 1372)(Ch. 497) ..... 497, 516, 558, 568, 569, 577, 578, 594, 1130, 1153, 1205, 1207, 1222.
Election Expense Reimbursement
S 26 [Sec. 25](Ch. 561) ..... 1269.
Revenue/Special Obligation Discretionary Repayment
S 678 (failed 2nd rdg) ..... 218, 414, 724, 732, 742.
Communicable Disease Control Aid—see **Public** (Health)
Fiscal Relationship State/Local Government Study
S 194 (H 267)(Rules Com/see H 1319) ..... 81.
Household Hazardous Disposal Tax Funds
S 54 (reref Fin Com) ..... 50, 564.
Industrial Development—see **Local Development**
Matching Funds—see **Local Development**
Industrial and Pollution Control Multi-county Facility
S 1163 (Ch. 130) ..... 491, 504, 509, 584, 602, 604.
Matching Funds/Child Protective Services
S 27 [Sec. 237](Ch. 321) ..... 943.
Mountain Road Service District
H 604 (Ch. 378) ..... 591, 635, 1024, 1045, 1057, 1077.
Municipal Power Project Bid Exemption
S 470 (H 443)(Ch. 182) ..... 144, 167, 244, 257, 656.
NCSU Centennial Authority
S 1053 (H Appr Com) ..... 408, 751, 1096, 1119, 1144.
H 1003 (H Appr Com) ..... 1130, 1148, 1198.
Partnership for Children, Inc. Funds
S 27 [Sec. 254; 255](Ch. 321) ..... 948, 951.

LOCAL GOVERNMENT (continued)
Finance [G.S. 159] (continued)
Power Agency Investment
H 1167 (Ch. 445) ..... 592, 690, 760, 1096, 1126, 1139.
Public Transit
Regional Transportation Authority Tax Proceeds
S 63 (H 154)(Ch. 382) ..... 51, 79, 713, 728, 1054, 1072, 1077.
Revenue/Tax-sharing Funds Security
S 27 [Sec. 26](Ch. 321) ..... 799.
S 48 (H 134)(reref Appr Com) ..... 49, 52, 361, 370.
Revolving Loan Fund Repeal (Robeson)
H 491 (Ch. 224) ..... 256, 560, 674, 686, 693.
Sales and Use Tax Collection/Distribution
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
Sales Tax Distribution Agreement (Pender)
S 707 (Fin Com) ..... 232.
H 763 (Fin Com) ..... 513, 528, 651.
Sales Tax for Schools/Water/Sewer
H 136 (Ch. 255) ..... 541, 592, 664, 678, 689, 719.
Shared Tax Revenue Reduction/Water Funds
S 26 [Sec. 23](Ch. 561) ..... 1268.
Special Obligation Bond Authority
S 694 (Fin Com) ..... 226.
Tax Collection Distribution
S 27 [Sec. 26](Ch. 321) ..... 799.
Tax Lien Priority
S 941 (reref W&M Com) ..... 325, 1025, 1034, 1144.
Transportation Authority Installment Contract
S 687 (reref Fin Com) ..... 225, 263.
Water Supply Systems Funding
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .. 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Fire Protection—see **Fire Protection**
Garbage—see under this heading (Solid Waste)
Global TransPark Development Zone Created
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Gun Permit—see **Criminal Law** (Weapons)
Hazardous Waste—see under this heading (Solid Waste)
Health Department—see **Public** (Health)
Historic Preservation—see **Historic Properties**
Housing Authority Jurisdiction
S 516 (H 730)(Ch. 458) ..... 172, 217, 372, 388, 397, 1200.
Incorporation—see under this heading (Cities, Towns, and Municipalities)
Industrial Development—see **Local Development**
Intangibles Tax—see **Taxation** (Intangibles)
Jail—see **Prisons**
Law Enforcement—see **Law Enforcement**
Mapper Employment Requirement
S 833 (reref Fin Com) ..... 265, 474.
H 924 (Ch. 326) ..... 592, 651, 749, 764, 779, 1002, 1099.

LOCAL GOVERNMENT (continued)
Occupancy Tax—see **Taxation**; Specific County
Ordinance
Authority/Recycling Required
S 53 (H 82)(Ch. 165) ..... 50, 217, 229, 234, 643.
Low-Level Radioactive Waste Regulations
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.
Nags Head Beach Fishing Activity (Dare)
H 703 (Ag/MarRes&W Com) ..... 441.
Smoking in Public Places
H 957 (Ch. 367) ..... 512, 529, 760, 779, 1000, 1068.
Park and Recreation Programs, Local
S 733 (H Appr Com) ..... 249, 564, 748, 762, 777.
Precinct Boundary—see **Election**
Property Tax Record Defined Public
H 74 (Rules Com) ..... 1012.
Purchase of Equipment/Supplies
H 1046 (Rules Com) ..... 696.
Purchasing Agent Gift Prohibited
S 760 (H 21)(H Fin Com) ..... 251, 417, 435.
Real Estate Transaction/Public Record Exemption
S 755 (J2 Com) ..... 251.
Real Property Acquisition
H 856 (Ch. 266) ..... 425, 651, 660, 668, 677, 723.
Real Property/Private Sale
Burlington/Lake McIntosh (Alamance)
H 424 (Ch. 276) ..... 227, 559, 713, 727, 734.
Voting Requirement/Non-profit Entity
S 897 (Ch. 491) ..... 311, 416, 432, 433, 1206, 1209, 1222.
Recycling Program—see under this heading (Solid Waste)
Regional Facility Creation/Powers
S 1053 (H Appr Com) ..... 408, 751, 1096, 1119, 1144.
H 1003 (H Appr Com) ..... 1130, 1148, 1198.
Regional Government Study (LRC)
S 1269 (Rules Com/see H 1319) ..... 711.
Register of Deeds—see **Register of Deeds**; Specific County
Regulated Metals Property/Recycling
S 1006 (Ch. 295) ..... 376, 410, 511, 512, 738, 745, 747.
Retirement—see **Retirement** (Local Government)
Sanitary District—see **Water and Sewer Authority**
School—see **Education**; Specific County
Smoking—see under this heading (Ordinance)
Social Services—see **Social Services**
Solid Waste
Fee Increase
S 51 (reref E&NR Com) ..... 50, 375, 675.
Financial Responsibility Requirements
S 1164 (Ch. 273) ..... 491, 504, 509, 734.
Hazardous Material
Disposal Site Requirements
S 54 (reref Fin Com) ..... 50, 564.
Low-Level Radioactive Waste Regulations
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.

LOCAL GOVERNMENT (continued)
Solid Waste (continued)
Recycling
Local Ordinance Authority
S 53 (H 82)(Ch. 165) ..... 50, 217, 229, 234, 643.
White Goods Disposal
S 60 (H 67)(Ch. 471) ..... 51, 223, 682, 696, 704, 713, 1075, 1082, 1090, 1091, 1111, 1135, 1140, 1196, 1197, 1210.
Streets
Closing/Appeal Procedures, Utilities Easements
S 772 (Ch. 149) ..... 253, 416, 436, 612, 625, 627.
Improvements
Oxford Sidewalk Assessment (Granville)
H 879 (Ch. 240) ..... 347, 560, 674, 686, 698, 701.
Naming—see **Transportation** (Roads and Highways)
Thoroughfare Plan Implementation/Assistance
H 815 (Ch. 478) ..... 442, 746, 753, 1015, 1019, 1020, 1029, 1042, 1210.
Tax—see **Taxation**
Utilities—see **Utilities**
Water Acquisition—see **Water**
Water and Sewer—see **Water and Sewer Authority**
Zoning
ABC Permit/Zoning Regulations Satisfied
S 61 (H J1 Com) ..... 51, 416, 433.
Adjustment Board Overruled (Craven)
H 380 (Ch. 177) ..... 189, 614, 623, 648.
Authority to Planning Agency (Gaston/Cabarrus)
H 575 (Ch. 247) ..... 314, 651, 660, 677, 709.
Denton Notice Requirements (Gaston)
H 803 (Ch. 154/see H 799) ..... 442, 613, 624, 627.
Durham City Delegate Authority (Durham)
H 687 (Ch. 264) ..... 326, 675, 686, 692, 723.
Economic Development/Regional Government Study (LRC)
S 1269 (Rules Com/see H 1319) ..... 711.
Notice Exemption (Rockingham/Forsyth)
S 817 (Ch. 271/see H 799) ..... 261, 415, 432, 726, 733.
Notice Requirement Exemption/Local Act Repeal
H 799 (Ch. 469) ..... 314, 710, 729, 741, 766, 1080, 1086, 1130, 1164, 1193, 1201.
Ordinance Exemption (Nash)
S 1082 (Ch. 296/see H 799) ..... 438, 475, 500, 726, 732, 742, 743, 747.
Piedmont Triad Economic Development Zone
S 1291 (EconDev Com) ..... 737.
Representation of Extraterritorially-Zoned Areas Study (LRC)
H 1319 [Sec. 2.1 (53)](ordered enrolled) (see S 1270; H 1284) ..... 1249, 1320.
Stokes/Watershed Zoning Notice Exemption
S 855 (Ch. 418) ..... 272, 415, 432, 1074, 1082, 1089, 1098, 1110.
H 869 (Ch. 139/see H 799) ..... 442, 583, 599, 605.
Southport No-wake Zone (Brunswick)
H 493 (Ch. 67) ..... 227, 532, 542, 546.

LOCAL GOVERNMENT (continued)
Zoning (continued)
Watershed
Notice Exemption (Stokes)
S 855 (Ch. 418) ..... 272, 415, 432, 1074, 1082, 1089, 1098, 1110.
H 869 (Ch. 139/see H 799) ..... 442, 583, 599, 605.
Notice Exemption (Watauga)
H 870 (Ch. 156/see H 799) ..... 459, 583, 599, 627.
Notice Requirement (Wilkes)
H 804 (Ch. 101/see H 799) ..... 347, 533, 543, 573.
Ordinance Exemption (Franklin)
S 1082 (Ch. 296/see H 799) ..... 438, 475, 500, 726, 732, 742, 743, 747.
Water Supply Watershed Protection Notice Exemption
H 860 (Ch. 267/see H 799) ..... 459, 676, 687, 723.
LOCAL OCCUPANCY TAX—see **Taxation** (Occupancy); Specific County
LOCKSMITH
Licensing and Regulation
S 1039 (held in Clerk's office) ..... 407.
LONG-TERM CARE—see **Medicine**
LONGEVITY PAY—see **State** (Personnel—Salaries)
LOST RECORDS [G.S. 98]
LOTTERY, STATE—see also **Criminal Law** (Gambling)
Homestead Exemption Deferral/Increase
S 1143 (Fin Com) ..... 479.
LOVETT, WILLIE C.—Memorializing
H 522 (Res. 12) ..... 383, 391.
LOW-LEVEL RADIOACTIVE WASTE [G.S. 104F; 104G]
—see also **Public** (Health—Hazardous Waste)
G.S. 104F Repeal Proposed
S 1153 (J1 Com) ..... 497.
LOW-PERFORMING SCHOOL UNITS—see **Education**
LP GAS (Liquified Petroleum)—see **Energy** (Gasoline and Oil)
LRC (Legislative Research Commission)—see **Studies**

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MACHINERY ACT—see **Taxation** (Property)
MACON COUNTY—District 29—Senator Clark Plexico
—District 42—Senator Robert C. Carpenter
Roads Named Unincorporated Areas
S 83 (H ppi) ..... 55, 135, 142.
H 160 (Ch. 62) ..... 151, 475, 498, 518, 546.
Roadside Hunting Exemption
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
Whitetail Deer Hunting from Right-of-Way
S 222 (Ch. 104) ..... 86, 146, 151, 156, 176, 182, 547, 564, 578, 580.
MADISON COUNTY—District 28—Senator Herbert L. Hyde
—Senator Dennis J. Winner
Beaver Season Exemption
S 457 (Ch. 33) ..... 137, 160, 164, 178, 339.

MADISON COUNTY (continued)
Community College Trustee Association/Region One
H 559 (Ch. 69) ..... 385, 536, 543, 546.
Hunting from Road Prohibited
H 600 (Ch. 70) ..... 257, 532, 542, 546.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
MAGISTRATES—see **Judicial Department**
MAJOR MEDICAL PLAN, COMPREHENSIVE—see **State** (Personnel)
MAJORITY PARTY OFFICERS—see **Senate** (Party Officers)
MALPRACTICE—see **Insurance**
MAMMOGRAM—see **Insurance** (Health)
MANAGED CARE—see **Insurance** (Preferred Provider)
MANAGED COMPETITION ACT/HEALTH CARE REFORM
—see **Insurance** (Health)
MANICURIST—see **Cosmetic Art**
MANUFACTURED HOUSING—see **Housing**
MANUFACTURER—see **Commerce and Business; Taxation** (Property)
MAPS/PLATS—see also **Register of Deeds**
Coastal Boating Guide—see **Boating and Water Safety**
Property Mapper Certification
S 833 (reref Fin Com) ..... 265, 474.
H 924 (Ch. 326) ..... 592, 651, 749, 764, 779, 1002, 1099.
Zoning Notice Requirements
H 799 (Ch. 469) ..... 314, 710, 729, 741, 766, 1080, 1086, 1130, 1164, 1193, 1201.
MARINA—see **Boating and Water Safety**
MARINE RESOURCES
Aquaculture—see also under this heading (Fish)
Mountain Aquaculture Research Center Funds/WCU
S 27 [Sec. 96](Ch. 321) ..... 847.
S 156 (H 119)(Appr Com) ..... 70.
S 1005 (Appr Com)) ..... 376.
Aquarium
Environment, Health, and Natural Resources Department Transfer
S 27 [Sec. 28](Ch. 321) ..... 805.
Boats—see **Boating and Water Safety**
Commission—see **Boards and Commissions** (Commission)
Crab
Agricultural Employment Definition
H 1047 (Ch. 300) ..... 395, 700, 707, 748.
License
S 100 (H 125)(Ch. 466) ..... 57, 113, 128, 1078, 1092, 1111, 1125, 1163, 1201.
Fish
Coastal Fish Marketing Endorsement
H 297 (Ch. 515/see H 544) ..... 1039, 1092, 1116, 1147, 1198, 1243.
Coastal Fishing Commercial Net Study (LRC)
H 1319 [Sec. 2.1(46; 51)]
(ordered enrolled)(see S 1270; H 1156; H 1282) ..... 1249, 1320.
Consolidated Vessel License
H 297 (Ch. 515/see H 544) ..... 1039, 1092, 1116, 1147, 1198, 1243.
Freshwater Fish/Crustacean Species Commercial Regulation
S 99 (H 111)(Ch. 18) ..... 57, 146, 152, 156, 159, 263.
Hook/Line Allowed Without License (Dare)
H 589 (Ag/MarRes&W Com) ..... 326.
License, Age 65
S 126 (Ag/MarRes&W Com) ..... 63.

MARINE RESOURCES (continued)
Fish (continued)
License Restructuring
S 591 (H Rules Com) ..... 192, 557, 649, 660, 678, 688.
Marine Fisheries
Agriculture Cost Share Program
Technical Review Committee Designee
S 27 [Sec. 261](Ch. 321) ..... 956.
Commission/Commercial Fisherman's Spouse
S 97 (H 32)(Ch. 8/see S 27) ..... 57, 113, 128, 175.
Commission Representation
S 27 [Sec. 263](Ch. 321) ..... 956.
Endorsement to Sell Fish Authority
H 297 (Ch. 515/see H 544) ..... 1039, 1092, 1116, 1147, 1198, 1243.
Inspector Assist in Law Enforcement Proposed
H 179 (Ch. 513/see S 597; H 570) .... 177, 1107, 1120, 1121, 1243.
Nags Head Commercial Fishing Activity Regulation (Dare)
H 703 (Ag/MarRes&W Com) ..... 441.
Seafood
Seafood Industrial Park Authority
Appointment by Lieutenant Governor (Langley)
S 1124 [Sec. 23](H 826)
(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Fees
H 547 (Ch. 323) ..... 281, 748, 763, 778, 1002.
Purposes
H 474 (Ch. 278) ..... 514, 527, 710, 729, 734.
Weapons Prohibition
H 548 (J1 Com) ..... 482.
Seafood Laboratory
Funds
S 27 [Sec. 99](Ch. 321) ..... 848.
Program/North Carolina State University
S 27 [Sec. 99](Ch. 321) ..... 848.
S 420 (H 259)(reref CapExp Com) ..... 126, 769.
Shellfish
Core Sound Shellfish Leases
H 416 (Ch. 44) ..... 212, 418, 419, 430, 434, 448, 472, 510.
Enhancement Program Funds
S 98 (H 30)(Appr Com)(In S 27) ..... 57.
Environment, Health, and Natural Resources
Secretary Grant Lease
S 100 (H 125)(Ch. 466) ..... 57, 113, 128, 1078, 1092, 1111, 1125, 1163, 1201.
Lease Authority, Cultivation
S 100 (H 125)(Ch. 466) ..... 57, 113, 128, 1078, 1092, 1111, 1125, 1163, 1201.
Leasing Programs Study
H 1319 [Sec. 4.1](ordered enrolled)
(see S 1270; H 810) ..... 1249, 1320.
Oyster Management
S 27 [Sec. 263](Ch. 321) ..... 956.
Water Column Leases Modified
S 96 (reref Fin Com) ..... 57, 113.
H 31 (Ch. 322) ..... 239, 609, 749, 763, 778, 1002.

MARINE RESOURCES (continued)
Fish (continued)
Shellfish (continued)
Water Column Lease/Perpetual Franchises
S 100 (H 125)(Ch. 466) ..... 57, 113, 128, 1078, 1092, 1111, 1125, 1163, 1201.
Trout Production Project in Graham County
S 27 [Sec. 96](Ch. 321) ..... 847.
S 1005 (Appr Com) ..... 376.
Lakes
High Rock Lake Marine Commission Established
S 724 (Ch. 355) ..... 238, 418, 615, 622, 630, 1052.
Lake Benson Park Development Funds
S 1210 (H 1476)(reref CapExp Com) ..... 575, 772.
Littering
Water Pollution Study
S 100 (H 125)(Ch. 466) ..... 57, 113, 128, 1078, 1092, 1111, 1125, 1163, 1201.
Marine Affairs
Environment, Health, and Natural Resources Department
Reorganizational Transfer/Staff Reduction
S 27 [Sec. 28](Ch.321) ..... 805.
S 244 (GovPerform Com/see S 315; H 369) ..... 89.
Office Transfer
S 27 [Sec. 28](Ch. 321) ..... 805.
Marine Fisheries—see under this heading (Fish)
Marine Science Funds—see **Higher Education** (UNC)
Museum—see **Museum**
Navigation Rules—see **Navigation**
Oyster—see under this heading (Fish—Shellfish)
Ports—see **Commerce and Business**
Seafood and Aquaculture Commission
—see **Boards and Commissions** (Legislative)
Water Transfer—see **Water**
MARITAL PROPERTY DISTRIBUTION
—see **Married Persons** (Divorce)
MARRIAGE [G.S. 51]
Health Certificate License Requirement Repealed
S 453 (H Hlth Com) ..... 137, 167, 445, 450, 477.
Marriage and Family Therapy Licensure Act
S 478 (Ch&HumRes Com) ..... 154, 316.
H 233 (reref Fin Com) ..... 696, 749.
Premarital Agreement [G.S. 52B]
MARRIED PERSONS [G.S. 52]
Child Custody—see **Child**
Child Welfare—see **Child**
Child Support—see under this heading (Divorce)
Counselor Regulation/Licensure
S 255 (reref W&M Com) ..... 92, 154, 266, 374, 673, 690.
H 218 (Ch. 514) ..... 741, 1115, 1147, 1243.
Credit Card Advance—see **Banks** (Credit Card)
Displaced Homemaker Program Funds
S 1093 (H 1269)(reref CapExp Com) ..... 439, 657, 1018.
Dispute Resolution
Dispute Settlement Center
Gaston/Robeson Center Funds
S 1171 (H 1396)(Appr Com) ..... 521.

MARRIED PERSONS [G.S. 52] (continued)
Divorce
Alimony Bar Association Recommendation
S 874 (J1 Com) ..... 279.
H 978 (J1 Com) ..... 512, 529.
Child Support
Age 20 or Graduation
H 402 (Ch. 335) ..... 409, 540, 550, 555, 561, 569, 579, 665, 670, 1008, 1013, 1019.
Collection Cost Funds (*Cassell v. Britt*)
S 27 [Sec. 219](Ch. 321) ..... 930.
Income Withholding/Non-IV-D Cases
H 538 (Ch. 517/see H 544) .... 441, 1151, 1152, 1199, 1207, 1243.
System Restructured
S 314 (H 272)(reref Appr Com/see H 1319) ..... 100, 208, 466.
Education Program for Couples Study (LRC)
H 1319 [Sec. 2.1(45)](ordered enrolled) (see S 1270; H 1148) ..... 1249, 1320.
Equitable Distribution
Inventory Affidavit Exchange
H 937 (Ch. 209) ..... 515, 529, 620, 632, 644, 672.
Study (LRC)
H 1319 [Sec. 2.1(70)](ordered enrolled) (see S 1270; H 1452) ..... 1249, 1320.
Surname Resumption
H 1133 (reref J2 Com) ..... 442, 622.
Domestic Violence—see under this heading (Family Violence)
Family Violence
Domestic Violence Center Funds
S 26 [Sec. 30](Ch. 561) ..... 1271.
S 27 [Sec. 31](Ch. 321) ..... 808.
Domestic Violence Program Funds
S 663 (Appr Com) ..... 211.
Magistrate in *Ex Parte* Relief
H 216 (J1 Com) ..... 281.
Mediation Services Center/Eastern North Carolina
S 27 [Sec. 200.2](Ch. 321) ..... 906.
S 1107 (reref CapExp Com) ..... 455, 772.
Rape/Abolish Spousal Defense
S 251 (J1 Com) ..... 91.
H 214 (Ch. 274) ..... 266, 705, 729, 734.
Surviving Spouse—see **Estate**
Tax Return—see **Taxation** (Income)
Wills—see **Estate**

MARSHALL, Elaine—Senator **Harnett,** Johnston (part), Lee (part), Sampson (part)— **15th District**
Absent With Leave ..... 179, 572.
Adjournment Motion—Second ..... 28, 196, 1233.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 34, 36, 38, 41.
Standing—
Banks and Thrift Institutions (Vice-Chairman)
Agriculture, Marine Resources, and Wildlife—
Appropriations—Appropriations on Justice and Public Safety—
Education/Higher Education—Judiciary I—
Local Government and Regional Affairs

MARSHALL, Elaine—Senator (continued)
Committee Assignments (continued)
Select—
Government Performance Audit
S 906 (Worker's Compensation) ..... 540.
Statutory—
Capital Planning Commission, North Carolina ..... 380.
Ethics Committee, Legislative ..... 585.
Highway Oversight Committee, Joint Legislative ..... 248.
Conference—
S 100 ..... 1092, 1126.
H 485 ..... 758, 1032.
H 1008 ..... 1127, 1248.
Escorts—
Bob J. Nash ..... 1029.
Honorable James G. Exum, Jr., Chief Justice ..... 214.
Honorable Albert Gore, Jr., United States Vice President ..... 90.
Funeral Delegate—
Mrs. Johnnie Smith ..... 178.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 559, 708, 778, 802, 911, 954, 955, 1030, 1039, 1078, 1108, 1117, 1118, 1119, 1249, 1251.
Co-Sponsor ..... 20, 29, 36, 37, 38, 39, 40, 61, 68, 248, 251, 256, 336, 341, 419, 422, 424, 454, 457, 478, 479, 484, 502, 534, 572, 581, 607, 664, 665, 671, 675, 676, 677, 696, 770, 771, 779, 780, 793, 843, 852, 863, 873, 874, 875, 876, 888, 896, 904, 914, 934, 964, 965, 969, 970, 976, 984, 993, 1012, 1029, 1041, 1042, 1092, 1093, 1129, 1143, 1174, 1200, 1245, 1250.
MARSHALL, Thurgood—Memorializing
United States Supreme Court Justice
S 68 (Res. 5) ..... 52, 54, 197.
MARTIN COUNTY—District 6—Senator R. L. Martin
—District 9—Senator Ed N. Warren
Northeast Regional Education Center Construction
S 992 (Ch. 404) ..... 375, 454, 470, 1074, 1083, 1088.
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
Pistol Permit Fee $20
H 715 (Ch. 205) ..... 441, 650, 661, 667, 672.
Teacher Support, Collaborative
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
MARTIN LUTHER KING, JR. COMMISSION
—see **Boards and Commissions**
MARTIN, R. L. "Bob"—Senator Edgecombe (part), Martin (part), **Pitt** (part), Washington (part), Wilson (part)—**6th District**
Absent With Leave ..... 545.
Adjournment Motion—Second ..... 166, 1021.
Certificate of Election ..... 6.

MARTIN, R. L. "Bob"—Senator (continued)
Committee Assignments ..... 34, 35, 36, 39, 40, 41, 65.
Standing—
Appropriations on Natural and Economic Resources (Chairman)
State Personnel and State Government (Vice-Chairman)
Appropriations—Capital Expenditures and Improvements—
Economic Development/Travel and Tourism—Public Utilities—
Rules and Operation of the Senate—Ways and Means
Statutory—
Governmental Operations Commission, Joint Legislative ..... 112.
Highway Oversight Committee, Joint Legislative ..... 248.
Conference—
S 27 ..... 600, 781.
S 853 ..... 1109, 1231.
H 416 ..... 434, 449.
Escorts—
President *Pro Tempore*-elect ..... 14.
Oath of Office ..... 7.
Remarks Spread—
Thompson Eulogy ..... 1161.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 249, 333, 439, 485, 486, 515, 1107, 1223, 1225, 1284.
Co-Sponsor ..... 18, 31, 32, 33, 34, 35, 45, 46, 62, 63, 64, 72, 74, 75, 81, 82, 197, 341, 422, 440, 446, 478, 479, 482, 518, 519, 520, 521, 556, 572, 576, 577, 578, 664, 665, 674, 676, 692, 694, 696, 751, 752, 753, 754, 755, 756, 766, 770, 771, 780, 852, 853, 862, 872, 876, 878, 888, 891, 893, 904, 920, 956, 969, 973, 976, 993, 1012, 1013, 1029, 1052, 1174, 1188, 1191, 1195, 1200, 1202, 1234, 1245, 1250.
Endorsement Withdrawn—
S 906 ..... 348.

MARTIN, William N. "Bill"—Senator Guilford (part)**—31st District**
Absent With Leave ..... 681.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 37, 38, 39, 40, 41, 42, 64.
Standing—
Appropriations (Vice-Chairman)
Appropriations on General Government (Vice-Chairman)
Capital Expenditures and Improvements—Children and
Human Resources—Insurance—Judiciary II—
State Personnel and State Government
Select—
Government Performance Audit (Chairman)
Statutory—
Advisory Budget Commission ..... 380.
Conference—
S 27 ..... 600, 781.
H 101 ..... 642, 1008.
H 402 ..... 671, 1008.
Escorts—
Kelly Marks ..... 162.
Oath of Office ..... 7.
Remarks Spread—
Jeralds Eulogy ..... 106.

MARTIN, William N. "Bill"—Senator (continued)
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 12, 13, 22, 112, 113, 114, 115, 116, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 152, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 325, 327, 328, 329, 330, 331, 332, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 408, 409, 410, 411, 412, 413, 414, 415, 416, 426, 621, 672, 909, 1057, 1079, 1092, 1135, 1136, 1180, 1233, 1236, 1252, 1263.
Co-Sponsor ..... 11, 48, 61, 68, 77, 78, 91, 92, 93, 94, 95, 107, 108, 109, 122, 162, 163, 164, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 236, 251, 252, 253, 255, 256, 336, 337, 341, 419, 421, 422, 440, 442, 446, 454, 471, 478, 553, 572, 674, 675, 676, 683, 696, 723, 770, 771, 835, 836, 858, 876, 878, 881, 891, 892, 893, 919, 920, 934, 949, 956, 964, 966, 969, 970, 973, 993, 1029, 1041, 1042, 1062, 1069, 1093, 1122, 1134, 1174, 1184, 1190, 1200, 1202, 1250.
Endorsement After First Reading—
S 48 ..... 52.
MASSAGE—see Medicine (Therapy)
MATERNAL AND CHILD HEALTH
Abortion
Bomb Threat—see **Criminal Law** (Felony)
Clinic Operation Rules
S 641 (J2 Com) ..... 209.
Eligibility Criteria
S 27 [Sec. 259.1](Ch. 321) ..... 954.
Birth Control
Norplant Implantation Availability
S 1154 (reref Appr Com) ..... 497, 590.
Child Fatality Prevention Team
S 490 (H 367)(reref Appr Com) ..... 160, 288.
Child Fatality Review/Prevention System
S 494 (H 359)(Ch&HumRes Com)(In S 27) ..... 161.
Funding Reversion Exemption
S 27 [Sec. 275](Ch. 321) ..... 960.
Infant Mortality
Initiatives Funding
S 1029 (Appr Com)(In S 27) ..... 391.
Medicaid—Eligible Women Services
S 27 [Sec. 223](Ch. 321) ..... 939.
Programs Effectiveness Evaluation Funds
S 27 [Sec. 284](Ch. 321) ..... 966.

MATERNAL AND CHILD HEALTH (continued)
Infant Mortality (continued)
Review/Prevention System, Statewide
S 494 (H 359)(Ch&HumRes Com)(In S 27) ..... 161.
Statistics Center/Research
S 495 (H 360)(Ch&HumRes Com) ..... 161.
Inmate Visitation Program
S 27 [Sec. 172](Ch. 321) ..... 897.
Lead Poisoning Prevention Funds
S 27 [Sec. 280](Ch. 321) ..... 964.
Maternity Leave—see **Parent** (Rights)
Pregnancy
Adolescent Pregnancy Prevention Initiatives
S 27 [Sec. 276](Ch. 321) ..... 961.
S 1040 (reref Appr Com)(In S 27) ..... 407, 563.
Aid to Families With Dependent Children Eligibilty
S 27 [Sec. 230](Ch. 321) ..... 941.
Medicaid-Eligible Services
S 27 [Sec. 223; 224](Ch. 321) ..... 939.
Obstetrical Care Incentive in Rural Area
S 27 [Sec. 283](Ch. 321) ..... 965.
Women, Infants, and Children Program Funds
S 27 [Sec. 279](Ch. 321) ..... 963.
MATHEMATICS AND SCIENCE SCHOOL—see **Higher Education** (UNC)
MAYOR
—see **Local Government** (Cities, Towns, and Municipalites); Specific County
McDOWELL COUNTY—District 28—Senator Herbert L. Hyde
—Senator Dennis Winner
Alcoholic Beverage Control Permit Issuance
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Beaver Season Exemption
S 457 (Ch. 33) ..... 137, 160, 164, 178, 339.
Juvenile Court Jurisdiction Pilot Program
H 283 (Ch. 47) ..... 346, 445, 490, 523.
Mobile Preschool Pilot Program
S 27 [Sec. 137](Ch. 321) ..... 870.
Old Fort
Absentee Voting
H 435 (Ch. 35) ..... 227, 324, 334, 339.
Morris Farm Tract Annexation
H 734 (Ch. 309) ..... 459, 583, 724, 732, 742, 753, 759.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
MCNC (Microelectronics Center for North Carolina)
—see **Microelectronics Center**
MECKLENBURG COUNTY—District 33—Senator James F. Richardson
—District 34—Senator T. L. "Fountain" Odom
—District 35—Senator John G. Blackmon
—District 40—Senator Leslie Winner
Alcoholic Beverages Hours of Sale
S 797 (reref EconDev Com) ..... 260, 317, 326, 373, 404, 419.
Arthritis Patient Services Funds
S 1189 (H 1200)(reref CapExp Com) ..... 541, 774.
Board of Commissioners
Election/Redistricted
S 613 (Ch. 167) ..... 194, 414, 431, 433, 635, 643.

MECKLENBURG COUNTY (continued)
Building Code Review
Residential Plan Exemption
S 897 (Ch. 491) ..... 311, 416, 432, 433, 1206, 1209, 1222.
H 883 (Ch. 387) ..... 481, 1065, 1070, 1078.
Charlotte
Bid Threshhold Raised
H 840 (Ch. 229) ..... 386, 675, 687, 694.
Charlotte Hornet Economic Contributions Recognized
S 1250 (H fails to accept) ..... 683, 739, 746.
Coliseum Property Public/Private Development
S 768 (Ch. 417) ..... 252, 416, 432, 1110.
Computers/Electronic Equipment Bid Exemption
H 882 (Ch. 196) ..... 353, 614, 621, 637, 664.
Economic Development Prospective Revenue
H 466 (Ch. 246/see S 708; H 544; H 791) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
Housing Property Transaction Threshhold/City Manager
S 782 (Ch. 60) ..... 254, 415, 432, 546.
Idustrial Development Authority
S 767 (Ch. 174) ..... 252, 360, 415, 431, 470, 498, 629, 637, 645, 646.
Motor Vehicle Tax Levy/$30.00
S 822 (Ch. 345) ..... 262, 361, 558, 566, 577, 593, 602, 1004, 1016, 1023.
Park Ranger/Peace Officer Authority
H 814 (Ch. 477) ..... 347, 1011, 1023, 1099, 1117, 1210.
Sludge Management Facility Construction
H 847 (Ch. 171) ..... 442, 613, 620, 637, 644.
Charlotte-Mecklenburg
Board of Education Nonpartisan Plurality Election
S 613 (Ch. 167) ..... 194, 414, 431, 433, 635, 643.
World Class Pilot School Reporting Requirements
S 123 (H 50)(Ch. 103) ..... 62, 414, 437, 463, 472, 580.
Condemnation Commissioner Approval
S 87 (H J2 Com) ..... 56, 79, 89, 110, 121, 134, 138, 142, 145, 147, 151, 156.
Economic Development Prospective Revenue
H 466 (Ch. 246/see S 708; H 544; H 791) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
Industrial Development Authority
S 767 (Ch. 174) ..... 252, 360, 415, 431, 470, 498, 629, 637, 645, 646.
Matthews
Motor Vehicle Tax Levy/$30.00
S 822 (Ch. 345) ..... 262, 361, 558, 566, 577, 593, 602, 1004, 1016, 1023.
Mountain Island Lake Park Funds
S 1246 (reref CapExp Com) ..... 658, 772.
Mountain Island Lake Park Study
S 1275 (Rules Com) ..... 735.
Public Records Exemption/Geographical Information
H 143 (Ch. 82) ..... 158, 474, 498, 517, 535, 556.
Registration Criteria for Voting Machine Distribution
H 829 (Rules Com) ..... 605.

MECKLENBURG COUNTY (continued)
Thoroughfare Construction Assistance
H 815 (Ch. 478) ..... 442, 746, 753, 1015, 1019, 1020, 1029, 1042, 1210.
University of North Carolina-Charlotte—see **Higher Education** (UNC)
Zoning Notice Requirement Exemption
Cornelius, Davidson, Huntersville
S 769 (Ch. 411/see H 799) ..... 252, 361, 378, 1068, 1082, 1089, 1098.
MEDIATION SERVICES
Eastern North Carolina Center
S 27 [Sec. 200.1](Ch. 321) ..... 906.
S 1107 (reref CapExp Com) ..... 455, 772.
Funds from Lapsed Salaries
S 27 [Sec. 25](Ch. 321) ..... 798.
Industrial Commission—see **Industrial Commission**
Married Persons—see **Married Persons** (Family Violence)
OAH Mediation Program
S 986 (H J3 Com) ..... 359, 454, 490.
H 657 (Ch. 363/see S 27) ..... 514, 528, 720, 1026, 1049, 1053.
Programs Study by Administrative Office of the Courts
S 27 [Sec. 200](Ch. 321) ..... 906.
Superior Court Action Settlement Conference Pilot Program
H 1091 (J2 Com) ..... 512, 530.
MEDICAID/MEDICARE
Fletcher/Jeralds Health Reform Act
S 554 (reref Rules Com/see H 729; H 1319) ..... 182, 236, 248, 267, 703.
H 612 (Rules Com) ..... 319.
Medicaid
Adopted Children With Special Needs Coverage
S 338 (H 245)(reref Appr Com) ..... 114, 167.
Budget Projection Staff/Agency Communication
S 200 (reref Appr Com/see H 310; H 313) ..... 82, 201.
"Bundled" Payment/Out-Patient Hospital Services
S 214 (reref Appr Com/see H 313) ..... 83, 202.
Carolina Access Program
Eye Care
S 27 [Sec. 238](Ch. 321) ..... 943.
Eye Care Repeal
S 26 [Sec. 92](Ch. 561) ..... 1293.
Statewide
S 361 (reref Appr Com/see H 313) ..... 116, 208.
Statewide/Risk-Sharing
S 199 (GovPerform Com/see H 313) ..... 82.
Child Coverage
S 4 (Appr Com) ..... 29.
Childhood Vaccine Reimbursement
S 27 [Sec. 282](Ch. 321) ..... 965.
Co-Payment for In-Patient Hospital/Other Services
S 212 (reref Appr Com/see H 313) ..... 83, 202.
Cost Control Policy/Strategy
S 201 (reref Appr Com/see H 313) ..... 82, 202.
Coverage/Family Income Below Poverty Level
S 428 (H 241)(Appr Com) ..... 127.
Developmentally Disabled In-Home Care Initiative
S 359 (reref Appr Com/see H 370) ..... 116, 204.
Diagnosis-Related Group Reimbursement System
S 208 (reref Appr Com/see H 313) ..... 83, 202.

MEDICAID/MEDICARE (continued)
Medicaid (continued)
Drug Purchasing Alternative
S 202 (reref Appr Com/see H 313) ..... 82, 202.
Eligibility for Disabled/Aged
S 339 (H 243)(Ch&HumRes Com) ..... 114.
Eligibility System Plan
S 26 [Sec. 84](Ch. 561) ..... 1290.
ERISA Benefit Exclusion Provision
S 27 [Sec. 238.1](Ch. 321) ..... 943.
Families With Dependent Children Increase
S 1041 (H 1450)(reref Appr Com) ..... 407, 538.
Handicapped Coverage
S 5 (reref Appr Com) ..... 29, 79.
Hospital Contracts for Reduced Rates
S 363 (reref Appr Com/see H 313) ..... 117, 203.
ICF/MR Reimbursement Methodology
S 209 (reref Appr Com/see H 375)(In S 27) ..... 83, 202.
Long-Term Care Beds Reimbursement System
S 210 (GovPerform Com/see H 313) ..... 83.
Long-Term Care Study (LRC)
S 1251 (Rules Com/see H 1319) ..... 683.
Managed Care Options Expanded
S 211 (reref Appr Com/see H 313) ..... 83, 202.
Medicaid Management Information System (MMIS) Replaced
S 364 (reref Appr Com/see H 313) ..... 117, 203.
Medicaid Study (LRC)
H 1319 [Sec. 2.1(64)](ordered enrolled)
(see S 1270; H 1412) ..... 1249, 1320.
Need Level Standard Increased for AFDC
S 1076 (H 1451)(Appr Com) ..... 425.
Nursing Home Indirect Care Cap
S 362 (reref Appr Com/see H 313) ..... 117, 203.
Nursing Home Payment Methodology
S 213 (reref Appr Com/see H 313) ..... 83, 202.
Parent/Child Hospitalization Responsibility
S 539 (recommit Ch&HumRes Com) ..... 180, 268, 1030.
H 552 (Ch. 386) ..... 326, 1030, 1059, 1062, 1063, 1072, 1078.
Payment-Based/Services Schedule
S 27 [Sec. 222; 223; 224; 225; 226; 227](Ch. 321) ..... 935, 939, 940.
Prescription Drug Dispensing Fee Frozen
S 203 (reref Appr Com/see H 313) ..... 82, 202.
"Return-on-Equity" Reimbursement/Nursing Home
S 365 (reref Appr Com/see H 313) ..... 117, 203.
Ten Percent Increase in Payment
S 1041 (H 1450)(reref Appr Com) ..... 407, 538.
Medicare
East Carolina University Reimbursements
S 27 [Sec. 87](Ch. 321) ..... 844.
S 197 (H 212)(Appr Com/see H 264) ..... 82.
MEDICAL DATABASE COMMISSION—see **Medicine**
MEDICAL MALPRACTICE—see **Medicine**
MEDICAL SCHOOL—see **Medicine** (Hospitals)

MEDICINE [G.S. 90]
Abortion—see **Maternal and Child Health**
Acupuncture
Regulation/License of Practice of Acupuncture
S 422 (H 261)(Ch. 303) ..... 126, 154, 276, 327, 336, 344, 752, 757, 759.
Anesthetist—see under this heading (Nurse)
Audiology
Paraprofessional Assistant Program/Licensure
H 988 (J2 Com) ..... 1164.
Referral Restrictions
S 8 (Ch. 482) ..... 29, 136, 143, 147, 152, 153, 156, 1139, 1205, 1221.
Birth Control Availability (Norplant)
S 1154 (reref Appr Com) ..... 497, 590.
Board of Medical Examiners—see under this heading (Medical Examiner)
Burn-Related Injury Reported
H 788 (J2 Com) ..... 514, 528.
Certificate of Need
Bed Need Formula Amended
S 207 (GovPerform Com/see H 314) ..... 83.
Capital Expenditure Threshold Decreased
S 205 (GovPerform Com/see H 314) ..... 82.
Hospice Facility Requirements
S 950 (Ch. 376) ..... 331, 454, 474, 503, 509, 1027, 1065, 1068.
ICF/MR Moratorium
S 206 (reref Appr Com/see H 314) ..... 82, 202.
Limitation Exemption Extended
S 26 [Sec. 88](Ch. 561) ..... 1291.
Long-Term Care Medicaid Reimbursement System
S 210 (GovPerform Com/see H 313) ..... 83.
Long-Term Care Modifications
S 10 (Ch. 7) ..... 29, 45, 46, 49, 52, 58, 131, 134, 141, 165, 168, 169.
Program Self-Funded/Fee Increases
S 204 (Ch. 383/see H 314) ..... 82, 208, 372, 390, 399, 1066, 1072, 1077.
Chiropractor
Chiropractic Care Study (LRC)
S 1156 (H 1309)(Rules Com/see H 1319) ..... 497.
Chiropractic College Feasibility Study
S 223 (H 224)(Rules Com/see H 1319) ..... 86.
County Board of Health Membership
S 867 (H 1088)(Ch&HumRes Com) ..... 278.
Insurance Equality Act
H 873 (Ch. 554) ..... 481, 1038, 1062, 1081, 1087, 1228, 1234, 1315.
Insurance Equality Statute Corrected
S 1083 (Ins Com) ..... 438.
Complementary
Complementary Practice Act
S 341 (H 347)(Ch. 241) ..... 114, 154, 351, 369, 379, 708.
Counselor Regulation/Licensure
S 255 (reref W&M Com) ..... 92, 154, 266, 374, 673, 690.
H 218 (Ch. 514) ..... 741, 1115, 1147, 1243.

MEDICINE [G.S. 90] (continued)
Cytotechnology
Health, Science, and Mathematics Student Loan Program
S 27 [Sec. 101.4](Ch. 321) ..... 849.
Scholarships/Salaries
S 27 [Sec. 101.4](Ch. 321) ..... 849.
S 224 (Ed/HighEd Com) ..... 86.
H 106 (Ch. 427) ..... 425, 1035, 1061, 1103, 1138.
Dentist
Dentist/Hygenist Continuing Education Requirement
S 889 (Ch. 307) ..... 310, 427, 473, 494, 506, 703, 740, 757, 759.
Hygenist Amendment
S 845 (J2 Com) ..... 271.
Hygenist for Franklin/Granville/Vance
S 456 (H 386)(Appr Com)(In S 27) ..... 137.
Impaired Dentist Peer Review Program/Fees
H 914 (Ch. 420) ..... 629, 672, 1036, 1099, 1100, 1110.
Infectious Disease Control Procedures
S 583 (J1 Com) ..... 188, 316.
Laboratory Licensure Technician Registration
S 583 (J1 Com) ..... 188, 316.
Oral Surgery Licensure Qualification
H 1149 (Ch. 190) ..... 459, 620, 632, 657.
School-Aged Children Program
S 27 [Sec. 269](Ch. 321) ..... 959.
State Employee Insurance Coverage
S 27 [Sec. 214](Ch. 321) ..... 928.
Diagnostic Center Defined
S 10 (Ch. 7) ..... 29, 45, 46, 49, 52, 58, 131, 134, 141, 165, 168, 169.
Drugs—see also **Drugs** (Abuse)
Cancer Treatment Insurance Coverage
S 935 (Ins Com) ..... 325.
Controlled Substances Registrants Fees
S 621 (Ch. 384) ..... 195, 282, 582, 600, 606, 1078.
Drug Education School Fee Increase
H 499 (Ch. 395) ..... 326, 1024, 1045, 1057, 1069, 1088.
Drug Test Rules
H 476 (Ch. 213) ..... 385, 666, 679, 681.
HIV Medication Funds
S 695 (H 738)(Appr Com)(In S 27) ..... 226.
Medication Counseling in Hospital
S 930 (H Hlth Com) ..... 319, 469, 503.
Prescription
Drugs Dispensing Fee/Medicaid
S 27 [Sec. 225](Ch. 321) ..... 940.
S 203 (reref Appr Com/see H 313) ..... 82, 202.
Drug Label Discard Date
S 554 (H 612)(reref Rules Com/see H 729; H 1319) ..... 182, 236, 248, 267, 703.
S 910 (H Hlth Com) ..... 313, 429, 460.
H 612 (S 554)(Rules Com) ..... 319.
Mail Order Pharmacy Registered/Licensed
H 862 (Ch. 455) ..... 696, 1038, 1116, 1148, 1200.
Prescribed Medicine Insurance Coverage
S 622 (Ch. 506) ..... 195, 428, 453, 492, 1211, 1213, 1242.

MEDICINE [G.S. 90] (continued)
Drugs (continued)
Prescription (continued)
Purchase/Medicaid
S 202 (reref Appr Com/see H 313) ..... 82, 202.
Specialty Market Sale Prohibited
S 1146 (H Rules Com) ..... 480, 683, 699, 704, 719, 727, 754, 763, 778.
Substance Abuse Professional Certification
Counseling/Consultants
S 890 (reref J2 Com) ..... 311, 1022.
H 1142 (J2 Com) ..... 565, 1022.
Equipment Regulation by Pharmacy Board
S 848 (reref Fin Com) ..... 271, 467.
Facilities [G.S. 131E]
Bomb Threat Class I Felony
H 404 (Rules Com) ..... 1212.
Certificate of Need
Hospital Facility Requirements
S 950 (Ch. 376) ..... 331, 454, 474, 503, 509, 1027, 1065, 1068.
Health Care Facility Access/Obstruction (Definition)
S 873 (H 985)(Ch. 412) ..... 279, 417, 436, 462, 493, 1054, 1063, 1091, 1098.
Medical Equipment Regulation
H 1082 (reref Fin Com) ..... 541, 563.
Medical Technician Certification
H 508 (Ch. 135) ..... 273, 590, 603, 605.
Trauma System Act of 1993
H 602 (Ch. 336) ..... 273, 590, 603, 617, 625, 636, 645, 707, 728, 1006, 1013, 1019.
Family and Medical Leave Act
S 29 (H 53)(J2 Com) ..... 45.
Funeral, Preneed—see **Banks; Mortuary**
Health Care Provider
Solicitation of Injured Person Prohibited
H 795 (J2 Com) ..... 514, 528.
Tort Liability Protection
H 1172 (Ch. 439) ..... 442, 1027, 1050, 1138.
Hemophilia Assistance Plan Funds
S 973 (Appr Com) ..... 350.
Hospice—see **Health** (Facilities)
Hospital
Bomb Threat—see **Criminal Law** (Felony)
"Bundled" Medicaid Payment/Out-Patient Services
S 214 (reref Appr Com/see H 313) ..... 83, 202.
Certificate of Need—see under this heading (Certificate of Need)
Certificate of Public Advantage
Created
S 554 (reref Rules Com/see H 729; H 1319) ..... 182, 236, 248, 267, 703.
H 612 (Rules Com) ..... 319.
Health Care Reform Act
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
Co-Payment for Medicaid Recipients
S 212 (reref Appr Com/see H 313) ..... 83, 202.

MEDICINE [G.S. 90] (continued)
Hospital (continued)
Employee Criminal Record Check
S 1081 (J1 Com) ..... 438.
Equipment Donation to Nonprofit Corporation
S 750 (H Hlth Com) ..... 250, 324, 396, 406.
Financial Responsibility/Child Under 21
S 539 (recommit Ch&HumRes Com) ..... 180, 268, 1030.
H 552 (Ch. 386) ..... 326, 1030, 1059, 1062, 1063, 1072, 1078.
Hemophilia—see under this heading (Hemophilia)
Hospital Cooperation Act
S 9 (H Rules Com) ..... 29, 351, 558, 568.
Hospital Licensure Act/Public Records Law
H 120 (S/H conf com appt'd/see S 417) ..... 195, 206, 213, 430, 433.
Medicaid Contracting for In-Patient Care
S 363 (reref Appr Com/see H 313) ..... 117, 203.
Medicaid In-Patient Reimbursement
S 27 [Sec. 227](Ch. 321) ..... 940.
Medical School
Duke Assistance Funding Formula
S 27 [Sec. 78](Ch. 321) ..... 835.
East Carolina University
Medicare Reimbursements
S 27 [Sec. 87](Ch. 321) ..... 844.
S 197 (H 212)(Appr Com/see H 264) ..... 82.
Teaching Costs
S 27 [Sec. 83](Ch. 321) ..... 839.
Funding Technical Correction
S 26 [Sec. 10](Ch. 561) ..... 1264.
S 27 [Sec. 78(b)](Ch. 321) ..... 836.
Physician Fellows Program Funds
S 1091 (Appr Com) ..... 439.
Primary Care Physician Emphasized
S 554 (reref Rules Com/see H 729; H 1319) ..... 182, 236, 248, 267, 703.
H 612 (Rules Com) ..... 319.
University of North Carolina-Chapel Hill
Advance Planning Funds
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.
Diabetes Program Funds
S 27 [Sec. 97](Ch. 321) ..... 847.
Infection Control Program Funds
S 827 (Appr Com)(In S 26) ..... 264.
Wake Forest/Duke Assistance Funding Formula
S 27 [Sec. 78](Ch. 321) ..... 835.
Mental Hospital—see **Mental Health**
Moses Cone Child Medical Evaluation Program
S 1069 (reref CapExp Com)(In S 26) ..... 424, 1018.
Personnel Criminal Record Review
S 549 (Ch. 403) ..... 181, 374, 539, 549, 1075, 1084, 1088.
Prescription Medication Counseling
S 930 (H Hlth Com) ..... 319, 469, 503.
Prison Inmate Medical Record Access
S 27 [Sec. 178](Ch. 321) ..... 899.

MEDICINE [G.S. 90] (continued)
Hospital (continued)
Prison Laundry Emergency Use
S 45 (H Bus&Labor Com) ..... 49, 89, 110, 112.
H 71 (reref J1 Com) ..... 395, 746.
Recovery Care Center Study (LRC)
S 1172 (H 1434)(Rules Com/see H 1319) ..... 521.
Richmond Memorial Hospital Transfer
S 335 (Ch. 10) ..... 110, 149, 155, 191.
Rural Hospital Building Grant Program
S 1055 (CapExp Com) ..... 423.
Rural/Primary Care Initiatives
S 6 (reref Appr Com) ..... 29, 79.
S 27 [Sec. 101.3; 245](Ch. 321) ..... 849, 945.
Services Outside Authority
S 952 (H Hlth Com) ..... 331, 428, 452, 470.
Surplus Property Disposition
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
University of North Carolina Hospital
Vending Operation Report
S 219 (Ch. 406) ..... 84, 544, 549, 1078, 1091, 1098.
Insurance Benefits—see **Insurance**
Long-Term Care
Certificate of Need Modifications
S 10 (Ch. 7) ..... 29, 45, 46, 49, 52, 58, 131, 134, 141, 165, 168, 169.
Domiciliary Home
Developmentally Disabled Occupant Needs Assessment
S 358 (reref Appr Com/see H 370) ..... 116, 204.
Developmentally Disabled Resident Service
S 27 [Sec. 241](Ch. 321) ..... 944.
License Renewal/Fines
S 575 (Ch. 530) ..... 187, 268, 286, 1217, 1218, 1245.
Licensure Requirement Monitoring
S 27 [Sec. 242](Ch. 321) ..... 944.
Personal Needs Allowance Funds
S 1133 (H 1410)(Appr Com)(In S 27) ..... 479.
Rate Structure/Reimbursement Study
S 31 (H Hlth Com) ..... 47, 167, 174.
Reimbursement Rate Increase
S 27 [Sec. 239](Ch. 321) ..... 943.
Rest Home Reimbursement
S 27 [Sec. 240](Ch. 321) ..... 943.
Emergency Medical Service Fees
S 588 (reref Appr Com) ..... 191, 429.
Facilities [G.S. 131D]
Certificate of Need—see under this heading (Certificate of Need)
Child Care Institution License Exemption
H 752 (Ch&HumRes Com) ..... 442.
Manager/Temporary Appointment
S 842 (H 959)(Ch. 390) ..... 265, 358, 360, 1020, 1029, 1078.
Medical Surplus Equipment Donation/Use
S 750 (H Hlth Com) ..... 250, 324, 396, 406.
Patient Record/Public Health Authority
S 598 (recommit J2 Com) ..... 192, 255, 267.
H 613 (H J2 Com) ..... 314, 1026, 1049.

MEDICINE [G.S. 90] (continued)
Long-Term Care (continued)
Home- and Community-Based Program Initiative
S 359 (reref Appr Com/see H 370) ..... 116, 204.
Insurance—see **Insurance**
Issues Study (LRC)
H 1319 [Sec. 2.1(72)](ordered enrolled)
(see S 1270; H 1456) ..... 1249, 1320.
Nursing Home
Indirect Care Medicaid Payment Cap
S 362 (reref Appr Com/see H 313) ..... 117, 203.
Medicaid Reimbursement Methodology
S 213 (reref Appr Com/see H 313) ..... 83, 202.
Penalty Review Board Membership
H 740 (reref Appr Com) ..... 659, 1022, 1143.
Regulation Authority
Medical Care Commission
S 569 (reref Ch&HumRes Com) ..... 186, 399.
H 587 (Ch. 499) ..... 281, 740, 756, 1030, 1103, 1122, 1152, 1199, 1222.
"Return-on-Equity" Reimbursement Repeal
S 365 (reref Appr Com/see H 313) ..... 117, 203.
Ombudsman Program Funds
S 33 (Appr Com) ..... 47.
Personnel Criminal Record Review
S 549 (Ch. 403) ..... 181, 374, 539, 549, 1075, 1084, 1088.
Malpractice
Actions and Arbitration
S 41 (Ch&HumRes Com) ..... 48.
Medical Malpractice Study (LRC)
S 1159 (Rules Com/see H 1319) ..... 497.
Medicaid—see **Medicaid**
Medical Assistance Division—see **Human Resources** (Department)
Medical Database Commission
Commissioner Appointed (Copeland)
S 1124 [Sec. 13](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
H 544 [Sec. 83.1](Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Medical Examiners Board
Education/Fees/Per Diem Amendments
S 719 (H 721)(H Fin Com) ..... 238, 1058, 1085, 1116, 1148.
Membership Enlarged
S 341 (H 347)(Ch. 241) ..... 114, 154, 351, 369, 379, 708.
Medical Insurance—see **Insurance** (Health)
Medical Practice Act
Omnibus Amendments Bill
S 719 (H 721)(H Fin Com) ..... 238, 1058, 1085, 1116, 1148.
Medical School—see under this heading (Hospitals)
Medical Student Aid Program Reviewed
S 392 (H 303)(GovPerform Com) ..... 120.
Medical Technician—see under this heading (Facilities)
Mental Health Treatment—see **Mental Health**
Mortuary—see **Mortuary**
Natural Death Act
Health Care Defined
S 525 (H J1 Com) ..... 176, 351, 370, 379, 380.

MEDICINE [G.S. 90] (continued)
Naturopathy
Regulation/License of Practice
S 419 (H 353)(J1 Com) ..... 126, 155.
Nurse
Anesthetist Training Funds
S 27 [Sec. 98](Ch. 321) ..... 848.
Center for Nursing, North Carolina—see Appointments
Community College Nursing Program Funds Distribution
S 27 [Sec. 124.1](Ch. 321) ..... 857.
S 573 (Appr Com) ..... 187.
Insurance Policy Coverage of Service
S 771 (Ins Com) ..... 253.
H 457 (Ch. 347) ..... 440, 724, 731, 741, 755, 766, 1033.
Major Medical Plan Coverage
S 770 (H 458)(Pens&Ret Com) ..... 252.
Mental Health Service Authorized Provider
S 954 (Ch. 464) ..... 332, 471, 473, 493, 506, 507, 1140, 1154, 1201.
Nurse Practitioner on Medical Examiners Board
S 341 (H 347)(Ch. 241) ..... 114, 154, 351, 369, 379, 708.
Nursing Practice Act Revision
S 1007 (Ch. 198) ..... 377, 414, 444, 659, 670, 671.
Referral Restrictions
S 8 (Ch. 482) ..... 29, 136, 143, 147, 152, 153, 156, 1139, 1205, 1221.
Salary Adjustments/Human Resources Department
S 614 (H 381)(Appr Com)(In S 27) ..... 194.
Optometry
Carolina Access Program
S 27 [Sec. 238](Ch. 321) ..... 943.
Carolina Access Program Repeal
S 26 [Sec. 92](Ch. 561) ..... 1293.
Peer Review Authorization/Fees
H 987 (Rules Com) ..... 1244.
Referral Restrictions
S 8 (Ch. 482) ..... 29, 136, 143, 147, 152, 153, 156, 1139, 1205, 1221.
Pathology
Referral Restrictions
S 8 (Ch. 482) ..... 29, 136, 143, 147, 152, 153, 156, 1139, 1205, 1221.
Speech Paraprofessional Assistant Program/Licensure
H 988 (J2 Com) ..... 1164.
Patient Record Accessibility
S 598 (recommit J2 Com) ..... 192, 255, 267.
H 613 (H J2 Com) ..... 314, 1026, 1049.
Patient Solicitation—see under this heading (Health Care Provider)
Pharmacy
Dispensing Fee/Medicaid
S 27 [Sec. 225](Ch. 321) ..... 940.
Health Benefits Plan Choice
S 885 (H 905)(Ch. 293) ..... 289, 426, 453, 469, 726, 732, 745, 747.
Label Expiration Date/Liability
S 910 (H Hlth Com) ..... 313, 429, 460.
License/Registration Out-of-State Pharmacy
H 862 (Ch. 455) ..... 696, 1038, 1116, 1148, 1200.

MEDICINE [G.S. 90] (continued)
Pharmacy (continued)
Medical Equipment Home Use Regulation/Fees
S 848 (reref Fin Com) ..... 271, 467.
H 1082 (reref Fin Com) ..... 541, 563.
Physician
Medicaid Managed Care Options Expanded
S 211 (reref Appr Com/see H 313) ..... 83, 202.
Medical Practice Parameters
S 1054 (H StGov Com) ..... 408, 474, 503.
Physician Assistant/Medical Examiners Board
S 341 (H 347)(Ch. 241) ..... 114, 154, 351, 369, 379, 708.
Physician Assistant Peer Review Agreement
H 56 (Ch. 176) ..... 394, 620, 631, 644, 648.
Physician Extender Educational Programs Study
S 776 (Rules Com) ..... 253.
Physician Fellows Program Established
S 1091 (Appr Com) ..... 439.
State Employee Insurance Coverage
S 27 [Sec. 214](Ch. 321) ..... 928.
University Contracts/Mentally Ill Patient
S 27 [Sec. 213](Ch. 321) ..... 928.
Workers' Compensation Case Selection/Change
S 112 (H 188)(Mfg&Labor Com) ..... 59.
Pregnancy—see **Maternal and Child Health**
Psychology
Psychology Practice Act Rewritten
S 631 (H 929)(Ch. 375/see H 544) ..... 198, 242, 358, 539, 550, 1027, 1049, 1063, 1068.
Referral Restrictions
S 8 (Ch. 482) ..... 29, 136, 143, 147, 152, 153, 156, 1139, 1205, 1221.
Psychotherapy—see under this heading (Psychotherapy)
Psychotherapy
Sexual Exploitation Act
H 1115 (J1 Com) ..... 515, 530.
Radiation Technology Practice Act
S 972 (J1 Com) ..... 350, 537.
Research
Piedmont Triad Engineering Research Center
S 1135 (Appr Com) ..... 479.
Rest Home—see under this heading (Long-Term Care—Domiciliary)
Rural
Health Care Initiatives
S 27 [Sec. 101.3](Ch. 321) ..... 849.
S 6 (reref Appr Com) ..... 29, 79.
Technician Certification Period/Four Years
S 526 (H Hlth Com) ..... 176, 215, 230.
Therapy
Chelation—see under this heading (Complementary)
Counselors Regulation/Licensure
S 255 (reref W&M Com) ..... 92, 154, 266, 374, 673, 690.
H 218 (Ch. 514) ..... 741, 1115, 1147, 1243.
Marriage and Family Therapy Licensure Act
S 478 (Ch&HumRes Com) ..... 154, 316.
H 233 (reref Fin Com) ..... 696, 749.
Massage Therapy Practice Act
H 910 (reref Fin Com) ..... 576, 1105, 1111, 1119.

MEDICINE [G.S. 90] (continued)
Therapy (continued)
Nutritional—see under this heading (Complementary)
Psychotherapy—see under this heading (Psychotherapy)
Referral Restrictions
S 8 (Ch. 482) ..... 29, 136, 143, 147, 152, 153, 156, 1139, 1205, 1221.
Vaccine—see **Public** (Health)
Veterinarian—see **Agriculture**
Waste—see **Public** (Health)
Wrongful Death Action—see **Estate**
MEETINGS, OPEN—see **Open Meetings**
MENTAL HEALTH [G.S. 122C]
ADAP—see under this heading (Developmentally Disabled)
Alcoholism—see **Drugs** (Abuse)
Area Authority
Appeals Panel
S 599 (reref Appr Com) ..... 193, 324.
Local Plans
S 538 (H Hlth Com) ..... 180, 215, 230.
Memorandum of Agreement
S 27 [Sec. 220](Ch. 321) ..... 930.
Study Commission Recommendation Implemented
S 26 [Sec. 90](Ch. 561) ..... 1293.
Autism
TEACCH Funds/UNC-CH
S 541 (Appr Com)(In S 27) ..... 180.
Brain Disease Study
H 1161 (Rules Com) ..... 741.
Butner Public Safety Study
S 285 (GovPerform Com) ..... 95.
H 312 (GovPerform Com) ..... 352.
Capital Improvements
Ten Percent Distribution Limitation
S 26 [Sec. 93](Ch. 561) ..... 1294.
Children With Special Needs
Child Medical/Mental Health Evaluation Committee
S 496 (Ch. 357) ..... 161, 191, 205, 213, 235, 1027, 1051, 1052.
H 352 (Rules Com) ..... 385.
Commission Membership
S 546 (Ch. 58) ..... 181, 246, 259, 538.
Driver Training Program in Public Schools
H 1002 (Ed/HighEd Com) ..... 459.
Exceptional Child Funding/Formula
S 43 (Appr Com) ..... 48.
Formula Revision by Board of Education
S 44 (reref Appr Com) ..... 48, 164.
Special Olympics Vehicle License Plate
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Commitment
Consular Office Notification
S 26 [Sec. 86](Ch. 561) ..... 1290.

MENTAL HEALTH [G.S. 122C] (continued)
Confidential Information Disclosure
S 487 (J1 Com) ..... 160.
H 364 (Ch. 516) ..... 458, 1151, 1153, 1154, 1243.
Death Sentence—see **Criminal Law**
Developmental Disabilities and Substance Abuse Services
Implementation of Commission Recommendations
S 934 (H 1177)(Appr Com)(In S 27) ..... 325.
Developmentally Disabled
Advocacy Council for Persons with Disabilities—see **Handicapped**
Certificate of Need Formula Amended
S 207 (GovPerform Com/see H 314) ..... 83.
Children With Special Needs
—see under this heading (Children With Special Needs)
Community-Based Programs Increased
S 282 (reref Appr Com/see H 370)(In S 27) ..... 94, 203.
Community College Training Programs
S 27 [Sec. 107](Ch. 321) ..... 852.
Comprehensive Needs Assessment
S 358 (reref Appr Com/see H 370) ..... 116, 204.
Developmental Day Centers Grant-in-Aid Funds
S 27 [Sec. 216](Ch. 321) ..... 929.
Domiciliary Home Services Sudsidy
S 27 [Sec. 241](Ch. 321) ..... 944.
Foster Care Reimbursement Rate/Training
S 1034 (Appr Com) ..... 392.
Home- and Community-Based Support Programs
S 359 (reref Appr Com/see H 370) ..... 116, 204.
ICF/MR (Intermediate Care Facilities/Mentally Retarded)
Certificate of Need Moratorium
S 206 (reref Appr Com/see H 314) ..... 82, 202.
Privately Operated Rate/Payments
S 247 (GovPerform Com/see H 370) ..... 89.
Transfer to Home- and Community-Based Settings
S 198 (reref Appr Com/see H 375) ..... 82, 219.
In-Home/Community Living Training
S 1109 (H 535)(Appr Com)(In S 27) ..... 456.
LIFEguardianship Program Funds (ARC)
S 469 (H 223)(Appr Com)(In S 27) ..... 144.
Medicaid Coverage/Adopted Children
S 338 (H 245)(reref Appr Com) ..... 114, 167.
Policy Guidance for Development of Service
H 251 (Res. 29) ..... 1073, 1166, 1199, 1223.
Real Estate Funds/Medicaid-Waiver Program
S 1131 (Appr Com)(In S 27) ..... 478.
Services/Support Comprehensive Plan
S 427 (Rules Com) ..... 127.
Single Portal of Entry/Exit Policy
H 513 (Ch. 396)(In S 27) ..... 512, 527, 672, 690, 706, 744, 1029, 1088.
Staff Reduction Recommendation
S 357 (reref Appr Com/see H 342) ..... 116, 204.
Training Institute/UNC-Chapel Hill
S 27 [Sec. 221](Ch. 321) ..... 935.
Work Incentive Allowance
S 27 [Sec. 226](Ch. 321) ..... 940.
Disabilities Education Act—see **Education** (Exceptional Children)

MENTAL HEALTH [G.S. 122C] (continued)
Early Intervention Funds—see under this heading (Mental Health, Developmental Disabilities, and Substance Abuse Services)
Employee Criminal Record Check
S 1081 (J1 Com) ..... 438.
Enabling Legislation
S 1265 (Rules Com) ..... 702.
Hospital Funding Multi-Year Pilot Program
S 281 (reref Appr Com/see H 370)(In S 27) ..... 94, 203.
Housing Alternative Short Term Loan Funds
S 27 [Sec. 217](Ch. 321) ..... 929.
Insurance Coverage of Care/Treatment
S 954 (Ch. 464) ..... 332, 471, 473, 493, 506, 507, 1140, 1154, 1201.
Involuntary Commitment—see under this heading (Commitment)
Medical Equipment Regulation
H 1082 (reref Fin Com) ..... 541, 563.
Medical Service Reimbursement/Non-Medicaid
S 27 [Sec. 215](Ch. 321) ..... 928.
Medication Counseling
S 930 (H Hlth Com) ..... 319, 469, 503.
Mental Health, Developmental Disabilities, and Substance Abuse Services
Alternative Living Facility
S 1277 (Appr Com) ..... 735.
Area Authority/Managed Care Provider
S 554 (reref Rules Com/see H 729; H 1319) ... 182, 236, 248, 267, 703.
H 612 (Rules Com) ..... 319.
Area Authority Purchase Property
H 536 (reref Fin Com) ..... 584, 720, 1035.
Cleveland County Building Funds
S 721 (CapExp Com) ..... 238.
Commission
Appointments of Commssioners (Chamings, Jernigan)
S 1124 [Sec. 14](Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
H 826 (Ch. 302) ..... 514, 528, 755, 756.
Commissioner Rule-Making Authority/Registrant's Fees
S 621 (Ch. 384) ..... 195, 282, 582, 600, 606, 1078.
Employee Assistance Certification
S 543 (H Rules Com) ..... 181, 419, 641, 749, 765.
Quality Improvement Report/Policy Guidance
S 424 (Rules Com) ..... 127.
H 250 (Res. 28) ..... 1073, 1166, 1199, 1223.
Developmental Disabilities Plan Training Requirements
S 27 [Sec. 221](Ch. 321) ..... 935.
Driver License Revocation/Restoration
H 551 (reref Ch&HumRes Com) ..... 635, 720.
Drug Education School Fee Increase
H 499 (Ch. 395) ..... 326, 1024, 1045, 1057, 1069, 1088.
Funding Equity/South Central Region
S 1129 (Appr Com) ..... 478.
Interagency Coordination Council Membership
S 544 (Ch. 487) ..... 181, 215, 544, 549, 1195, 1208, 1222.
Mental Health Study Commission/Coalition 2001
S 934 (H 1177)(Appr Com)(In S 27) ..... 325.

MENTAL HEALTH [G.S. 122C] (continued)
Mental Health, Developmental Disabilities, and Substance Abuse Services (continued)
Personnel Criminal Record
S 549 (Ch. 403) ..... 181, 374, 539, 549, 1075, 1084, 1088.
Pioneer Funding System Implementation
S 599 (reref Appr Com) ..... 193, 324.
Quality Improvement Report Implementation Funds
S 1000 (H 1215)(Appr Com) ..... 376.
Mental Health Retardation Center
Butner Public Safety Study
S 285 (GovPerform Com) ..... 95.
H 312 (GovPerform Com) ..... 352.
Hospital Construction
S 283 (reref Appr Com/see H 370)(In S 27) ..... 95, 203.
Institutional Service Decreased
S 282 (reref Appr Com/see H 370)(In S 27) ..... 94, 203.
Mental Retardation Center Service Reduction
S 280 (reref Appr Com/see H 370)(In S 27) ..... 94, 203.
Mental Health Study Commission
Adolescent Drug Abuse Plan Recommendation
S 334 (H Rules Com) ..... 110, 419, 434.
H 249 (Res. 27) ..... 1073, 1165, 1199, 1210.
Community-Based Service Funding
S 934 (H 1177)(Appr Com)(In S 27) ..... 325.
Comprehensive Plan for Services Support as Policy
H 251 (Res. 29) ..... 1073, 1166, 1199, 1223.
Continued/Duties
S 400 (H 305)(Rules Com/see H 1319) ..... 124.
Insurance Coverage Biologically Based Brain Disease
H 1161 (Rules Com) ..... 741.
Local Area Plans Submission
S 538 (H Hlth Com) ..... 180, 215, 230.
Policy Guidance for Services
S 334 (H Rules Com) ..... 110, 419, 434.
H 249 (Res. 27) ..... 1073, 1165, 1199, 1210.
Quality Improvement Initiative Policy Guidance
S 424 (Rules Com) ..... 127.
H 250 (Res. 28) ..... 1073, 1166, 1199, 1223.
Mixed Beverage Revenue Matching Funds
S 27 [Sec. 211](Ch. 321) ..... 927.
"Pioneer Plan"
S 27 [Sec. 220](Ch. 321) ..... 930.
S 599 (reref Appr Com) ..... 193, 324.
Residential Center Subsidy for Matching Funds
S 27 [Sec. 212](Ch. 321) ..... 928.
Retardation Center
—see under this heading (Mental Health Retardation Center)
Sheltered Workshop
Community College Training Program Funds
S 27 [Sec. 107](Ch. 321) ..... 852.
Industrial Opportunities, Inc. Building Funds
S 406 (CapExp Com) ..... 125.
"Something Special" (Henderson)
S 999 (CapExp Com) ..... 376.
Wayne Opportunity Center Incorporated Funds
S 717 (reref CapExp Com) ..... 238, 771.

MENTAL HEALTH [G.S. 122C] (continued)
Social Worker Certification—see **Social Worker**
Special Olympics—see under this heading (Children With Special Needs)
Substance Abuse
Alcoholism and Chemical Dependency Program Division
S 1230 (reref Appr Com) ..... 622, 750.
Portal of Entry/Exit Policy
H 513 (Ch. 396)(In S 27) ..... 512, 527, 672, 690, 706, 744, 1029, 1088.
Professional Certification Act
S 890 (reref J2 Com) ..... 311, 1022.
H 1142 (J2 Com) ..... 565, 1022.
Thomas S.
Consent Judgment Authorization
S 26 [Sec. 91](Ch. 561) ..... 1293.
Placement/Services Funds
S 27 [Sec. 209](Ch. 321) ..... 926.
Western Carolina Center Boiler Plant Construction
S 1231 (CapExp Com) ..... 628.
Willie "M"
Expenditure Reports
H 935 (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
Local School Funds—see **Education** (Exceptional)
Placement and Services Funds
S 27 [Sec. 208](Ch. 321) ..... 924.
MERCHANT—see Commerce and Business
MERIT PAY RAISE—see State (Personnel—Salaries [Merit; Performance])
MICROELECTRONICS CENTER FOR NORTH CAROLINA (MCNC)
Economic Development Activity Comprehensive Review
S 186 (GovPerform Com/see S 188; H 294) ..... 80.
Equipment Funds/Reports
S 26 [Sec. 101](Ch. 561) ..... 1297.
S 27 [Sec. 295](Ch. 321) ..... 978.
Microelectronics Systems Technologies Self-Sufficient 2000
S 188 (H Appr Com/see H 294) ..... 80, 224, 464, 472.
Western Carolina University Link
S 1014 (H 916)(CapExp Com)(In S 26) ..... 382.
MICROENTERPRISE PROGRAM
Funds
S 1101 (reref CapExp Com) ..... 455, 1018.
MILEAGE ALLOWANCE—see Motor Vehicle (State-Owned)
MILITARY AFFAIRS [G.S. 127A; 127B]
Aiborne and Special Operations Museum (Fort Bragg)
S 1140 (H 1360)(CapExp Com) ..... 479.
Ballot Cast by Facsimile Transmission
S 921 (H J1 Com) ..... 318, 429, 461.
Beer Sale/Possession Decriminalization
S 700 (recommit J2 Com) ..... 231, 445, 488.
Confederate Homes and Pensions Statute Repealed
S 744 (Ch. 257) ..... 250, 340, 451, 488, 722.
Disability Income Plan—see **Retirement** (Disability)
Distinguished Service Cross License Plate
S 560 (H Fin Com) ..... 263, 372, 389, 397.
Legion of Valor Vehicle License Plate
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.

MILITARY AFFAIRS [G.S. 127A; 127B] (continued)
Militia [G.S. 127A]
National Guard
Aerial Reserve Equipment Purchases
S 1240 (Appr Com)(In S 26) ..... 643.
Armory Construction Funds (Lenoir)
S 1239 (CapExp Com)(In S 26) ..... 642.
Disaster Training Funds
S 27 [Sec. 181](Ch. 321) ..... 900.
Naval Aviation Depot Closure, Cherry Point
S 1229 (Rules Com) ..... 612, 1532.
Prisoner of War Vehicle License Plate
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Retirement—see **Retirement**
Veterans
American Legion Special License Plate
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Retirement/Disability Compensation Benefits
S 1206 (held in Clerk's office) ..... 575.
State Veteran Home Funds
S 26 [Sec. 31](Ch. 531) ..... 1271.
S 888 (H 1186)(reref CapExp Com) ..... 310, 538.
Veterans Affair Committee
Type I Transfer to Governor's Office
S 279 (GovPerform Com/see H 369) ..... 94.
Veterans Home in Fayetteville
Construction Only Funds
S 26 [Sec. 31](Ch. 561) ..... 1271.
War Memorial Stadium/Complex Lease (Guilford)
H 144 (Ch. 6) ..... 127, 149, 156, 159.
MILK—see **Agriculture**
MILLS [G.S. 73]
MINES AND QUARRIES [G.S. 74]
Enforcement of Mining Act of 1971
S 624 (E&NR Com) ..... 195.
H 550 (reref Fin Com) ..... 458, 1095.
Mining Permit Program Report
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Permit Requirements/Reclamation Plan
S 653 (J1 Com) ..... 210.
MINIMUM WAGE—see **Labor** (Wage and Hour)
MINOR [G.S. 33A; 48A]—see also **Judicial Department** (Juvenile)
Defined for Criminal Law
S 793 (Ch. 259) ..... 259, 417, 436, 461, 463, 703, 714, 721, 722.
H 858 (J1 Com) ..... 481.
Health Care Consent Authorization
S 955 (Ch. 150) ..... 332, 445, 489, 612, 625, 627.
H 915 (J1 Com) ..... 512, 529.
Immunization Consent
H 452 (Ch. 134) ..... 281, 590, 603, 605.

MINOR [G.S. 33A; 48A] (continued)
Liability Damage Recovery Amount
S 431 (Ch. 540) ..... 130, 445, 476, 760, 767, 776, 780, 1040, 1217, 1313.
Life-Sustaining Procedure Authority
S 955 (Ch. 150) ..... 332, 445, 489, 612, 625, 627.
H 915 (J1 Com) ..... 512, 529.
Parental Control of Sadistic Videos
S 435 (H 228)(J1 Com) ..... 130.
Parental Representation *Pro se*
S 432 (J1 Com) ..... 130.
Tobacco Sales to Minor Defense
H 459 (unf rpt) ..... 513, 527, 585, 601, 605, 683.
Weapon Possession/Raleigh Ordinance
H 823 (J1 Com) ..... 481.
Weapon Possession on School Property
S 19 (H 158)(J1 Com) ..... 30.
S 891 (Ed/HighEd Com) ..... 311.
H 1008 (Ch. 558) ..... 512, 529, 752, 1047, 1061, 1064, 1123, 1125, 1127, 1129, 1247, 1250, 1315.

MINORITIES
African-American Cultural Center—see **Museum**
Biotechnology Funds for Minority Universities
S 26 [Sec. 99](Ch. 561) ..... 1296.
Contractor Surety Bond Study
S 26 [Sec. 39](Ch. 561) ..... 1274.
Contracts From State Promoted
H 946 (Ch. 252) ..... 513, 529, 695, 707, 709.
Economic Development Projects/Activities
S 1122 (reref CapExp Com) ..... 457, 773.
Equal Employment Opportunity Program—see **State** (Personnel)
Highway Construction Contracts
S 929 (reref Appr Com) ..... 318, 467.
Highway Division Civil Rights Related Activity
S 27 [Sec. 149](Ch. 321) ..... 885.
Local Economic Development Financing Bond Project
S 1157 (H 1372)(Ch. 497) ..... 497, 516, 558, 568, 569, 577, 578, 594, 1130, 1153, 1205, 1207, 1222.
Minority Business Coordinator
S 132 (H Appr Com/see H 306) ..... 67, 75, 77, 110, 122, 123, 128, 219, 464, 472, 505.
Minority/Women-Owned Business Contract Award
S 835 (H 871)(reref CapExp Com)(In S 26) ..... 265, 700, 1001.
Polk Youth Institution Construction
S 1285 (CapExp Com) ..... 736.
Social Worker's Education Loan Fund
S 1059 (H 1327)(reref Appr Com) ..... 423, 539.
Status of Minority Males Study Commission Established
S 1236 (Rules Com/see H 1319) ..... 642.
Tourism Advertising Promotion
S 26 [Sec. 100](Ch. 561) ..... 1297.
MINORITY PARTY OFFICERS—see **Senate** (Party Officers)
MISDEMEANOR—see **Criminal Law**

MISSING
Children—see **Child**
Military [G.S. 28B]—see **Military Affairs**
Persons [G.S. 28C]—see **Child; Criminal Procedure**
MITCHELL COUNTY—District 27—Senator Donald R. Kincaid
—Senator Daniel R. Simpson
Alcoholic Beverage Control Permit Issuance
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Penland School of Crafts Recognized
H 393 (Res. 23) ..... 346, 1099, 1110.
Solid Waste Landfill, Regional
S 1224 (CapExp Com) ..... 596.
Tax Collector Election Referendum Repealed
H 713 (Ch. 99) ..... 441, 557, 567, 573.
Weapon Permit Issued by Sheriff
H 389 (Ch. 48) ..... 196, 475, 498, 517, 523.
MOBILE CLASSROOM—see **Education** (Facilities)
MOBILE EQUIPMENT—see **Motor Vehicle**
MOBILE HOMES—see **Motor Vehicle**
MOLD LIEN AND RETENTION—see **Commerce and Business**
MONOPOLIES [G.S. 75]—see **Commerce and Business**
MONTGOMERY COUNTY—District 17—Senator J. Richard Conder
—Senator Aaron W. Plyler
Troy
Boundaries/Satellite Annexation
S 711 (Ch. 159) ..... 232, 269, 466, 498, 518, 634.
Zoning Notice Requirement Exemption
S 804 (Ch. 79/see H 799) ..... 260, 335, 342, 541, 548, 551.
MONUMENTS AND PARKS [G.S. 100]
—see **Environment, Health, and Natural Resources** (Parks)
MOORE COUNTY—District 16—Senator Howard N. Lee
—Senator Russell G. Walker
Aberdeen
100th Anniversary Recognition
H 246 (Res. 21) ..... 141, 1022, 1049, 1053.
Airport Authority Created
S 942 (Ch. 414) ..... 330, 411, 453, 470, 498, 1074, 1082, 1089, 1098.
Pinecrest Air Force Junior ROTC Color Guard ..... 5, 1546.
Pinehurst
Golf Capitol of the World Recognition
H 296 (Res. 26) ..... 384, 1150, 1201.
West End
Pinetree Enterprises Vocational Rehabilitation
S 1130 (reref CapExp Com) ..... 478, 773.
MORALS, PUBLIC [G.S. 19]
MORTGAGES [G.S. 45]
Deed of Trust Recording Requirement
H 395 (Ch. 288) ..... 182, 640, 653, 669, 740.
Foreclosure/Upset Bid Procedures
S 834 (H 1120)(Ch. 305) ..... 265, 414, 436, 462, 492, 636, 740, 757, 758, 759.
Mortgage Banker/Broker Regulation Study (LRC)
H 1319 [Sec. 2.1(26)](ordered enrolled)
(see S 1270; H 464) ..... 1249, 1320.
Mortgage Broker Fee Restrictions
S 681 (Ch. 339) ..... 224, 375, 396, 712, 762, 1005, 1015, 1020, 1023.

MORTGAGES [G.S. 45] (continued)
Mortgage Investments Conduit Defined
S 1018 (Ch. 494) ..... 383, 582, 601, 1222.
Real Property Security Assignment Recorded
S 963 (J2 Com) ..... 345.
Satisfaction/Cancellation Fee Exemption
S 924 (Ch. 425) ..... 318, 615, 624, 632, 1093, 1107, 1110.
MORTUARY
Anatomical Gift Act—see **Anatomical Gift**
Cemeteries—see **Cemeteries**
Funeral and Burial Trust Act
Burial Contract Transfer Service Charge
S 466 (H 523)(Ch. 242) ..... 141, 340, 355, 429, 452, 708.
Funeral Establishment Record Inspection
S 407 (H J2 Com) ..... 125, 176, 182.
Funeral Expense Allowance in Probate Proceedings
S 474 (held in Clerk's office) ..... 150.
Funeral Procession Regulation
H 1005 (Rules Com) ..... 585.
Inspection of Records
H 519 (Ch. 164) ..... 346, 352, 620, 632, 634.
MOTION PICTURES [G.S. 75C]
MOTOR
Boats—see **Boating and Water Safety**
Carrier—see **Motor Vehicle** (Truck); **Transportation**
Club—see **Insurance** (Automobile)
Fleet—see **Motor Vehicle** (State-owned)
Fuel—see **Energy** (Gasoline, Oil and Special Fuels)
MOTOR VEHICLE [G.S. 20]
Agricultural Vehicles Daylight Hours
S 38 (H 37)(Transp Com) ..... 48.
Antifreeze Storage Violation/Penalty
H 1020 (Ch. 143) ..... 515, 529, 581, 602, 608, 611.
Antique Vehicle—see **Antiques**
Attorneys Assigned to Division
S 27 [Sec. 161](Ch. 321) ..... 891.
ATV (All Terrain Vehicle)
Licensing and Regulation Study (LRC)
H 1319 [Sec. 2.1(36)](ordered enrolled) (see S 1270; H 1006) ..... 1249, 1320.
Trespass Third-Degree Offense
H 689 (H J3 Com) ..... 386, 1204, 1208, 1214.
Auction—see **Auctioneers**
Automobile
Dealer—see under this heading (Dealer)
Manufacturing Facility Funds
S 26 [Sec. 27](Ch. 561) ..... 1269.
Rental Car Surtax/Reimbursement
S 1044 (H Fin Com) ..... 407, 682, 699, 704, 714.
Stock Car Racing Recognition
S 482 (adopted) ..... 157, 1012, 1029, 1527.
Warranties—see under this heading (Warranty)
Bicycle
Bicycle Clinging Prohibited
S 901 (H J3 Com) ..... 312, 445, 489.
Hand Signals—see under this heading (Traffic Control)
Bus, School—see under this heading (School Bus)

MOTOR VEHICLE [G.S. 20] (continued)
Commissioner's Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
Community Service Program—see **Corrections Department**
Computer Implementation Report to Appropriations Committee
S 27 [Sec. 165](Ch. 321) ..... 892.
Dealer
Dealers/Manufacturers Licensing Law
S 840 (Ch. 123) ..... 265, 469, 502, 596.
Delivery/Insurance on Non-Business Days
H 1094 (Ch. 328) ..... 512, 530, 621, 762, 1000, 1003.
Farm Equipment Plate Usage
S 27 [Sec. 169.4](Ch. 321) ..... 896.
Franchise Combination/Sales Restriction
S 939 (Ch. 331) ..... 325, 446, 489, 776, 1005, 1011.
Warranty Reimbursement Rights
S 841 (Ch. 116) ..... 265, 469, 502, 589.
Division Funding Reduction
S 27 [Sec. 146](Ch. 321) ..... 884.
Driver Education
Children With Special Needs Age Limitation
H 1002 (Ed/HighEd Com) ..... 459.
Study (LRC)
S 27 [Sec. 144.3](Ch. 321) ..... 884.
Driver's License—see under this heading (License, Operator)
Driving While Impaired (DWI)
Acquittal/Driving Record Annotation
S 965 (J1 Com) ..... 345.
Alcohol Testing Program Fund Reversion
S 27 [Sec. 272](Ch. 321) ..... 960.
Blood Alcohol Limit to 0.02 (LRC)
H 1319 [Sec. 2.1(21)](ordered enrolled)
(see S 1270; H 366) ..... 1249, 1320.
Child's Presence Sentencing Factor
S 497 (J1 Com) ..... 161.
H 356 (J1 Com) ..... 458.
Commercial Driver
S 127 (J1 Com) ..... 63.
DWI .08 Penalty
S 50 (H 3)(J1 Com) ..... 49.
S 446 (H 385)(H J1 Com) ..... 136, 446, 471, 484.
S 511 (J1 Com) ..... 171.
H 385 (S 446)(Ch. 285) ..... 395, 599, 601, 608, 638, 715, 717, 730, 734.
Federal Aid Highway Funds Withheld
S 1017 (Res. 30) ..... 383, 419, 445, 1244.
Substance Abuse Policy/Procedures
H 551 (reref Ch&HumRes Com) ..... 635, 720.
Emergency Vehicle
—see **Emergency Personnel/Services/Equipment**
Enforcement Section Restructuring
S 27 [Sec. 163](Ch. 321) ..... 891.
Franchise—see under this heading (Dealer)
Fuel Tax—see **Taxation**
Funeral Procession—see **Mortuary**
Handicapped
Parking Placard Sold/Misdemeanor
S 475 (Ch. 373) ..... 150, 445, 477, 1038, 1062, 1068.

MOTOR VEHICLE [G.S. 20] (continued)
Identification Card for Homeless/Indigent
S 836 (Ch. 490/see H 1016) ..... 265, 324, 413, 536, 1207, 1209, 1222.
Inspection
I&M Air Pollution Control Account
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Safety Inspection Fee Increase
S 1184 (J1 Com) ..... 524.
S 1248 (Ch. 385) ..... 665, 724, 732, 744, 1078.
Insurance—see **Insurance**
Interstate Enabling Legislation
S 877 (Rules Com) ..... 279.
Law Enforcement Division
Reorganization/Transfer
S 291 (H 338)(reref Appr Com) ..... 97, 228.
License, Operator's
Computer System Personnel Effect Report
S 27 [Sec. 152](Ch. 321) ..... 888.
Drivers License Compact
S 1074 (Ch. 533) ..... 424, 490, 503, 1217, 1218, 1246.
Drivers Licensing Office Consolidation/ GPAC Recommendation
S 27 [Sec. 149](Ch. 321) ..... 885.
DWI—see under this heading (Driving While Impaired)
False Record Penalty Increased
S 1147 (J1 Com) ..... 480.
Farm Commercial Seasonal License
S 1027 (Transp Com) ..... 391.
Field Office Productivity/Reduction
S 175 (reref Appr Com/see H 323) ..... 74, 199.
Five-Year Renewal
H 1016 (Ch. 368/see S 836; H 544) ... 629, 673, 713, 755, 762, 1068.
Issuance Omnibus Amendments
S 1074 (Ch. 533) ..... 424, 490, 503, 1217, 1218, 1246.
Race Reflected on License
H 849 (Rules Com) ..... 643.
Revocation Mandatory/Speeding to Elude Arrest
S 925 (H J1 Com) ..... 318, 418, 444.
Suspension/Revocation Speeding Violation
S 467 (H J1 Com) ..... 144, 162, 164.
Voter Preregistration by Examiner
S 1066 (S/H conf com) ..... 424, 468, 503, 508, 1206, 1209, 1213, 1216.
Voter Registration Program
H 780 (Ch. 74) ..... 319, 532, 544, 546.
Weapon at School/License Restricted
S 24 (J1 Com/see H 28) ..... 43.
Weapon Possession in School/Ineligible
S 891 (Ed/HighEd Com) ..... 311.
H 1008 (Ch. 558) ..... 512, 529, 752, 1047, 1061, 1064, 1123, 1125, 1127, 1129, 1247, 1250, 1315.

MOTOR VEHICLE [G.S. 20] (continued)
License Plate—see also under this heading (Registration)
Dealer Plate/License Changes
S 162 (Ch. 440) ..... 70, 185, 275, 285, 310, 1012, 1038, 1106, 1127, 1138.
Farm Equipment Dealer Plate Usage
S 27 [Sec. 169.4](Ch. 321) ..... 896.
Optimist Club Specialized Plate
S 122 (reref Fin Com) ..... 62, 124.
Personalized
County Commissioner Authorized
S 1151 (H Fin Com) ..... 496, 574, 641, 653, 655, 669, 677.
Distinguished Service Cross
S 560 (H Fin Com) ..... 263, 372, 389, 397.
Private Tag on State-Owned Vehicle
S 27 [Sec. 21](Ch. 321) ..... 795.
Special/Multiyear Plate Classifications
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Sports Event Temporary Plate/Fee
S 162 (Ch. 440) ..... 70, 185, 275, 285, 310, 1012, 1038, 1106, 1127, 1138.
Surrender Penalty Insurance Cancellation
S 1175 (J2 Com) ..... 521.
Transporter Plate/Fees
S 162 (Ch. 440) ..... 70, 185, 275, 285, 310, 1012, 1038, 1106, 1127, 1138.
Mobile Home
Warranty Reimbursement Right
S 841 (Ch. 116) ..... 265, 469, 502, 589.
Motorcycle
Safety Instruction Program
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
Parking
Handicapped Parking Placard Illegal Sale
S 475 (Ch. 373) ..... 150, 445, 477, 1038, 1062, 1068.
Local Ordinance—see Specific County
Revenue for Van Pool/Transit Pass Subsidy
S 27 [Sec. 32](Ch. 321) ..... 808.
Personnel
Computer System Effect Report
S 27 [Sec. 152](Ch. 321) ..... 888.
Property Tax—see **Taxation** (Property)
Railway Crossing—see **Transportation** (Railroad)
Registration—see also under this heading (License Plate)
Automated Registration System Programs/GPAC
S 167 (GovPerform Com/see H 323) ..... 73.
Branch Agent Contract
S 27 [Sec. 155](Ch. 321) ..... 889.
Computer System Personnel Effect Report
S 27 [Sec. 152](Ch. 321) ..... 888.
Diesel Fuel Propelled Vehicle Additional Fee
S 1088 (reref Appr Com/see S 26) ..... 439, 749, 765.

MOTOR VEHICLE [G.S. 20] (continued)
Registration (continued)
Privatize Charlotte/Raleigh Offices
S 179 (reref Appr Com/see H 323) ..... 74, 200.
Property Hauling Vehicles Annual Fee
S 128 (Ch. 467) ..... 67, 124, 185, 205, 212, 1027, 1037, 1051, 1053, 1085, 1112, 1163, 1201.
Registration Process Efficiency/GPAC Recommendation
S 27 [Sec. 149](Ch. 321) ..... 885.
Title Transfer Over Non-Business Day
H 1094 (Ch. 328) ..... 512, 530, 621, 762, 1000, 1003.
Rental Vehicle Insurance Study—see **Studies** (LRC)
Repair Authorization Act
S 1184 (J1 Com) ..... 524.
S 1248 (Ch. 385) ..... 665, 724, 732, 744, 1078.
Repair Service Recommended by Insurance Company
H 1095 (Ch. 525) ..... 512, 530, 621, 1147, 1204, 1244.
Revocation—see under this heading (License, Operator)
Sales Tax—see **Taxation** (Sales and Use)
Sales Three-Day Cancellation Provision
S 839 (Ch. 141) ..... 265, 468, 502, 597, 608, 611.
School Bus
Activity Bus Inspection Exemption
S 577 (Ch. 114) ..... 187, 335, 343, 589.
Driver Employment Term—see **State** (Personnel—School Employee)
Driver Salary—see **State** (Personnel—Salary)
Evidence of Passing Stopped Bus
H 419 (J1 Com) ..... 480.
Speed Maximum 45 mph
S 578 (Ch. 217/see H 653) ..... 187, 269, 286, 665, 684, 693.
Transportation Information—see **Education**
Seat Belt
Evidence of Violation Admissible
S 731 (J1 Com) ..... 244.
Violation Admissible in Criminal Proceedings
H 728 (H 697)(J1 Com) ..... 332.
Service Agreement Amendments
S 586 (H 607)(Ch. 504) ..... 191, 411, 435, 1210, 1213, 1242.
Signs/Signals—see under this heading (Traffic Control)
Speed Limit
Eluding Arrest—Class J Felony
S 925 (H J1 Com) ..... 318, 418, 444.
License Suspension for Violation of 80 mph
S 467 (H J1 Com) ..... 144, 162, 164.
School Bus 45 mph
S 578 (Ch. 217/see H 653) ..... 187, 269, 286, 665, 684, 693.
State-owned
Cultural Resources Transfer Ownership to Administration Department
S 27 [Sec. 35](Ch. 321) ..... 809.
License Tag—see under this heading (License Plate)
Mileage Allowance/Internal Revenue Service Standard
S 27 [Sec. 24](Ch. 321) ..... 798.
Mileage Exemption/Department of Transportation
S 26 [Sec. 70](Ch. 561) ..... 1284.
Red Lights/Sirens on Emergency Management Vehicle
S 1072 (H Rules Com) ..... 424, 1151, 1246.

MOTOR VEHICLE [G.S. 20] (continued)
State-owned (continued)
State Games Allowed Use
H 793 (Ch. 87) ..... 425, 554, 560, 565.
Vocational Rehabilitation Services Ownership/Control
S 27 [Sec. 221.1](Ch. 321) ..... 935.
Tax—see **Taxation** (Property)
Tires
Scrap Tire Disposal Tax Increase
S 57 (E&NR Com) ..... 51.
H 83 (Ch. 548) ..... 226, 1035, 1096, 1119, 1145, 1314.
Scrap Tire Tax Exemption Date
H 1274 (Ch. 364) ..... 1013, 1025, 1048, 1049, 1050, 1053.
Title—see under this heading (Registration)
Traffic Control
Bicycle Hand Signals
S 902 (H J3 Com) ..... 312, 411, 437.
Pedestrian Call Signal (Chatham)
S 1080 (Appr Com) ..... 438.
Trailer
Coupling Devices/Safety Chains
H 621 (Ch. 71) ..... 480, 534, 544, 546.
Definition Trailer/Semitrailer
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Trucks
Children Under 12 Transported
H 27 (J1 Com) ..... 177, 557.
Commercial Driver License—see under this heading (License, Operator)
DWI—see under this heading (Driving While Impaired)
Permanent Plate—see under this heading (License Plate)
Weight Limit—see under this heading (Weight Limit)
Voter Registration—see under this heading (License, Operator)
Warranty—see **Warranty**
Weight Limit
Agricultural Commodity Permit Increased
H 982 (Ch. 470) ..... 481, 534, 544, 574, 594, 1201.
Truck Weight Penalty/Recyclable Material
H 802 (Ch. 426) ..... 1069, 1084, 1095, 1100, 1107, 1110.
Vehicle Seizure
H 1226 (J1 Com) ..... 1207.
Wrecker
Wrecker Service System Established
S 220 (H 110)(H J3 Com) ..... 86, 400, 405.
MOTORCYCLE—see **Motor Vehicle** (Motorcycle)
MOUNTAIN
Area Management—see **Economic Development**
Research Station—see **Agriculture; Higher Education** (UNC—NCSU)
Road Service District—see **Transportation** (Roads and Highways)
MOVIE—see **Motion Picture**
MUNICIPALITY—see **Local Government** (Cities and Towns)
MURDER—see **Criminal Law** (Felony);
Criminal Procedure (Death Sentence)
MURDOCH CENTER—see **Mental Health**

MUSEUM
African-American Cultural Center Proposed
S 1262 (Rules Com/see H 1319) ..... 702.
Airborne/Special Operations—Fort Bragg (Cumberland)
S 1140 (H 1360)(CapExp Com) ..... 479.
Albemarle Museum
Site/Design/Construction Funds
S 26 [Sec. 35](Ch. 561) ..... 1274.
Art [G.S. 140]
Director's Annual Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
Grassroots Science Program Funds
S 27 [Sec. 260.2](Ch. 321) ..... 955.
Trustees Appointed (Murphy; Sanford)
S 1124 [Sec. 1](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Cape Fear Historical Complex (Arsenal/Poe)
S 555 (CapExp Com) ..... 182.
History
Albemarle in Elizabeth City Branch
S 26 [Sec. 35](Ch. 531) ..... 1274.
S 1294 (CapExp Com) ..... 737.
Maritime Museum Exhibits Annex Funds
S 1031 (CapExp Com) ..... 392.
Natural History Museum Construction Funds
S 1215 (H 1474)(CapExp Com) ..... 576.
Natural Science
Construction Funds
S 828 (H 637)(reref CapExp Com) ..... 264, 771.
Grassroots Science Program
S 27 [Sec. 260.2](Ch. 321) ..... 955.
S 421 (H 348)(reref CapExp Com) ..... 126, 770.
Reorganization Transfer
S 26 [Sec. 116](Ch. 561) ..... 1308.
Transfer From the Department of Agriculture Proposed
S 829 (H 638)(H Calendar) ..... 264, 533, 581, 601.
Tobacco Farm Life Museum
S 254 (H 197)(reref CapExp Com)(In S 27) ..... 92, 769.
MUSIC—see Arts
MYCOTOXIN—see Agriculture

- N -

NAME
Buildings, State—see State (Buildings)
Persons [G.S. 101]
Resumption—see Married Persons (Divorce)
Streets/Roads—see Transportation (Roads and Highways)
NASH COUNTY—District 10—Senator Roy A. Cooper III
Community College Merger Study
H 736 (Ch. 468) ..... 386, 1118, 1142, 1201.
Cultural Center Renovation Funds
S 668 (reref CapExp Com) ..... 217, 770.
Economic Development Conveyance Consideration
S 619 (reref Fin Com) ..... 195, 237.

NASH COUNTY (continued)
Geographical Information System/Public Record
S 234 (reref J2 Com) ..... 87, 121, 128, 138, 147, 169.
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Independent Living Rehabilitation Program
S 80 (H 9)(Appr Com)(In S 27) ..... 54.
Middlesex
Annexation of Described Area
H 890 (Ch. 480) ..... 776, 1065, 1116, 1133, 1142, 1197, 1210.
Public Records Exemption/Geographical Information
H 143 (Ch. 82) ..... 158, 474, 498, 517, 535, 556.
Rocky Mount
Economic Development Conveyance Consideration
S 619 (reref Fin Com) ..... 195, 237.
Farmers' Market Funds
S 26 [Sec. 94](Ch. 561) ..... 1294.
Job Training Program Funds
S 333 (Appr Com)(In S 26) ..... 109.
Tomorrow Academy Pilot School Funds
S 1037 (H 1267)(reref CapExp Com) ..... 392, 1017.
Room Occupancy Tax
Tourism/Economic Development Projects
S 710 (H 783)(Ch. 545) ..... 232, 484, 500, 1080, 1166, 1215, 1235, 1238, 1314.
Watershed Zoning Ordinance Exemption
S 1082 (Ch. 296/see H 799) ..... 438, 475, 500, 726, 732, 742, 743, 747.
NATIONAL GUARD—see Military
NATURAL DEATH ACT—see Medicine
NATURAL GAS—see Energy
NATURAL RESOURCES
—see Environment, Health, and Natural Resources
NATURAL AND SCENIC RIVER SYSTEM
—see Environment, Health, and Natural Resources (Parks)
NATUROPATHY—see Medicine
NAVIGATION [G.S. 76]
Inland Navigation Rules/Enforcement
H 485 (Ch. 361) ..... 395, 710, 729, 752, 756, 758, 1032, 1040, 1053.
Pilotage Commission [G.S. 76A]
NEW HANOVER COUNTY—District 4—Senator John Codington
—District 7—Senator Luther H. Jordan, Jr.
—District 18—Senator R.C. Soles, Jr.
Airport Authority Powers
H 813 (Ch. 251) ..... 353, 454, 650, 661, 667, 709.
Commissioners Election
S 801 (Const Com) ..... 260.
Education Board, Local
New Hanover County Elections
S 800 (Const Com) ..... 260.
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.

NEW HANOVER COUNTY (continued)
Human Relations Commission Powers/Scope
S 1070 (Ch. 192) ..... 424, 475, 500, 597, 650, 662, 663, 664.
School Pay Date
S 26 [Sec. 53](Ch. 561) ..... 1280.
Southeastern North Carolina Regional Economic Development Commission —see **Economic Development**
Watercraft Operation Regulations
S 507 (J1 Com) ..... 168.
H 436 (Ch. 125) ..... 273, 564, 578, 593, 596.
Wilmington
African-American Cultural Center Proposed
S 1262 (Rules Com/see H 1319) ..... 702.
City Council Election
S 798 (Const Com) ..... 260.
Harbor Development Projects
S 26 [Sec. 107](Ch. 561) ..... 1305.
Land Development Ordinance/Site Plan Review
H 588 (Ch. 318) ..... 385, 750, 761, 775.
Motor Vehicle Tax Proposed
S 822 (Ch. 345) ..... 262, 361, 558, 566, 577, 593, 602, 1004, 1016, 1023.
School Fund Flexibility
S 882 (H 994)(reref Appr Com) ..... 289, 369.
Wrightsville Beach
Beach Development Projects
S 26 [Sec. 107](Ch. 561) ..... 1305.
Beach Erosion/Eminent Domain/Hurricane Protection
S 794 (H J2 Com) ..... 260, 415, 431, 450.
H 837 (Ch. 187) ..... 481, 613, 623, 631, 657.
Water/Sewer/Solid Waste Fees
S 706 (H 775)(H Fin Com) ..... 231, 361, 581, 598, 606.
NEW LICENSING BOARDS—see **Boards and Commissions** (Legislative)
NEWSPAPER—see **Publications**
911 SERVICE STATE-WIDE—see **Utilities** (Telephone)
NONPROFIT CORPORATIONS [G.S. 55A]—see **Corporations**
NORTH AMERICAN FREE TRADE AGREEMENT—see **Studies** (LRC)
NORTH CAROLINA
Agricultural and Technical State University (NCA&T) —see **Higher Education** (UNC)
Central University—see **Higher Education** (UNC)
State of North Carolina—see **State**
State University (NCSU)—see **Higher Education** (UNC)
Symphony—see **Arts** (Music)
NORTHAMPTON COUNTY—District 2—Senator Frank W. Ballance, Jr.
Education Board Oath of Office Date
S 1097 (Ch. 110) ..... 440, 468, 476, 494, 580.
Northeastern North Carolina Regional Economic Development Commission —see **Economic Development**
Teacher Support, Collaborative
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
NOTARIES [G.S. 10A]
Revocation/Recommissioning
S 1114 (J1 Com) ..... 456.
NOTICE
Condemnations—see **Eminent Domain**
Creditors—see **Estates**

NOTICE (continued)
Foreclosure—see **Mortgages**
Settlement [G.S. 47D]
Sunset Delayed on Notice of Settlement Act
S 691 (J2 Com) ..... 225.
H 619 (J2 Com) ..... 240.
Zoning—see **Local Government**
NUCLEAR
Compact [G.S. 104D]—see **Energy**
Waste [G.S. 104F]—see **Public** (Health—Hazardous Waste)
NURSES—see **Higher Education; Medicine**
NURSING HOME—see **Medicine** (Long-Term Care)
NUTRITIONAL THERAPY—see **Medicine** (Complementary)

- O -

OAH (Office of Administrative Hearings)—see **Judicial Department**
OATHS [G.S. 11]
Administered ..... 7, 14, 18, 20, 21, 22.
Notarial Commission Revocation
S 1114 (J1 Com) ..... 456.
OBSTETRICS—see **Maternal and Child Health; Medicine**
OCCUPANCY TAX—see **Taxation**; Specific County
OCCUPATION
Licensing Boards [G.S. 93B]—see **Boards and Commissions; License**
Restrictions/Nonworking Hours—see **Employment**
Safety and Health (OSHA)—see **Labor; Public** (Health)
Therapy—see **Medicine** (Therapy)
ODOM, T. L. "Fountain"—Senator Lincoln (part), **Mecklenburg** (part)—**34th District**
Absent With Leave ..... 222, 611, 617, 693.
Adjournment Motion—Second ..... 162.
Certificate of Election ..... 7.
Committee Assignments ..... 34, 35, 36, 37, 38, 40, 41, 65.
Standing—
Appropriations on Justice and Public Safety (Chairman)
Judiciary II (Vice-Chairman)
Appropriations—Capital Expenditures and Improvements—Environment and Natural Resources—Insurance—Rules and Operation of the Senate—Transportation—Ways and Means
Statutory—
Advisory Budget Commision ..... 380.
Legislative Ethics Committee ..... 585.
Conference—
S 27 ..... 600, 781.
S 60 ..... 1091, 1136.
S 1139 ..... 728, 768.
H 385 ..... 638, 717.
Escorts—
George Shinn ..... 739.
"Hugo", Charlotte Hornets' Mascot ..... 32.
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Nomination (second)—Principal Clerk ..... 19.
Oath of Office ..... 7.

ODOM, T. L. "Fountain"—Senator (continued)
Remarks Spread—
Nomination (second)—Principal Clerk ..... 19.
Thompson Eulogy ..... 1158.
Votes—
Pair Announced
S 11 ..... 616.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 90, 251, 398, 399, 446, 572, 573, 574, 615, 685, 686, 767, 768, 769, 796, 813, 871, 896, 897, 898, 899, 900, 916, 917, 932, 1024, 1038, 1139, 1143, 1156, 1219, 1220, 1221, 1239, 1240, 1272, 1275, 1278, 1285.
Co-Sponsor ..... 35, 65, 66, 67, 68, 87, 104, 105, 106, 112, 113, 125, 224, 225, 226, 236, 248, 336, 341, 342, 421, 440, 441, 482, 506, 570, 571, 583, 613, 628, 672, 674, 676, 684, 780, 782, 786, 793, 806, 821, 852, 853, 876, 878, 915, 919, 920, 934, 952, 954, 966, 976, 1003, 1012, 1077, 1092, 1141, 1174, 1189, 1194, 1200, 1230, 1245, 1246, 1250, 1268, 1269, 1271.

OFF-PREMISE SIGN REGULATORY PROGRAM
—see **Transportation** (Roads and Highways)

OFFICE OF ADMINISTRATIVE HEARINGS (OAH)
—see **Judicial Department**

OFFICER TRAINING [G.S. 17C]—see **Law Enforcement**

OFFICERS, SENATE—see **Senate**

OIL—see **Energy** (Gasoline and Oil)

OMNIBUS
Environmental Reports to Environmental Review Commission
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Fee Increases
H 1355 (S 1139)(Ch. 320) ..... 592, 768, 774, 1001.
General Government Omnibus Bill
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Government Performance Audit Recommendations—see H 345
Lincoln/Duplin/Chapel Hill Proposal
H 114 (Ch. 549) ..... 684, 750, 1096, 1114, 1141, 1314.
Studies Act of 1993
H 1319 (ordered enrolled)(see S 1270) ..... 1249, 1320.
References the following measures:

S 13	S 190	S 736	S 1192	S 1282
S 21	S 194	S 737	S 1200	S 1293
S 22	S 223	S 739	S 1236	S 1295
S 27	S 250	S 741	S 1251	H 1035
S 56	S 298	S 756	S 1261	H 1131
S 67	S 314	S 956	S 1262	
S 69	S 337	S 993	S 1264	
S 75	S 390	S 1092	S 1266	
S 85	S 395	S 1156	S 1268	
S 89	S 400	S 1159	S 1269	
S 107	S 443	S 1167	S 1270	
S 119	S 554	S 1172	S 1271	
S 165	S 587	S 1178	S 1280	
S 166	S 683	S 1181	S 1281	

OMNIBUS (continued)
Technical Amendments Bill
H 544 (Ch. 553) ... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
References the following measures:

S	14	S	846	H	483
S	27	S	1124	H	538
S	90	S	1144	H	624
S	152	H	163	H	665
S	155	H	297	H	686
S	631	H	456	H	779
S	821	H	473	H	1016

ONE-ON-ONE PROGRAM—see Volunteers; Youth
ONSLOW COUNTY—District 4—Senator John Codington
—District 5—Senator Charles W. Albertson
—District 7—Senator Luther H. Jordan, Jr.
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Roadside Hunting Exemption
S 911 (reref J1 Com) ... 313, 402.
H 827 (reref J1 Com) ... 514, 528, 609, 1058, 1093.
Topsail Island Assembly Building Funds
S 1166 (CapExp Com) ... 520.
OPEN MEETINGS
Closed Sessions Expanded
S 417 (H J2 Com/see H 120) ... 126, 171, 178.
Open Meetings Law Changes
H 120 (S/H conf com appt'd/see S 417) ... 195, 206, 213, 430, 433.
OPPORTUNITY INDUSTRIALIZATION CENTERS
Funds
S 1101 (reref CapExp Com) ... 455, 1018.
OPTICS PROJECT—see Higher Education
ORAL SURGERY—see Medicine (Dentist)
ORANGE COUNTY—District 16—Senator Howard N. Lee
—Senator Russell G. Walker
Carrboro
Chapel Hill-Carrboro Farmer's Market, Inc. Funds
S 567 (H 597)(CapExp Com)(In S 26) ... 186.
Mayor/Alderman Recall Election
S 809 (Ch. 358/see H 799) ... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.
Chapel Hill
Fee in Lieu of Dedication of Land for Recreation
H 114 (Ch. 549) ... 684, 750, 1096, 1114, 1141, 1314.
High School Vocal Ensemble Presentation ... 5, 1546.
Low/Moderate Housing Charter Amendment
S 808 (Ch. 449) ... 261, 583, 674, 685, 697, 1079, 1110, 1121, 1144, 1200.
Non-Discrimination Policy
S 809 (Ch. 358/see H 799) ... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.
Old Chapel Hill Cemetary Improvements Funds
S 844 (H 927)(reref CapExp Com) ... 270, 771.
Prepared Food Tax Levy
S 808 (Ch. 449) ... 261, 583, 674, 685, 697, 1079, 1110, 1121, 1144, 1200.

ORANGE COUNTY (continued)
Chapel Hill (continued)
Recording Studio Funds
S 565 (H 925)(CapExp Com) ..... 186.
Wheel Lock Use
S 809 (Ch. 358/see H 799) ..... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.
Civil Rights Ordinances
S 807 (LocGov Com) ..... 261.
S 809 (Ch. 358/see H 799) ..... 261, 416, 473, 499, 519, 1012, 1031, 1050, 1052.
Durham Resident Voter Transfer
H 506 (Ch. 68) ..... 314, 532, 542, 546.
Hillsborough
Prepared Food/Beverage Tax Levy
S 808 (Ch. 449) ..... 261, 583, 674, 685, 697, 1079, 1110, 1121, 1144, 1200.
Tornado Debris/Trash Removal Funds
S 1058 (H 926)(Appr Com) ..... 423.
Tourism Board Membership Redefined
S 808 (Ch. 449) ..... 261, 583, 674, 685, 697, 1079, 1110, 1121, 1144, 1200.
ORDINANCE—see **Local Government**; Specific County
OSHA (Occupational and Safety Health Act)—see **Labor**
OSTRICH—see **Agriculture** (Ratites)
OUTCOME-BASED EDUCATION—see **Education**
OUTDOOR ADVERTISING
—see **Advertising**; **Transportation** (Roads and Highways)
OUTER BANKS—see **Dare County**
OUTER CONTINENTAL SHELF
Coordination of Activities
S 27 [Sec. 28](Ch. 321) ..... 805.
S 244 (GovPerform Com/see S 315; H 369) ..... 89.
OVERWEIGHT TRUCKS—see **Motor Vehicle** (Weight Limit)
OYSTERS—see **Marine Resources** (Fish—Shellfish)

- P -

PAC (Political Action Committee)—see **Elections**
PAGES, Senate
Honorary (Plexico) ..... 604.
Supervisor (Ms. Ann McQueen) ..... 27.
Senate ..... 42, 44, 54, 77, 100, 132, 146, 156, 159, 171, 174, 196, 230, 259, 315, 344, 390, 437, 520, 550, 572, 603, 633, 663, 700, 738, 1010, 1094.
PAMLICO COUNTY—District 3—Senator Beverly M. Perdue
Construction Delivery System Authority
S 992 (Ch. 404) ..... 375, 454, 470, 1074, 1083, 1088.
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.

PAMLICO COUNTY (continued)
Junkyard Regulation on Secondary Road
S 961 (Ch. 493) ..... 345, 411, 444, 447, 1222.
Oriental
Mayor/Commissioner Election Referendum
S 149 (H 133)(Ch. 4) ..... 69, 79, 90, 133.
Roadside Hunting Exemption
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Superior Court Judge Increase
S 27 [Sec. 200.5](Ch. 321) ..... 912.
PAP SMEAR—see **Insurance** (Health)
PARENTS—see also **Aged; Child; Judicial; Maternal and Child Health**
Child/Juvenile Protection Strengthened
S 487 (J1 Com) ..... 160.
H 364 (Ch. 516) ..... 458, 1151, 1153, 1154, 1243.
Child Support System Restructure/Paternity
S 314 (H 272)(reref Appr Com/see H 1319) ..... 100, 208, 466.
Parent-to-Parent Support Program Funds
S 542 (Appr Com) ..... 180.
Paternity Established Changes
S 953 (J2 Com) ..... 332.
H 1119 (Ch. 333) ..... 512, 530, 555, 582, 602, 608, 1011.
Pro se Representation Under Age 18
S 432 (J1 Com) ..... 130.
Rights
Life-Sustaining Procedure Consent
S 955 (Ch. 150) ..... 332, 445, 489, 612, 625, 627.
H 915 (J1 Com) ..... 512, 529.
School Involvement Increased
S 1149 (H 1278)(Appr Com) ..... 480.
School Plan Parental Involvement
H 970 (Ed/HighEd Com) ..... 360.
Surrogate
Education Agent
S 151 (Ed/HighEd Com) ..... 69.
H 49 (Ed/High Ed Com) ..... 384.
PARKING—see **Handicapped; Motor Vehicle**
PARKS AND RECREATION
—see **Environment, Health, and Natural Resources** (Parks)
PARNELL, David R.—Senator Bladen (part), Cumberland (part), Hoke (part), **Robeson**, Sampson (part)—**30th District**
Absent With Leave ..... 617, 774, 1021.
Adjournment Motion—Second ..... 329.
Certificate of Election ..... 6.
Committee Assignments ..... 36, 37, 39, 40, 65.
Standing—
Insurance (Chairman)
Public Utilities (Vice-Chairman)
Finance—Judiciary I—Rules and Operation of the Senate—
State Personnel and State Government—Transportation
Statutory—
Legislative Services Commission ..... 85.
Conference—
S 14 ..... 1083, 1167.
S 26 ..... 1114, 1252.
S 851 ..... 670, 718.
H 235 ..... 1086.

PARNELL, David R.—Senator (continued)
Escorts—
Deputy President *Pro Tempore*-elect ..... 18.
Oath of Office ..... 7.
Remarks Spread—
Quinn Eulogy ..... 366.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 71, 72, 74, 75, 401, 402, 403, 404, 405, 517, 702, 846, 847, 1049, 1077, 1171, 1172, 1173.
Co-Sponsor ..... 19, 45, 46, 47, 152, 341, 342, 343, 426, 440, 457, 479, 518, 519, 520, 521, 550, 572, 675, 696, 852, 875, 876, 900, 906, 920, 934, 949, 956, 969, 976, 982, 1012, 1026, 1027, 1129, 1140, 1163, 1188, 1190, 1200, 1202, 1241, 1245, 1250, 1264.
PAROLE—see Prisons
PARTITION [G.S. 46]—see **Real Estate**
PARTNERSHIP [G.S. 59]
Cogenerating Power Plant Construction Tax Credit
S 716 (H PubUtil Com) ..... 238, 269, 724, 732, 743, 754.
Engineer/Land Surveyor Registration
H 382 (J2 Com) ..... 440.
K-1 Income Tax Form Accessibility
H 57 (Ch. 314) ..... 173, 748, 765, 775.
Limited Liability
S 780 (reref Fin Com) ..... 254, 652.
H 923 (Ch. 354) ..... 684, 705, 749, 764, 779, 1034.
Treasurer Investment Authority
H 1467 (H Fin Com) ..... 592, 1117, 1134, 1146.
PARTNERSHIP FOR CHILDREN, INC.
Early Childhood Education and Development Initiatives
S 27 [Sec. 254](Ch. 321) ..... 948.
PARTNERSHIP FOR QUALITY GROWTH COMMITTEE
—see Boards and Commissions (Legislative)
PARTNERSHIP FOR THE SOUNDS—see Coastal Area
PASQUOTANK COUNTY—District 1—Senator Marc Basnight
Bear Hunting Season Extended
H 319 (Ch. 220) ..... 145, 673, 686, 693.
Elizabeth City
Loitering Prohibited for Drug-related Activity
H 759 (J1 Com) ..... 319.
Museum of the Albemarle Funds
S 26 [Sec. 35](Ch. 561) ..... 1274.
S 1294 (CapExp Com) ..... 737.
Hunting from Public Roads Prohibited
H 589 (Ag/MarRes&W Com) ..... 326.
Independent Living Rehabilitation Program
S 80 (H 9)(Appr Com)(In S 27) ..... 54.
Northeastern North Carolina Regional Economic Development Commission
—see Economic Development
Subdivision Defined
H 820 (Ch. 194) ..... 347, 651, 662, 664.
PATENT
Mold Retention—see **Commerce and Business**
PATERNITY—see Parents
PATIENT ABUSE—see Medicine (Long-Term Care)
PAWN BROKERS [G.S. 91A]
PAY RAISE, TEACHER/STATE EMPLOYEE
—see State (Personnel—Salaries)

PENALTY—see also **Civil (Penalty; Remedies); Criminal Law**
Inheritance Tax Penalty Procedures
S 158 (Ch. 371) ..... 70, 139, 148, 151, 1027, 1050, 1062, 1068.
Water/Sewer Authority Ordinance
S 894 (H J1 Com) ..... 311, 454, 471, 500.
PENDER COUNTY—District 4—Senator John Codington
—District 5—Senator Charles W. Albertson
—District 7—Senator Luther H. Jordan, Jr.
Beaver Damage Control Pilot Program
S 26 [Sec. 111](Ch. 561) ..... 1307.
Commissioners, Board of
Districts Established/Board Increased
S 703 (LocGov Com) ..... 231.
Education, Board of
Districts Created/Board Enlarged
S 705 (LocGov Com) ..... 231.
Girls Incorporated/Sports Unlimited Funds
S 1199 (reref CapExp Com) ..... 565, 774.
Land Transfer Tax Levied
S 704 (LocGov Com) ..... 231.
Sales/Tax Distribution Per Capita Basis
S 707 (Fin Com) ..... 232.
H 763 (Fin Com) ..... 513, 528, 651.
Southeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
Surf City
Military Waterline Replacement Force Account
H 735 (Ch. 310) ..... 347, 675, 745, 753, 759.
Topsail Island Assembly Building Funds
S 1166 (CapExp Com) ..... 520.
Willard Outreach Organization Property Conveyance
S 727 (Ch. 52) ..... 239, 361, 378, 531.
PENSIONS—see **Retirement**
PERDUE, Beverly M.—Senator Carteret (part), **Craven,** Pamlico—**3rd District**
Absent With Leave ..... 129, 139, 144, 222, 231, 236, 243, 522, 545, 656.
Adjournment Motion—Second ..... 323, 562, 610.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 34, 35, 36, 39, 40, 41, 63, 65, 162.
Standing—
Education/Higher Education (Chairman)
Appropriations (Vice-Chairman)
Transportation (Vice-Chairman)
Agriculture, Marine Resources, and Wildlife—
Appropriations on Education—Banks and Thrift Institutions—
Children and Human Resources—Public Utilities—
Rules and Operation of the Senate
Select—
Bonds
Government Performance Audit
Statutory—
Advisory Budget Commission ..... 380.
Joint Legislative Commission on Governmental Operations ..... 112.
Legislative Education Oversight Committee ..... 622.

PERDUE, Beverly M.—Senator (continued)
Committee Assignments (continued)
Conference—
S 14 ..... 1083, 1167.
S 26 ..... 1114, 1252.
S 27 ..... 600, 781.
S 100 ..... 1092, 1126.
S 785 ..... 1245, 1251.
S 853 ..... 1109, 1231.
H 235 ..... 1086.
H 416 ..... 434, 449.
H 1008 ..... 1127, 1248.
Escorts—
Honorable James B. Hunt, Jr., Governor ..... 66, 67.
Nomination (second)—President *Pro Tempore* ..... 14.
Oath of Office ..... 7.
Remarks Spread—
Nomination (second)—President *Pro Tempore* ..... 14.
Thompson Eulogy ..... 1159.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 14, 48, 49, 96, 97, 98, 99, 100, 101, 102, 149, 150, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 252, 253, 395, 420, 478, 479, 502, 503, 504, 505, 662, 663, 825, 826, 827, 828, 829, 878, 959, 960, 961, 992, 993, 994, 995, 1009, 1031, 1040, 1170, 1205, 1216, 1229, 1280, 1281, 1282.
Co-Sponsor ..... 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 21, 22, 50, 196, 248, 251, 255, 341, 342, 419, 422, 440, 454, 499, 518, 519, 520, 521, 541, 542, 572, 650, 664, 665, 670, 674, 675, 676, 770, 771, 818, 848, 853, 863, 873, 876, 888, 900, 906, 919, 933, 934, 949, 954, 956, 964, 969, 976, 977, 989, 1002, 1012, 1013, 1029, 1041, 1042, 1093, 1127, 1141, 1149, 1150, 1158, 1174, 1180, 1190, 1200, 1202, 1234, 1241, 1245, 1250.

PERFORMANCE AUDIT—see **Audit**

PERFORMANCE-BASED ACCOUNTABILITY PROGRAM—see **Education**

PERFORMANCE MANAGEMENT AND PAY ADVISORY COMMITTEE—see **State** (Personnel—Salaries)

PERINATAL—see **Maternal and Child Health**

PERMITS, LIQUOR—see **Alcohol Regulation**

PERPETUITIES—see **Estates**

PERQUIMANS COUNTY—District 1—Senator Marc Basnight
Board of Commissioners Election Method
H 413 (Ch. 96) ..... 196, 559, 567, 573.
Board of Education Election Method
H 412 (Ch. 21) ..... 196, 246, 257, 263.
Northeastern North Carolina Regional Economic Development Commission—see **Economic Development**
Teacher Support, Collaborative
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
Weapon Permit by Sheriff
H 411 (Ch. 64) ..... 196, 533, 542, 546.

PERSON COUNTY—District 13—Senator Wilbur P. Gulley
—Senator Ralph A. Hunt
—District 21—Senator George B. Daniel
District Attorney/District 9A
S 27 [Sec. 200.4(l)](Ch. 321) ..... 911.
Judicial District Transfer-9A
S 810 (Appr Com)(In S 27) ..... 248.
Judicial/Prosecutorial District 9A
S 27 [Sec. 200.4](Ch. 321) ..... 906.
Prison Consolidation Funds
S 1220 (CapExp Com) ..... 584.
Prison Facility Closing/Consolidation
S 27 [Sec. 177](Ch. 321) ..... 899.
PERSONNEL—see **Employment; Labor; State** (Personnel)
PESTICIDE—see **Agriculture; Pollution Control; Public** (Health—Waste)
PETROLEUM—see **Energy** (Gasoline and Oil)
PETS—see **Animals**
PHARMACY—see **Medicine**
PHOTOVOLTAIC—see **Energy** (Solar)
PHYSICAL THERAPY—see **Medicine** (Therapy)
PHYSICIANS—see **Medicine**
PIEDMONT AGRICULTURAL CENTER
—see **Agriculture** (Farmers' Market)
PIEDMONT TRIAD ECONOMIC DEVELOPMENT ZONE
—see **Local Government** (Zoning)
PIEDMONT TRIAD INTERNATIONAL TRADE COUNCIL
—see **Commerce and Business**
PILOT LAW—see **Navigation**
PILOT PROGRAM
Advanced Placement/Public Instruction Department
S 26 [Sec. 62](Ch. 561) ..... 1282.
Beaver Damage Control
S 26 [Sec. 111](Ch. 561) ..... 1307.
Budget as Separate Item
S 27 [Sec. 13](Ch. 321) ..... 791.
Career Ladder Fund Allocation
S 27 [Sec. 129](Ch. 321) ..... 860.
Center for the Advancement of Teaching Funds
S 27 [Sec. 142](Ch. 321) ..... 878.
Developmentally Disabled Domiciliary Home Subsidy
S 27 [Sec. 241](Ch. 321) ..... 944.
Freshman Scholars Program
S 26 [Sec. 46](Ch. 561) ..... 1278.
Mental Health/Substance Abuse Institutional Services
S 27 [Sec. 218](Ch. 321) ..... 930.
Mobile Preschool
S 27 [Sec. 137](Ch. 321) ..... 870.
Parent as Teachers (Rutherford/Wake)
S 27 [Sec. 140](Ch. 321) ..... 876.
Pilot Program Issues Study (LRC)
H 1319 [Sec. 2.1(56)](ordered enrolled)(see S 1270) ..... 1249, 1320.
Rural Economic Development Center—see **Economic Development**
"Teen Court" Program (Cumberland)
S 26 [Sec. 80](Ch. 561) ..... 1288.
PIN (Police Information Network)—see **Justice Department** (Police)
PIONEER MENTAL HEALTH PLAN—see **Mental Health**

PITT COUNTY—District 6—Senator R. L. Martin
—District 9—Senator Ed N. Warren
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Greenville
Job Training Program Funds
S 333 (Appr Com)(In S 26) ..... 109.
Motor Vehicle Tax Increase
H 430 (Ch. 200) ..... 266, 475, 650, 660, 667, 672.
Grifton
Land Use Jurisdiction, Extraterritorial
S 777 (Ch. 53) ..... 253, 361, 378, 531.
Mediation Center Funds for Eastern North Carolina
S 27 [Sec. 200.2](Ch. 321) ..... 906.
S 1107 (reref CapExp Com) ..... 455, 772.
Pistol Permit Fee $20
H 715 (Ch. 205) ..... 441, 650, 661, 667, 672.
Public Records Exemption/Geographical Information
H 143 (Ch. 82) ..... 158, 474, 498, 517, 535, 556.
Roads Named by County
S 862 (H ppi) ..... 272, 324, 334.
Room Occupancy Tax Increase
S 692 (Ch. 410) ..... 226, 269, 674, 684, 697, 1073, 1081, 1088, 1098.
PLANNING OFFICER, STATE—see **Appropriations**
PLASTIC—see **Recycled Material**
PLATS—see **Deeds** (Register—Maps)
PLEA—see **Civil** (Procedure); **Criminal Procedure**
PLEADINGS RULE—see **Civil** (Procedure—Rules)
PLEDGE OF ALLEGIANCE ..... 5, 733.
PLEXICO, Clark—Senator Haywood (part), **Henderson** (part), Jackson (part), Macon (part), Swain, Transylvania (part)—**29th District**
Absent With Leave ..... 58, 123, 157, 159, 255, 263, 268, 277, 379 (present), 562.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 35, 36, 39, 41.
Standing—
Appropriations on General Government (Chairman)
Manufacturing and Labor (Vice-Chairman)
Appropriations—Capital Expenditures and Improvements—Children and Human Resources—Constitution and Election Laws—Environment and Natural Resources—Judiciary II—Ways and Means
Select—
S 906 (Worker's Compensation) ..... 540.
Statutory—
Joint Legislative Highway Oversight Committee ..... 248.
Conference—
S 27 ..... 600, 781.
H 101 ..... 642, 1008.
H 1158 ..... 1041, 1241.
Escorts—
Tiffani Plemmons ..... 1060.
Oath of Office ..... 7.

PLEXICO, Clark—Senator (continued)
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 80, 91, 92, 93, 94, 95, 155, 156, 163, 164, 224, 225, 226, 256, 336, 337, 812, 998, 999, 1014, 1015, 1022, 1023, 1047, 1061, 1155, 1168 (by request), 1218, 1228, 1288.
Co-Sponsor ..... 25, 29, 48, 50, 68, 83, 85, 86, 89, 104, 105, 106, 107, 108, 109, 128, 129, 153, 154, 157, 158, 159, 160, 161, 162, 183, 227, 228, 229, 230, 231, 232, 251, 342, 397, 399, 400, 402, 405, 446, 479, 482, 502, 503, 506, 572, 583, 593, 607, 617, 618, 620, 628, 674, 675, 676, 770, 771, 780, 818, 919, 934, 949, 964, 989, 993, 1012, 1174, 1200, 1250.

PLUMBING—see **Contractors**

PLURALITY VOTE—see **Elections**

PLYLER, Aaron W.—Senator Anson, Hoke (part), Montgomery, Richmond, Scotland, Stanly (part), **Union—17th District**

Absent With Leave ..... 90, 277, 1052, 1064 (present).
Adjournment Motion—Second ..... 235.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 35, 36, 39, 40, 41.
Standing—
Appropriations (Chairman)
Ways and Means (Vice-Chairman)
Agriculture, Marine Resources, and Wildlife—
Capital Expenditures and Improvements—Economic Development/ Travel and Tourism—Pensions and Retirement—
Rules and Operation of the Senate—State Personnel and State Government
Select—
Government Performance Audit
Statutory—
Advisory Budget Commission ..... 380.
Employee Hospital and Medical Benefits Committee ..... 380.
Governmental Operations Commission, Joint Legislative ..... 112.
Conference—
S 14 ..... 1083, 1167.
S 26 ..... 1114, 1252.
S 27 ..... 600, 781.
S 851 ..... 670, 718.
H 235 ..... 1086.
Escorts—
George Shinn ..... 739.
Miss North Carolina U.S.A., Christa Tyson ..... 167.
President *Pro Tempore*-elect ..... 14.
Oath of Office ..... 7.
Remarks Spread—
Quinn Eulogy ..... 363.
Thomspon Eulogy ..... 1157.
Votes Recorded—
H 976 ..... 1196.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 23, 104, 105, 106, 107, 108, 109, 130, 216, 217, 248, 530, 616, 628, 789, 850, 851, 869, 870, 952, 976, 981, 1185, 1189, 1203, 1204, 1230, 1246, 1248, 1250, 1279.

PLYLER, Aaron W.—Senator (continued)
Bills and Resolutions—(Senate Bill Numbers) (continued)
Co-Sponsor ..... 26, 27, 35, 37, 38, 45, 46, 47, 72, 74, 75, 113, 116, 218, 219, 224, 225, 226, 236, 335, 424, 479, 482, 484, 524, 572, 676, 711, 779, 780, 804, 814, 815, 824, 852, 865, 876, 878, 881, 891, 892, 893, 904, 906, 932, 934, 951, 962, 965, 969, 975, 1003, 1012, 1013, 1110, 1176, 1194, 1202, 1222, 1245, 1268, 1269, 1271, 1273 (by request), 1289, 1294.
POINTS, INSURANCE—see **Insurance** (Motor Vehicle)
POISON
Animal—see **Animal; Criminal Law**
Lead Poisoning Prevention Funds
S 27 [Sec. 280](Ch. 321) ..... 964.
POLICE—see **Law Enforcement**
POLICE INFORMATION NETWORK (PIN)
—see **Justice Department** (Police)
POLITICAL ACTION COMMITTEES (PAC)—see **Elections**
POLITICAL PARTY—see **Elections**
POLITICAL PATRONAGE—see **State** (Personnel—Local Government Employee)
POLK COUNTY—District 42—Senator Robert C. Carpenter
Economic Development Prospective Revenues Consideration
S 512 (LocGov Com) ..... 171.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
POLLS—see **Elections**
POLLUTION CONTROL [G.S. 113A]
Beaches—see **Environment, Health, and Natural Resources** (Coast)
Chlorofluorocarbon Refrigerants/White Goods Disposal
S 60 (H 67)(Ch. 471) ..... 51, 223, 682, 696, 704, 713, 1075, 1082, 1090, 1091, 1111, 1135, 1140, 1196, 1197, 1210.
Clean Air Act
Fuel Tax Extended
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Hazardous Air Pollutant Violation/Penalties
H 650 (J2 Com) ..... 458.
Implementation/Tax Distribution
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Environmental License Rules/Standards
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Facilities Pool Program Financing Act
Multi-County Project
S 1163 (Ch. 130) ..... 491, 504, 509, 584, 602, 604.
Non-Point Source Pollution Control
Funds
S 26 [Sec. 105](Ch. 561) ..... 1304.
Technical Review Committee
S 27 [Sec. 261](Ch. 321) ..... 956.
Pollution Prevention Advisory Council Created
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.
Recycling—see **Recycled Material**
Restaurant—see **Hotels and Restaurants**
Rivers
Natural/Scenic Rivers Designation Approval
S 735 (H Envir Com) ..... 249, 402, 420, 451.

POLLUTION CONTROL [G.S. 113A] (continued)
Sedimentation
Best Management Practices Compliance Programs Staff
S 927 (Appr Com) ..... 318.
Erosion Control Plan Violations/Penalties/Assessments
S 570 (reref Fin Com) ..... 187, 288.
H 644 (E&NR Com) ..... 514, 528.
Sedimentation Pollution Control Act
S 570 (reref Fin Com) ..... 187, 288.
H 644 (E&NR Com) ..... 514, 528.
State Trails System
—see **Environment, Health, and Natural Resources** (Parks)
Water Issues Study (LRC)
S 67 (H 52)(Rules Com/see H 1319) ..... 52.
POLYSTYRENE FOAM PRODUCT—see **Recycled Material**
POLYVINYLCHLORIDE PRODUCT—see **Recycled Material**
POPULATION CAP, PRISON—see **Prisons** (Jail)
PORK—see **Agriculture** (Swine)
PORTS—see **Commerce and Business**
POULTRY—see **Agriculture**
POWERS OF ATTORNEY [G.S. 32A]—see **Attorneys**
PRAYERS OFFERED TO OPEN SESSION
Daniel, Reverend Francis ..... 722.
Edwards, Honorable C.R. (Senator/Cumberland County) ..... 1233.
Frampton, Dr. Don ..... 633.
Gaither, Reverend Craig ..... 663.
Groth, Reverend John H. ..... 551.
Haley, Reverend Bill ..... 230.
Harris, Honorable Ollie (Senator/Cleveland County) ..... 206.
Lee, Honorable Howard N. (Senator/Orange County) ..... 348.
Lolly, Dr. Randall ..... 338.
Lucas, Reverend Steve W. (Former Senate Chaplain) ..... 175.
McGee, Dr. Jerry E. ..... 197.
Morris, Reverend Mike (Senate Chaplain) .... 5, 28, 43, 44, 47, 52, 55, 58, 61, 66, 72, 77, 85, 90, 96, 107, 113, 123, 129, 132, 135, 138, 143, 146, 148, 157, 159, 163, 166, 170, 179, 184, 190, 214, 222, 236, 242, 255, 262, 268, 277, 286, 315, 323, 329, 371, 380, 390, 400, 409, 426, 443, 465, 515, 531, 537, 545, 562, 570, 572, 579, 595, 604, 610, 617, 626, 639, 647, 656, 671, 681, 693, 700, 708, 733, 738, 747, 774, 1003, 1021, 1033, 1052, 1067, 1077, 1087, 1109, 1136, 1192.
O'Conner, Very Reverend Tim ..... 1094.
Robinson, Dr. Randall ..... 357.
Simpson, Dr. William ..... 1010.
Thompson, Dr. Mack ..... 758.
Vaughan, Dr. Douglas ..... 522.
Ward, Honorable Marvin M. (Senator/Forsyth County) ..... 50, 153, 496.
Wicker, Dr. Les ..... 556.
Worthy, Dr. C.M. ..... 589.
PRECINCT—see **Elections**
PREFERRED PROVIDER ORGANIZATION (PPO)—see **Insurance**
PREGNANCY—see **Maternal and Child Health**
PREMARITAL AGREEMENT ACT [G.S. 52B]—see **Marriage**
PRENATAL CARE—see **Maternal and Child Health**
PRENEED FUNERAL CONTRACT—see **Banks; Mortuary**
PRESCHOOL—see **Child (Day-Care); Education**
PRESCRIPTION DRUGS—see **Medicine** (Drugs)

PRESIDENT OF THE SENATE (Lieutenant Governor Dennis A. Wicker)
Addresses Senate ..... 8.
Adjournment, Declares Regular Session ..... 1316.
Allegiance, Leads Pledge ..... 5, 733.
Appointments—see **Appointments** (Lieutenant Governor)
Journal Signature ..... 1316.
Officer ..... 3.
Presides
Daily Session ..... 5, 28, 32, 42, 44, 47, 50, 52, 55, 58, 61, 66, 72, 77, 85, 90, 96, 107, 112, 123, 129, 132, 135, 138, 143, 146, 148, 153, 157, 159, 163, 166, 170, 175, 179, 184, 190, 196, 206, 214, 222, 230, 236, 242, 255, 262, 268, 277, 286, 315, 323, 329, 338, 348, 357, 371, 380, 390, 400, 409, 418, 426, 443, 445, 460, 465, 483, 488, 493, 496, 505, 508, 510, 515, 522, 531, 537, 545, 551, 556, 562, 570, 572, 579, 585, 589, 595, 604, 610, 617, 626, 633, 639, 647, 656, 663, 671, 681, 693, 700, 708, 719, 722, 733, 738, 747, 758, 766, 774, 780, 1002, 1010, 1021, 1031, 1033, 1048, 1052, 1060, 1064, 1066, 1067, 1073, 1075, 1077, 1084, 1087, 1094, 1102, 1109, 1136, 1150, 1162, 1192, 1203, 1205, 1209, 1215, 1228, 1233.
Joint Session ..... 72, 96, 587, 588.
Remarks Spread ..... 8, 107, 367, 1137, 1161.
Rulings—see **Rulings By President**
Votes Tied—
S 11 ..... 616.
PRESIDENT OF THE UNITED STATES—see **United States**
Electors—see **Elections**
Primary—see **Elections**
PRESIDENT *PRO TEMPORE* OF THE SENATE
—see **Basnight, Senator Marc**
Appointments—see **Appointments**
PRESIDES OVER SENATE
President ..... 5, 28, 32, 42, 44, 47, 50, 52, 55, 58, 61, 66, 72, 77, 85, 90, 96, 107, 112, 123, 129, 132, 135, 138, 143, 146, 148, 153, 157, 159, 163, 166, 170, 175, 179, 184, 190, 196, 206, 214, 222, 230, 236, 242, 255, 262, 268, 277, 286, 315, 323, 329, 338, 348, 357, 371, 380, 390, 400, 409, 418, 426, 443, 445, 460, 465, 483, 488, 493, 496, 505, 508, 510, 515, 522, 531, 537, 545, 551, 556, 562, 570, 572, 579, 585, 589, 595, 604, 610, 617, 626, 633, 639, 647, 656, 663, 671, 681, 693, 700, 708, 719, 722, 733, 738, 747, 758, 766, 774, 780, 1002, 1010, 1021, 1031, 1033, 1048, 1052, 1060, 1064, 1066, 1067, 1073, 1075, 1077, 1084, 1087, 1094, 1102, 1109, 1136, 1150, 1162, 1192, 1203, 1205, 1209, 1215, 1228, 1233.
President *Pro Tempore* ..... 444, 488, 508, 718, 765, 1150, 1167, 1203, 1223, 1233, 1247.
PRESSURE VESSEL—see **Labor Department**
PRIMARY—see **Elections**
PRINCIPAL—see **Education**
PRINCIPAL AND INCOME [G.S. 37]
Omnibus Amendment Bill
S 698 (J2 Com) ..... 226.
H 841 (Ch. 284) ..... 409, 703, 719, 727, 734.

PRINCIPAL CLERK—Sylvia Morris Fink
Journal Signature ..... 1316.
Nomination/Election ..... 19.
Oath ..... 20.
Salary—see **General Assembly** (Salaries and Expenses)
Senate Officer—see **Senate** (Officers)
PRINTER—see Publications
PRISON
Alternative Incarceration
Alternative Punishment Requirement
S 342 (H Const Com) ..... 114, 387, 404, 420, 450.
Community Based Youth Services
S 964 (H 725)(Appr Com)(In S 27) ..... 345.
S 1042 (H 725)(Appr Com) ..... 407.
Bonds—see under this heading (Facility Construction)
Cap—see under this heading (Jail—Population)
Capital Improvements—see under this heading (Facility Construction)
Community College Education Program
S 27 [Sec. 105](Ch. 321) ..... 852.
Community Service Work Program Transfer
S 27 [Sec. 178.1](Ch. 321) ..... 899.
Consolidation of Five Prison Units
S 1220 (CapExp Com) ..... 584.
Correction Department
Alcoholism and Chemical Dependency Division
S 1230 (reref Appr Com) ..... 622, 750.
Average Active Prison Time Served Report
S 831 (H J3 Com) ..... 264, 446, 488.
Criminal Justice Partnership Account Established
S 405 (J1 Com) ..... 125.
H 281 (Ch. 534) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1223, 1246.
Current Operations Appropriations
S 27 [Part 19](Ch. 321) ..... 896.
Four-Level Correctional System
S 915 (J1 Com) ..... 313.
H 1035 (Ch. 535/see H 1319) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1224, 1246.
Liability Insurance Coverage for State Employee
S 27 [Sec. 214](Ch. 321) ..... 928.
Medical Claims Automated Processing
S 245 (H Appr Com/see H 274) ..... 89, 207, 216, 234.
Reorganization from Crime Control/Public Safety
S 27 [Sec. 178.1](Ch. 321) ..... 899.
S 240 (H 301)(reref Appr Com) ..... 88, 227.
Secretary
Salary, Annual
S 27 [Sec. 50](Ch. 321) ..... 816.
County Reimbursement
Medical Expense Payments
S 26 [Sec. 74](Ch. 561) ..... 1285.
Detention Center
Cumberland County Juvenile Detention Facility
S 1048 (CapExp Com) ..... 408.
Guilford County Facility Construction Funds
S 1263 (CapExp Com) ..... 702.

PRISON (continued)
Detention Center (continued)
Polk Youth Center
Institution Replacement
S 1285 (CapExp Com) ..... 736.
Minimum Custody Facility Renovation Funds
S 26 [Sec. 73](Ch. 561) ..... 1285.
Enterprise Program
Capital Improvement Fund
S 1278 (H Fin Com) ..... 735, 1102, 1104, 1120, 1127.
Compensation $3 Per Hour
S 27 [Sec. 175](Ch. 321) ..... 898.
S 47 (H 73)(J1 Com) ..... 49.
Laundry Emergency Utilization
S 45 (H Bus&Labor Com) ..... 49, 89, 110, 112.
H 71 (reref J1 Com) ..... 395, 746.
Policy Development for Manufacturing Services
S 26 [Sec. 76](Ch. 561) ..... 1286.
S 135 (H Appr Com/see H 306) ..... 68, 75, 412, 434.
Facilities
Consolidation Granville/Halifax/Person/Warren/Vance
S 27 [Sec. 177](Ch. 321) ..... 899.
Construction
S 26 [Part 19](Ch. 561) ..... 1285.
Consolidation/Construction Three New Prisons
S 27 [Sec. 177](Ch. 321) ..... 899.
S 243 (H Appr Com/see H 274) ..... 88, 228, 270, 412, 464, 473.
General Obligation Bonds
H 235 (Ch. 550/see S 1077) ..... 1066, 1067, 1071, 1079, 1081, 1086, 1228, 1229, 1238, 1314.
State Prison/Youth Services Facilities Contingency Account
S 1077 (H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.
Polk Youth Institution Construction Funds
S 1285 (CapExp Com) ..... 736.
Repair and Renovation Funds/Reports
S 26 [Sec. 75](Ch. 561) ..... 1286.
S 27 [Sec. 170](Ch. 321) ..... 896.
Privately Owned or Operated
S 27 [Sec. 176](Ch. 321) ..... 898.
Inmates
Highway Maintenance Labor
S 27 [Sec. 154](Ch. 321) ..... 889.
Hiring Incentive State Policy
S 916 (J1 Com) ..... 313.
Incentive Hourly Rate
S 27 [Sec. 175](Ch. 321) ..... 898.
Labor and Facility Construction Authorized
H 235 (Ch. 550/see S 1077) ..... 1066, 1067, 1071, 1079, 1081, 1086, 1228, 1229, 1238, 1314.
Medical Expenses/County Credit
S 26 [Sec. 74](Ch. 561) ..... 1285.
Medical Record Access/Fee
S 27 [Sec. 178](Ch. 321) ..... 899.
Population Restriction—see under this heading (Jail)
Visitation
Mothers and Their Children Program
S 27 [Sec. 172](Ch. 321) ..... 897.

PRISON (continued)
Inmates (continued)
Work/Supervision in Washington County
S 439 (J1 Com) ..... 133.
Jail
Emergency Medical Costs in Local Facility
S 1021 (Ch. 510) ..... 383, 418, 449, 1211, 1214, 1242.
Local Confinement Facility
Responsibility
S 402 (J1 Com/see H 280) ..... 124.
H 277 (Ch. 538/see S 401; H 280) ... 1075, 1212, 1220, 1223, 1246.
Responsibility Redefined
S 517 (H 584)(J1 Com) ..... 172.
Sanitation Inspection
S 597 (H Hlth Com/see H 179) ..... 192, 381, 398.
H 570 (Ch. 262/see H 179) ..... 385, 570, 652, 670, 679, 684, 723.
Population
Cap Raised to 21,500
S 982 (Ch. 91) ..... 359, 400, 406, 573.
Laundry—see under this heading (Enterprise Program)
Parole—see also under this heading (Probation)
Commission
Chairman/Members Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
Terms Staggered
S 633 (Ch. 337) ..... 199, 509, 512, 1003, 1019, 1023.
Community Correction Programs Reorganization
S 27 [Sec. 178.1](Ch. 321) ..... 899.
S 240 (H 301)(reref Appr Com) ..... 88, 227.
Eligibility Under Structured Sentencing Plan
S 402 (J1 Com/see H 280) ..... 124.
H 277 (Ch. 538/see S 401; H 280) ..... 1075, 1212, 1220, 1223, 1246.
Population Stabilization—see under this heading (Jail)
Private Confinement Facility Restrictions
S 27 [Sec. 176](Ch. 321) ..... 898.
Probation—see also under this heading (Parole)
Juvenile Maintain Passing School Grade
S 892 (Ch. 462) ..... 311, 369, 379, 396, 1004, 1118, 1153, 1201.
Juvenile/School Attendance Condition
S 893 (Ed/HighEd Com) ..... 311.
H 1092 (Ch. 369) ..... 513, 530, 609, 760, 776, 1016, 1068.
Juvenile/School Notified
S 893 (Ed/HighEd Com) ..... 311.
H 1092 (Ch. 369) ..... 513, 530, 609, 760, 776, 1016, 1068.
Restitution Condition for Extension
H 696 (Ch. 84) ..... 386, 540, 553, 554, 556.
Rules for Alternative Sentence
S 402 (J1 Com/see H 280) ..... 124.
H 277 (Ch. 538/see S 401; H 280) ..... 1075, 1212, 1220, 1223, 1246.
Violation Constitutes Contempt
S 1033 (H J3 Com) ..... 392, 445, 490.
Punishment Definition Broadened
S 342 (H Const Com) ..... 114, 387, 404, 420, 450.

PRISON (continued)
Rehabilitation
Positive Mental Attitude Pilot Program
S 46 (H 72)(Ch. 59) ..... 49, 89, 110, 545.
Restorative Justice Act
S 915 (J1 Com) ..... 313.
H 1035 (Ch. 535/see H 1319) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1224, 1246.
Safekeeper of Prisoner—see under this heading (Jail)
Sentencing and Policy Advisory Commission
—see **Boards and Commissions** (Commissions)
Structured Sentencing—see **Criminal Procedure**
Training School
Juvenile Committment as Alternative
S 433 (H 229)(J1 Com) ..... 130.
Women
Hariett House Funds
S 27 [Sec. 174](Ch. 321) ..... 898.
Mothers and Their Children Program Funds
S 27 [Sec. 172](Ch. 321) ..... 897.
Summit House Funds
S 27 [Sec. 173](Ch. 321) ..... 897.
Transitional Home for Female Offender
S 1038 (H 1233)(Appr Com)(In S 27) ..... 392.
PRINTER—see **Publication**
PRIVATE PROTECTIVE SERVICES [G.S. 74C]
—see also **Law Enforcement**
Board Member Appointed (Ballance)
S 558 [Sec. 1](Ch. 555) ..... 185, 419, 435, 1249, 1315.
State Facility/Services Use Fees
S 27 [Sec. 203](Ch. 321) ..... 923.
PRIVATE ROAD NAMES
—see **Transportation** (Roads and Highways); Specific County
PRIVILEGE LICENSE—see **Taxation**
PROBATE AND REGISTRATION [G.S. 47]
Administration of Estate—see **Estates**
Deeds Omitting Order of Registration
H 131 (Ch. 80) ..... 137, 540, 550, 551.
Power of Attorney—see **Attorneys**
Real Property Security Assignment
S 963 (J2 Com) ..... 345.
PROBATION—see **Prison** (Parole; Probation)
PROCLAMATION BY GOVERNOR—see **Governor**
PRODUCTS LIABILITY [G.S. 99B]
Repose Statute Amended (10 Years)
S 108 (H 184)(H J1 Com) ..... 59, 242, 247, 276.
PROFESSIONAL
Corporations [G.S. 55B]—see **Corporations**
Partnership—see **Commerce and Business**
PROJECT GENESIS—see **Education**
PROPERTY
Condemnation—see **Eminent Domain**
Conveyance at Private Sale
—see **Local Government** (Real Property); Specific County
Equitable Distribution—see **Married Persons** (Divorce)
Homestead Tax—see **Taxation** (Property)
Mapper Certification—see **Register of Deeds; Secretary of State**

PROPERTY (continued)
Owners Association Study (LRC)
H 1319 [Sec. 2.1(34)](ordered enrolled)
(see S 1270; H 919) ..... 1249, 1320.
Qualified Terminable Interest Property—see **Taxation** (Inheritance)
Real Estate—see **Real Estate**
Residential Property Disclosure Act Study (LRC)
H 1319 [Sec. 2.1(38)](ordered enrolled)
(see S 1270; H 1032) ..... 1249, 1320.
State—see **State** (Buildings; Lands)
Surplus Property
Inventory Management System
S 144 (reref GovPerform Com/see H 306)(In S 27) ..... 69, 75.
Sale Proceeds
S 142 (reref Appr Com/see H 306) ..... 68, 75, 111.
State/Federal Site
S 143 (reref GovPerform Com/see H 306) ..... 69, 75, 111, 122, 128.
Tax—see **Taxation**
Transfer—see **Estates; Real Estate**
PROPERTY RIGHTS BAR [G.S. 31A]
PROSECUTORIAL DISTRICT—see **Judicial Department** (Courts)
PROSTATE-SPECIFIC ANTIGEN (PSA)—see **Cancer; Insurance**
PROTECT ANIMALS [G.S. 19A]—see **Animals**
PROVISIONAL DRIVER'S LICENSE
—see **Motor Vehicle** (License, Operator)
PSEUDORABIES—see **Agriculture; Animals**
PSYCHOTHERAPY—see **Medicine**
PUBLIC
Accountants [G.S. 93]—see **Certified Public Accountant**
Building [G.S. 129]—see **State** (Buildings)
Education [G.S. 115C]—see **Education**
Facility
Toilet Facility Regulation, Portable
H 1492 (Ch. 528) ..... 1069, 1072, 1143, 1204, 1244.
Health [G.S. 130; 130A]
Abortion—see **Maternal and Child Health**
Air Pollution—see **Pollution Control**
Anatomical Gift Act—see **Anatomical Gift**
Bathroom Equity—see **Building** (Code)
Bed and Breakfast Inns—see **Hotels and Restaurants**
Birth Control—see **Maternal and Child Health**
Birth Registration
Paternity Established/Recorded
S 953 (J2 Com) ..... 332.
H 1119 (Ch. 333) ..... 512, 530, 555, 582, 602, 608, 1011.
Blood Related Services Liability
S 1267 (Ch&HumRes Com) ..... 702.
Blood Samples/DNA Analysis
H 1050 (Ch. 401)(In S 27) ..... 512, 530, 1030, 1049, 1088.
Board of Health, Local
Development Program Funds
S 26 [Sec. 108](Ch. 561) ..... 1306.
S 985 (Appr Com) ..... 359.
Communicable Disease
Aid to Counties Monitoring System
S 27 [Sec. 270](Ch. 321) ..... 959.

PUBLIC (continued)
Health [G.S. 130; 130A] (continued)
Communicable Disease (continued)
Health Care Workers/HIV, Hepatitis B Infected
S 639 (J2 Com) ..... 209.
HIV Medication Funds
S 695 (H 738)(Appr Com)(In S 27) ..... 226.
Immunization Program Funds, Statewide
S 674 (H 719)(Appr Com)(In S 27) ..... 218.
Patient Record Access
S 598 (recommit J2 Com) ..... 192, 255, 267.
H 613 (H J2 Com) ..... 314, 1026, 1049.
Sexually Transmitted Disease
S 27 [Sec. 270; 271](Ch. 321) ..... 959.
Vaccine—see under this heading (Vaccine)
County Health Board Membership
S 867 (H 1088)(Ch&HumRes Com) ..... 278.
Cytotechnologist Salaries/Scholarships
S 27 [Sec. 101.4](Ch. 321) ..... 849.
S 224 (Ed/HighEd Com) ..... 86.
H 106 (Ch. 427) ..... 425, 1035, 1061, 1103, 1138.
Dental Hygienist Three-County Area
S 456 (H 386)(Appr Com)(In S 27) ..... 137.
Dietetics Nutrition Board
Appointment of Board Member (Becker; Dove)
S 1124 [Sec. 7](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Director, State
Annual Report to Commission for Health Services
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Environment, Health, and Natural Resources
—see **Environment, Health, and Natural Resources**
Facilities—see **Medicine** (Long-Term Care)
Food Handlers—see **Hotels and Restaurants**
Food/Lodging—see **Hotels and Restaurants**
Hazardous Waste
Air Pollutant Violation Criminal Penalty
H 650 (J2 Com) ..... 458.
CERCLA/SERA
Superfund Clean-Up Cost Share
S 27 [Sec. 266](Ch. 321) ..... 958.
Commercial Hazardous Waste Facility Defined
S 1165 (Ch. 511) ..... 491, 628, 713, 728, 1211, 1214, 1243.
Hazardous Waste Management Commission [G.S. 130B]
Appointment of Member (Odom)
S 558 [Sec. 11](Ch. 555) ..... 185, 419, 435, 1249, 1315.
Local Government
Household Disposal Site Requirement
S 54 (reref Fin Com) ..... 50, 564.
Low-Level Radioactive Waste [G.S. 104F; 104G]
Authority [G.S. 104G]
Appointments (Hinnant)
S 1124 [Sec. 12](H 826)
(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Facility Site 10 Mile Restriction
S 524 (H 462)(E&NR Com) ..... 173.

PUBLIC (continued)
Health [G.S. 130; 130A] (continued)
Hazardous Waste (continued)
Low-Level Radioactive Waste [G.S. 104F; 104G] (continued)
Local Government Management
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.
Management [G.S. 104F]
Siting Grants (Chatham/Richmond/Wake)
S 26 [Sec. 106](Ch. 561) ..... 1305.
Siting Process Delayed for Investigator Report
S 779 (E&NR Com) ..... 253.
Southeast Interstate Compact Repeal Proposed
S 1153 (J1 Com) ..... 497.
Nuclear Waste [G.S. 104F]
Resident Inspectors
Additional Authorized
S 27 [Sec. 262](Ch. 321) ..... 956.
Assigned/Program
S 1165 (Ch. 511) ..... 491, 628, 713, 728, 1211, 1214, 1243.
Program Report
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Site
Voluntary Remedial Action Program
S 27 [Sec. 265](Ch. 321) ..... 958.
Treatment Facility Permit Authorization
S 27 [Sec. 268](Ch. 321) ..... 959.
Underground Storage Tank
Clean-Up Act of 88 Amended/Funds Redirected
S 928 (E&NR Com) ..... 318.
H 1061 (Ch. 402) ..... 659, 723, 1036, 1055, 1060, 1070, 1088.
Motor Fuel Excise Tax Proceeds Distribution
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Waste Management Board—see under this subheading (Waste)
Health Care Insurance—see **Insurance**
Health Care Office Established
S 413 (H 293)(GovPerform Com) ..... 126.
Health Care Reform Commission Created
S 1293 (Rules Com/see H 1319) ..... 737.
Health Director Responsibilities, State
S 554 (reref Rules Com/see H 729; H 1319) ... 182, 236, 248, 267, 703.
H 612 (Rules Com) ..... 319.
Health Services
Caring Program for Children
S 3 (Appr Com)(In S 27) ..... 29.
Medicaid Coverage for Children
S 4 (Appr Com) ..... 29.
Health Services Commission—see also **Boards and Commissions**
Asbestos Rule-making Authority
H 650 (J2 Com) ..... 458.
Child Fatality Prevention Team Rules
S 27 [Sec. 285](Ch. 321) ..... 967.
Food Sample Rules/Restrictions
H 1122 (H 886)(Ch. 346) ..... 482, 534, 710, 729, 756, 766, 1023.

PUBLIC (continued)
Health [G.S. 130; 130A] (continued)
Health Services Commission (continued)
Immunization Record Access by Rule
H 452 (Ch. 134) ..... 281, 590, 603, 605.
Sanitation of Homeless Shelter
S 1089 (reref Appr Com) ..... 439, 563.
Vaccination Rules—see under this heading (Vaccine)
Hospitals—see **Medicine**
Immunization—see under this heading (Vaccine)
Incinerator—see under this heading (Solid Waste)
Landfill
Avery/Mitchell/Yancey Counties
S 1224 (CapExp Com) ..... 596.
Clearing Permit/Regulation Exemption
S 898 (H Envir Com) ..... 311, 504, 509, 510.
Demolition Asphalt Sunset Removed
S 932 (H Envir Com) ..... 319, 373, 388, 398.
H 969 (Ch. 86) ..... 409, 505, 520, 536, 557.
Permit Denial Without Solid Waste Management Plan
H 787 (Ch. 365) ..... 409, 750, 766, 773, 1000, 1016, 1068.
Recyclable Material Prohibited
S 59 (H 68)(Ch. 290) ..... 51, 183, 189, 737, 744, 747.
Sanitary Landfill Permit Application
S 1003 (Ch. 473) ..... 376, 507, 510, 1210.
Leaking Underground Storage
—see under this heading (Hazardous Waste—Underground Storage)
Low-Level Radioactive Waste—see under this heading (Hazardous Waste)
Marriage License Health Certificate Repeal
S 453 (H Hlth Com) ..... 137, 167, 445, 450, 477.
Maternal and Child Health—see **Maternal and Child Health**
Medical Examiner—see **Medicine** (Medical Examiner)
Mental Health Services—see **Mental Health**
Nutritional Therapy—see **Medicine** (Complementary)
Occupational Health
Reporting System/Statewide
S 533 (Ch. 486) ..... 180, 474, 544, 548, 554, 560, 591, 625, 632, 1222.
Perinatal Health Care—see **Maternal and Child Health**
Pest Control—see **Agriculture**
Pollution Control—see **Pollution Control**
Prenatal Health Care—see **Maternal and Child Health**
Public Health Study Commission
S 69 (Rules Com/see H 1319) ..... 52.
Rabies—see **Animals**
Records [G.S. 132]
Recycled Material—see **Recycled Material**
Regional Organization Structure for Programs
S 298 (H 289)(reref Rules Com/see H 1319) ..... 98, 320.
Reimbursement Program Eligibility
S 27 [Sec. 274](Ch. 321) ..... 960.
Remedies
S 592 (H 560)(Ch. 211) ..... 192, 244, 352, 370, 681.
Safety Telephone Act [G.S. 62A]—see **Utilities** (Telephone)
Sanitarians [G.S. 90A]
Educational Requirements for Registration
S 595 (Ch. 233) ..... 192, 381, 398, 701.

PUBLIC (continued)
Health [G.S. 130; 130A] (continued)
Sanitary Districts—see **Water and Sewer Authority**
Sanitation Law Inspections/Clarification
S 597 (H Hlth Com/see H 179) ..... 192, 381, 398.
H 570 (Ch. 262/see H 179) ..... 385, 570, 652, 670, 679, 684, 723.
School Health Screening—see **Education** (Kindergarten)
Scrap Tire Disposal—see **Motor Vehicle** (Tires)
Solid Waste
Facility Financial Responsibility
S 1164 (Ch. 273) ..... 491, 504, 509, 734.
Incineration Prohibited/Air Pollution Control
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Incinerator
Agriculture Medical Waste
S 530 (H 655)(Appr Com)(In S 26) ..... 177.
Landfill Disposal Ban
S 59 (H 68)(Ch. 290) ..... 51, 183, 189, 737, 744, 747.
Operator Training
S 55 (H 89)(Ch. 29) ..... 50, 140, 145, 177, 278, 321, 323.
Permit Approval
S 27 [Sec. 268](Ch. 321) ..... 959.
Landfill (Avery/Mitchell/Yancey)
S 1224 (CapExp Com) ..... 596.
Sludge Management Facility Charlotte (Mecklenburg)
H 847 (Ch. 171) ..... 442, 613, 620, 637, 644.
Solid Waste Management
Bonds
S 824 (CapExp Com) ..... 264.
Fee Increased
S 51 (reref E&NR Com) ..... 50, 375, 675.
Incinerator/Landfill Permit Denial
H 787 (Ch. 365) ..... 409, 750, 766, 773, 1000, 1016, 1068.
Loan Program [G.S. 159I]
Bond Discretionary Repayment/Local Government
S 678 (failed 2nd rdg) ..... 218, 414, 724, 732, 742.
Recycled Material—see **Recycled Material**
Study (LRC)
S 56 (H 69)(Rules Com/see H 1319) ..... 50.
Trust Fund Report
H 179 (Ch. 513/see S 597; H 570) . 177, 1107, 1120, 1121, 1243.
White Goods Disposal Prohibitions
S 60 (H 67)(Ch. 471) ..... 51, 223, 682, 696, 704, 713, 1075, 1082, 1090, 1091, 1111, 1135, 1140, 1196, 1197, 1210.
Swimming Pool
Pool Construction Regulations
H 922 (Ch. 215) ..... 459, 641, 653, 682.
Tattoo—see **Tattoo**
Toilet
Facility Requirements
H 668 (Ch. 204) ..... 425, 652, 670, 672.
Portable Toilet Standards/Regulation
H 1492 (Ch. 528) ..... 1069, 1072, 1143, 1204, 1244.

PUBLIC (continued)
Health [G.S. 130; 130A] (continued)
Vaccine
Child Immunization Program, Statewide
S 674 (H 719)(Appr Com)(In S 27) ..... 218.
Immunization Plan/Program Funding
S 26 [Sec. 109](Ch. 561) ..... 1306.
S 27 [Sec. 287](Ch. 321) ..... 974.
Immunization Receipts/Medicaid
S 27 [Sec. 282](Ch. 321) ..... 965.
Immunization Records Access/Consent for Minor
H 452 (Ch. 134) ..... 281, 590, 603, 605.
Immunization Without Charge
S 1142 (Appr Com) ..... 479.
Purchase from In-State Company
S 27 [Sec. 278](Ch. 321) ..... 963.
UNC Infection Control Funds
S 827 (Appr Com)(In S 26) ..... 264.
Vaccination Rules/Fee
S 27 [Sec. 281](Ch. 321) ..... 964.
Vital Records
Archives Access Index
S 529 (J1 Com) ..... 177.
H 569 (Ch. 146) ..... 385, 574, 594, 618.
Possession/Reproduction Authority
S 564 (J1 Com) ..... 186.
Waste
Agriculture Medical Waste Funds
S 530 (H 655)(Appr Com)(In S 26) ..... 177.
Hazardous Waste—see under this subheading (Hazardous Waste)
Landfill—see under this subheading (Hazardous Waste)
Management Board
Appointment of Board Member (Hughes, Jr.)
S 1124 [Sec. 27](H 826)(Ch. 405/see H 544) ... 457, 462, 1079, 1084, 1088.
Transfer to Evironmental Education Office
H 976 (Ch. 501) ..... 1066, 1084, 1095, 1193, 1195, 1223.
Municipal Sewer Service Districts—see **Water and Sewer Authority**
Nuclear Waste—see under this subheading (Hazardous Waste)
Radioactive Waste—see under this subheading (Hazardous Waste)
Recycled Material—see **Recycled Material**
Solid Waste—see under this subheading (Solid Waste)
Wastewater—see **Water and Sewer Authority**
Water—see **Water**
Groundwater Resources—see **Water**
Holiday—see **Holiday**
Hospital—see **Medicine** (Hospital)
Instruction—see **Education**
Superintendent—see **Education**; **State** (Officers; Personnel)
Markets—see **Agriculture**
Meetings—see **Open Meetings**
Morals [G.S. 19]
Offices [G.S. 128]—see **State** (Officers)
Retirement Incentive—see **Retirement**
Records [G.S. 132]
Certificate of Public Advantage
S 9 (H Rules Com) ..... 29, 351, 558, 568.

PUBLIC (continued)
Records [G.S. 132] (continued)
Certified Public Accountant Investigation Exemption
S 629 (ppi) ..... 198, 454, 488, 501, 512.
Criminal Investigative Records Defined
S 860 (Ch. 461) ..... 272, 352, 368, 379, 1004, 1140, 1154, 1200.
Economic Interest Statement Filed by Public Servant
S 399 (H 282)(reref J2 Com) ..... 121, 188.
Electronic Records Access/Inspection/Fees
S 418 (H 121)(J2 Com) ..... 126.
Employee Payroll Record Fee
S 749 (Fin Com) ..... 250.
Geographical Information System
Cumberland/Guilford (Greensboro/High Point)/Nash
S 234 (reref J2 Com) ..... 87, 121, 128, 138, 147, 169.
Exemption (Guilford, Mecklenburg, Nash, Pitt)
H 143 (Ch. 82) ..... 158, 474, 498, 517, 535, 556.
Hospital Licensure Act
H 120 (S/H conf com appt'd/see S 417) ..... 195, 206, 213, 430, 433.
Hospital Records Confidential
S 417 (H J2 Com/see H 120) ..... 126, 171, 178.
Insurance Higher Rate with Commissioner's Approval Exempt
S 603 (H 609)(Ch. 409) ..... 193, 428, 453, 1079, 1091, 1098.
OSHA Records Exemption During Investigation
H 504 (Ch. 317) ..... 513, 527, 740, 756, 765, 775.
Rabies Information Exemption
S 865 (Ch. 245) ..... 272, 486, 502, 709.
Real Property Transaction Exemption
S 755 (J2 Com) ..... 251.
Retaliatory Discrimination Enforcement Proceeding Exemption
S 643 (Ch. 423) ..... 209, 405, 422, 495, 501, 1063, 1072, 1107, 1110.
State Land Records Exemption
S 752 (H 93)(J2 Com) ..... 251.
Tax Information Confidentiality
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
Tax Information Disclosure
H 74 (Rules Com) ..... 1012.
Veterinary Records Disclosure Limited
S 36 (ppi) ..... 48, 139, 145, 158.
H 33 (Ch. 5) ..... 144, 145, 148, 149.
Vital Records Duplication
S 529 (J1 Com) ..... 177.
H 569 (Ch. 146) ..... 385, 574, 594, 618.
Schools—see **Education**
Telecommunications—see **Telecommunications; Utilities**
Television—see **Higher Education** (UNC)
Transportation—see **Transportation**
Uniform Relocation Assistance—see **Relocation**
Works [G.S. 133]—see **Utilities**
PUBLICATIONS
Advertising Contract Terms
H 1098 (Rules Com) ..... 551.
Coastal Boating Guide—see **Boating and Water Safety**

PUBLICATIONS (continued)
Code
Hearings Office to Secretary of State
S 299 (GovPerform Com/see H 310) ..... 98.
Documents Reflect Recycled Material
S 58 (H 85)(Ch. 256) ..... 51, 339, 354, 722.
Ethics Commission Rules/Opinions
S 399 (H 282)(reref J2 Com) ..... 121, 188.
General Contractor's Roster
S 536 (Ch. 148) ..... 180, 417, 435, 627.
Legal Publication Review
S 26 [Sec. 81](Ch. 561) ..... 1288.
Mailing List Purge/UNC Exemption
S 830 (StPers&StGov Com) ..... 264.
Manufacturing Directory
—see **Commerce and Business** (Industrial Development)
Museum of Natural Science Copies
S 26 [Sec. 116](Ch. 561) ..... 1308.
Personnel Office Receive State Publication
H 497 (StPers&StGov Com) ..... 360.
Printing Facility in State Promotion
S 715 (H 933)(J2 Com) ..... 237.
Report Printing/Distribution Requirements
S 572 (Ch. 448) ..... 187, 330, 343, 356, 1139.
PUMP CONTRACTOR—see **Contractor** (Well)
PUNISHMENT, CRIMINAL—see **Criminal Law; Prisons**
PURCHASE AND CONTRACT
Administration—see **Administration Department**
Bids—see **Bids**
Contracts—see **Contracts**
Legislative Contract—see **General Assembly**
Local Procedure—see Specific County
Personal Computer Authorization/Procedures
S 329 (GovPerform Com/see S 315; H 322) ..... 109.
Purchase Activity Oversight/Buyers
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Purchasing Agent Gift Prohibited
S 760 (H 21)(H Fin Com) ..... 251, 417, 435.
State Purchasing System Study Created
S 1178 (Rules Com/see H 1319) ..... 522.
Vaccine—see **Public** (Health)
Waste Reduction in Purchasing
S 90 (Ch. 197/see H 544) ..... 56, 223, 234, 658, 670, 671.
H 91 (StPers&StGov Com) ..... 212.
PURCHASE MONEY SECURITY INTEREST—see **Bonds**
PYROTECHNICS
Misdemeanor Offense/Exemptions
H 1089 (Ch. 437) ..... 482, 1011, 1031, 1050, 1138.

- Q -

QUINN, DWIGHT WILSON—Memorializing
Former Member
S 976 (Res. 11) ..... 350, 362, 373.

- R -

RABIES—see **Animals**
RADIATION PROTECTION ACT [G.S. 104E]—see **Energy**
RADIATION TECHNOLOGY PRACTICE ACT—see **Medicine**
RADIO—see **Telecommunications; Studies**
RADIOACTIVE WASTE—see **Public** (Health—Hazardous Waste)
RAFFLE—see **Criminal Law** (Gambling)
RAILROAD—see **Transportation**
RANDLEMAN RESERVOIR—see **Water** (Reservoir)
RANDOLPH COUNTY—District 16—Senator Howard N. Lee
—Senator Russell G. Walker
—District 19—Senator Robert G. Shaw
Randleman Reservoir Construction Funds
S 471 (H 425)(CapExp Com)(In S 26) ..... 144.
RAPE—see **Criminal Law** (Sexual Offense)
RATE BUREAU—see **Insurance**
RATIFIED BILL
Pending
Disabled Sportsman Program
S 1222 (ordered enrolled) ..... 591, 635, 713, 729, 1212, 1216, 1218, 1251, 1320.
Durham City Housing Code
S 690 (ordered enrolled) ..... 225, 269, 284, 308, 1247, 1249, 1320.
LRC Studies Omnibus
H 1319 (ordered enrolled)(see S 1270) ..... 1249, 1320.
No Billboards (NC 752/US 52)
H 1158 (ordered enrolled) ..... 515, 531, 635, 645, 654, 670, 691, 1041, 1215, 1240, 1244, 1320.
Sheriffs' Education and Training Standards Commission
Membership/Districts
S 785 (ordered enrolled) ..... 254, 317, 550, 555, 1231, 1237, 1245, 1249, 1250, 1315, 1320.
RATITES—see **Agriculture**
READING CLERK—LeRoy Clark, Jr.
Nomination/Election ..... 20.
Oath ..... 20.
Salary—see **General Assembly** (Salaries and Expenses)
Senate Officer—see **Senate** (Officer)
REAL ESTATE
Appraisal Board [G.S. 93E]
North Carolina Appraisers Act
H 473 (Ch. 419/see H 472; H 544) ..... 703, 740, 1037, 1076, 1084, 1089, 1110.
Appraiser—see under this heading (License)
Business Investments Tax Credit
S 1141 (H 1362)(Ch. 443/see H 544) ..... 479, 650, 662, 669, 1012, 1038, 1107, 1128, 1139.
City/County Private Sale—see **Local Government**; Specific County
Devolution Statement—see **Estates**
Enforcement of Judgment—see **Judgments**
Equity Line of Credit Loan Termination
S 778 (H J2 Com) ..... 253, 343, 355.
Historic Property—see **Historic Properties**
Land Development Impact Fee—see **Taxation**; Specific County

REAL ESTATE (continued)
License [G.S. 93A; 93E]
Broker Exemption from Home Inspector License
S 617 (H Fin Com) ..... 194, 316, 412, 581, 600.
Department of Transportation Exemption
H 618 (Ch. 519) ..... 319, 1011, 1030, 1113, 1194, 1209, 1243.
Education Requirements Broker/Salesman
S 913 (Ch. 492) ..... 313, 387, 615, 624, 1222.
Qualification Requirements/Fee Increase
S 738 (H Fin Com) ..... 249, 375, 539, 549, 554, 560.
Litigation/Arbitration Voids Contract
S 914 (Ch. 294) ..... 313, 454, 489, 726, 732, 745, 747.
Local Government Acquisition/Sales—see Specific County
Mental Health Area Authority Purchase
H 536 (reref Fin Com) ..... 584, 720, 1035.
Mortgage—see **Mortgage**
Realtor [G.S. 93A]
Workers' Compensation Broker/Salesperson
S 912 (H J1 Com) ..... 313, 397, 406, 422.
Records Public Inspection Exemption
S 752 (H 93)(J2 Com) ..... 251.
State-Owned Property—see **State** (Buildings; Lands)
Subdivision
Haywood Predevelopment Ordinance
H 762 (Ch. 282) ..... 332, 710, 727, 734.
Lincoln County Definition Repealed
H 842 (Ch. 195) ..... 442, 651, 662, 664.
Pasquotank County Definition
H 820 (Ch. 194) ..... 347, 651, 662, 664.
Robeson Definition
H 163 (Ch. 131/see H 544) ..... 273, 582, 599, 604.
Title Insurance—see **Insurance**
REAPPRAISAL OF PROPERTY—see **Real Estate; Taxation** (Property)
RECIPROCAL SUPPORT [G.S. 52A]
RECONVENE—see **CONVENE**
RECORDED INSTRUMENTS—see **Probate**
RECREATION AND SECURITY SERVICES DISTRICT
—see **Local Government**
RECREATIONAL SPORT PROPERTY
Recreation Area Capital Improvement Project
S 1254 (CapExp Com) ..... 695.
Northwest Recreation Building Funds (Brunswick)
S 1016 (CapExp Com) ..... 383.
RECYCLED MATERIAL
Business Tax Credit Study (LRC)
H 1319 [Sec. 2.1(44)](ordered enrolled)
(see S 1270; H 1132) ..... 1249, 1320.
Departmental Responsibility Defined
H 663 (Ch. 250) ..... 441, 695, 707, 709.
Landfill/Incinerator Ban
S 59 (H 68)(Ch. 290) ..... 51, 183, 189, 737, 744, 747.
Local Ordinances Authority
S 53 (H 82)(Ch. 165) ..... 50, 217, 229, 234, 643.
Plastic Container with Polyvinylchloride Prohibited
S 52 (H 90)(E&NR Com) ..... 50.
Procurement Policy of State
S 58 (H 85)(Ch. 256) ..... 51, 339, 354, 722.

RECYCLED MATERIAL (continued)
Publications of State Requirements
S 572 (Ch. 448) ..... 187, 330, 343, 356, 1139.
Receipt of Sale Retained by State Agency
S 1065 (Appr Com) ..... 424.
Vehicle Weight Penalty
H 802 (Ch. 426) ..... 1069, 1084, 1095, 1100, 1107, 1110.
RED LIGHTS ON VEHICLES
—see **Emergency Services/Personnel/Equipment**
REDEVELOPMENT BY LOCAL GOVERNMENT
—see **Local Government**
REDISTRICTING—see **Elections**
REFERENDUM—see **Elections**
REGIONAL PUBLIC TRANSPORTATION AUTHORITY
—see **Local Government** (Finance); **Taxation** (Motor Vehicle); **Transportation**
REGISTER, NORTH CAROLINA—see **Publications** (Code)
REGISTER OF DEEDS [G.S. 161]
Certification of Documents
H 395 (Ch. 288) ..... 182, 640, 653, 669, 740.
Deputy Need Justification Repeal
H 467 (tabled) ..... 326, 725, 732, 744, 765, 769, 1000.
Fee Schedule
S 924 (Ch. 425) ..... 318, 615, 624, 632, 1093, 1107, 1110.
Indexing Rules at Local Level
H 396 (Ch. 178) ..... 513, 526, 635, 645, 648.
Liabilities Under Torrens Land Registration System Study (LRC)
H 1319 [Sec. 2.1(49)](ordered enrolled)
(see S 1270; H 1194) ..... 1249, 1320.
Maps/Plats—see also **Maps/Plats**
Geodetic Survey Funds
S 1052 (Appr Com)(In S 27) ..... 408.
Harnett County Taxation
S 1117 (Appr Com) ..... 456.
Surveyors' Original Signature
S 455 (Ch. 119) ..... 137, 417, 434, 596.
Mortgages and Deeds of Trust [G.S. 45]—see **Mortgages**
Order Omission Curative Statute
H 131 (Ch. 80) ..... 137, 540, 550, 551.
Property Mappers Certification
S 833 (reref Fin Com) ..... 265, 474.
H 924 (Ch. 326) ..... 592, 651, 749, 764, 779, 1002, 1099.
Railroad Statement of Intent
S 758 (H Transp Com) ..... 251, 446, 488.
Twelve-year Term Limitation
S 660 (unf rpt) ..... 211, 468.
Vehicle License Plate
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
REGISTER TO VOTE—see **Elections** (Registration)
REGISTERED DEBT [G.S. 159E]
REGISTRAR, STATE—see **State** (Personnel)
REGISTRATION OF MOTOR VEHICLE—see **Motor Vehicle**
REHABILITATION—see **Mental Health** (Developmentally Disabled); **Prison; Vocational Rehabilitation**
REINSURANCE FACILITY—see **Insurance** (Motor Vehicle)

RELIGIOUS GROUPS [G.S. 61]
RELOCATION
Durham Relocation Payment Allowed
S 689 (Ch. 304) ..... 225, 269, 270, 284, 759.
RENOUNCE TRANSFER [G.S. 31B]
Intestate Decedent
H 545 (Ch. 308) ..... 332, 740, 756, 759.
RENTAL MOTOR VEHICLE—see **Motor Vehicle**
REORGANIZATION OF STATE GOVERNMENT [G.S. 143A]
—see **Executive Reorganization**
REPORTS
Attached to Legislation
Dated July 8, 1993
S 27 [Sec. 320](Ch. 321) ..... 999, 1409.
Block Grant Reports—see **Appropriations**
Commercial/Noncommercial Funds Receipts/Disbursement
S 928 (E&NR Com) ..... 318.
H 1061 (Ch. 402) ..... 659, 723, 1036, 1055, 1060, 1070, 1088.
Directed to Report
Construction Office/Old Building Renovation
S 26 [Sec. 34](Ch. 561) ..... 1273.
Governor on Agency Organization/Staff
S 242 (H StGov Com) ..... 88, 412, 434.
H 309 (GovPerform Com) ..... 384.
License Issued by State Agencies
H 1021 (Ch. 289) ..... 515, 529, 695, 707, 740.
Principal Report School Crime
S 879 (Ed/HighEd Com) ..... 280.
H 1009 (Ch. 327) ..... 459, 609, 711, 729, 744, 1002.
Prison Inmates Mental Attitude Study
S 46 (H 72)(Ch. 59) ..... 49, 89, 110, 545.
School Buildings Improvement Report
H 971 (Ch. 142) ..... 481, 592, 603, 608, 611.
Secretary of State/Business Tax Credit
S 1141 (H 1362)(Ch. 443/see H 544) ..... 479, 650, 662, 669, 1012, 1038, 1107, 1128, 1139.
Teaching Standards Program by State Board
S 883 (H Rules Com) ..... 289, 447, 1124, 1150.
H 938 (Ch. 231) ..... 386, 680, 691, 694.
Willie "M" Expenditures/Program Effectiveness
H 935 (Ch. 522/see S 27) ..... 386, 1142, 1203, 1243.
Environmental Review Commission
Solid Waste/Resident Inspector/Mining Permit
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Joint Legislative Commission
Education Oversight Committee
School Administrator Lateral Entry Program Revision
S 385 (Ch. 166) ..... 119, 282, 336, 343, 643.
H 311 (Rules Com) ..... 384.
Nonprofit Corporation Annual Report
S 585 (J2 Com/see S 584) ..... 188.
H 624 (Ch. 398/see H 544) ..... 592, 688, 1025, 1046, 1058, 1088.
Strategic Planning Authority
S 150 (EconDev Com) ..... 69, 77.

REPORTS (continued)
Submitted to General Assembly ..... 1320.
Administrative Office of the Courts
Pilot Program for Providing Indigent Defense through Contracts for Specialized Representation ..... 347.
Children with Special Needs Study Commission ..... 31.
General Statutes Commission
Statutory Lien Right of Contractor and Subcontractors and Payment and Performance Bonds/Interim Report ..... 315.
Requirements of G.S. 47-30(m) and G.S. 89C-26 ..... 45.
Judicial Branch of Government-Equal Employment Opportunity (EEO) Program Report ..... 612.
Legislative Research Commission
Alternative Approaches to Deal with Discrimination in Employment—Final Report ..... 46.
Alternative Medical Practices Report ..... 31.
Cancer Control—Final Report ..... 31.
Child Day Care Issues—Final Report ..... 46.
Chiropractic College Establishment in NC—Final Report ..... 31.
Criminal Case Disposition—Final Report ..... 31.
Emergency Management Issues—Final Report ..... 31.
Fire and Occupational Safety at Commercial and Industrial Facilities ..... 31.
Governmental Ethics and Lobbying—Final Report ..... 46.
Indian Cultural Center—Final Report ..... 45.
Law Enforcement Issues—Final Report ..... 31.
Motor Vehicle Towing and Storage—Final Report ..... 31.
Physical Fitness Among N.C. Youths—Final Reports ..... 32.
Public Health System Issues—Final Report ..... 32.
Railroads and Other Public Transportation—Final Report ..... 32.
Revenue Laws—Final Report ..... 46.
Rights of Victims of Crimes—Final Report ..... 46.
Solid Waste Control and Disposal Issues—Final Report ..... 46.
State Parks and Recreation Areas—Final Report ..... 32.
Statewide Comprehensive Planning Committee—Final Report ..... 32.
Students at Risk—Final Report ..... 32.
Use of Prison Inmates ..... 46.
Water Issues—Final Report ..... 32.
Ways to Promote Conservation of Energy and the Use of Renewable Energy Sources in Residential, Commercial, Industrial and Public Facilities—Final Report ..... 46.
Mountain Area Study Commission—Final Report ..... 31.
N.C. Departments
Administration
N.C. Veterans Home 1993 Study ..... 184.
Commerce
Housing Coordination and Policy Council ..... 386.
Economic and Community Development
Quarterly Reports
Industrial Development Fund ..... 25.
Employment and Training Grant Program/ July 1, 1991 - June 30, 1992 ..... 25.
Employment and Training Grant Program/ July 1, 1992 - September 30, 1992 ..... 26.
N.C. Manufacturing Directory Proceeds ..... 26.
Environment, Health, and Natural Resources
1992 Annual Status Report on Progress Made in Protecting the New River State River ..... 158.
1993 Annual Report on Inactive Hazardous Waste ..... 158.

REPORTS (continued)
Submitted to General Assembly (continued)
N.C. Departments (continued)
Human Resources
Advisory Committee on Home and Community
Care for Older Adults—Third Progress Report ..... 131.
Case of *Cassell et al. vs. Flaherty*
First Quarterly Report; SFY 93, ... 26.
Quarterly Report for Period Ending December 31, 1992 ..... 100.
Second Annual Report; Consent Judgement-
Activities and Expenditures ..... 552.
Child Protective Services Management Task Force Report ..... 241.
Community Action Program Funds, Fiscal Year 1992 ..... 26.
Division of Social Services
N.C. Adolescent Parenting Program Evaluation Report ..... 26.
Division of Youth Services
Prison Bond Quarterly Report, ending June 30, 1992 ..... 26.
Prison Bond Quarterly Report, ending December 31, 1992 .... 26.
Domiciliary Care Facilities for the Calendar Year 1992/
Annual Cost and Revenue Report ..... 257.
Drop-in and Short-term Child Care Arrangements ..... 26.
Escalating Use and Costs of Community Intermediate Care
Facilities for the Mentally Retarded/Developmentally
Disabled ..... 155, 158, 462.
Expansion Funds for 1992-1993/Updated February 1993 ..... 142.
Functioning of Community Child Protection Teams ..... 33.
Improvements in Child Protection Services, Revised Report ..... 25.
Medicaid Physician Participation Report ..... 326.
Mentally Retarded/Developmentally Disabled Population in
Domiciliary Care Homes ..... 431.
Public Instruction
Division of School Business Services Executive Summary ..... 25.
School Site-Based Management Report ..... 95.
Willie M. Expenditures along with the Division of School
Business Services Executive Summary ..... 25.
Willie M. Program Report for 1992 ..... 386.
Revenue
Comparative Statement of Net Collection
December 1992 and 1991 ..... 32.
January 1993 and 1992 ..... 100.
February 1993 and 1992 ..... 190.
March 1993 and 1992 ..... 347.
April 1993 and 1992 ..... 566.
May 1993 and 1992 ..... 696.
Transportation
Computer Services Study Commission ..... 60.
Off-Premise Sign Regulatory Program—Biennial Report ..... 112.
Substandard Bridges Report ..... 60.
Office of State Budget and Management Report
Distribution of the Reserve for Implementation of
OSHA Regulations Regarding Bloodborne Pathogens ..... 131.
Public Staff Utilities Commission
Annual Report for July 1, 1992 through July 30, 1993 ..... 1041.
Sentencing and Policy Advisory Commission Report ..... 112.
State Personnel System Study Commission—Final Report ..... 31.
Wildlife Resources Commission
Report to Legislative Research Commission on
Governmental Operations ..... 431.

REPORTS (continued)
Tax Expenditure Report/Revenue Department
H 843 (Ch. 433) ..... 622, 1095, 1122, 1138.
Waste Reduction Recycled Material Requirements
S 572 (Ch. 448) ..... 187, 330, 343, 356, 1139.
REPTILE
Seizure and Disposition
S 26 [Sec. 116](Ch. 561) ..... 1308.
RESCUE SQUAD—see **Emergency Personnel/Services/Equipment**
RESEARCH—see **Studies;** Specific Subject
RESEARCH TRIANGLE—see **Commerce and Business**
RESERVOIR—see **Water**
RESOLUTIONS, JOINT
(13 resolutions commemorating and honoring individuals and former members of the General Assembly are alphabetized by the name of the person.)
(Resolutions relative to Studies are alphabetized under **Studies.**)
Aberdeen 100th Anniversary Recognized
H 246 (Res. 21) ..... 141, 1022, 1049, 1053.
Adjournment
S 1297 (calendar) ..... 1139, 1198, 1237.
S 1299 (Res. 31) ..... 1252, 1316.
Adolescent Drug Abuse Plan/Policy Guidance
S 334 (H Rules Com) ..... 110, 419, 434.
H 249 (Res. 27) ..... 1073, 1165, 1199, 1210.
Authorizing Legislation—see **Enabling Legislation**
Bessemer City 100th Anniversary
S 465 (Rules Com) ..... 140.
Broughton, Melville—Former Governor
S 638 (Rules Com) ..... 209.
H 680 (Res. 9) ..... 273, 280, 289, 321, 323.
Campbell/Penland Schools Honored
H 393 (Res. 23) ..... 346, 1099, 1110.
Charlotte Hornets Recognition
S 1250 (H fails to accept) ..... 683, 739, 746.
Community College State Board Election Date
H 1209 (Res. 13) ..... 459, 487, 498, 518, 523, 571.
Confirmations
State Board of Education Appointment (Davis; Douglas; Harvey)
H 1248 (Res. 15) ..... 587, 588.
State Board of Education Session
H 1247 (Res. 14) ..... 513, 531, 571, 572, 576, 579.
Congress Memorialized
Health Care Reform Program/Social Security
H 429 (held in Clerk's office) ..... 220.
Veteran Military Longevity/Disability Benefits
S 1206 (held in Clerk's office) ..... 575.
County Commissioner Form of Government Recognized
H 181 (Res. 4) ..... 141, 176, 183, 184.
Developmental Disabilities Policy Guidance for Services/Support
S 427 (Rules Com) ..... 127.
Education Support Services Commission
S 13 (H 11)(Rules Com/see H 1319) ..... 30.
Elon College 100th Anniversary
H 591 (Res. 7) ..... 221, 227, 230.
Enabling Legislation—see **Enabling Legislation**
General Assembly Organized/Invite Governor
S 1 (H 2)(Res. 1) ..... 28, 62, 67, 71.

RESOLUTIONS, JOINT (continued)
Government Performance Audit Committee Review
S 147 (reref Appr Com/see H 290) ..... 69, 76, 111.
Highway Funds Withheld Opposition
S 1017 (Res. 30) ..... 383, 419, 445, 1244.
Memorializing Paul Green/Establishes Center for the Book
S 594 (Res. 25) ..... 192, 419, 435, 1139, 1153, 1201.
Mental Health Quality Improvement Report/Policy
S 424 (Rules Com) ..... 127.
H 250 (Res. 28) ..... 1073, 1166, 1199, 1223.
Mental Health Study Commission
Policy/Developmental Disabilities
H 251 (Res. 29) ..... 1073, 1166, 1199, 1223.
Quality Improvement
S 424 (Rules Com) ..... 127.
H 250 (Res. 28) ..... 1073, 1166, 1199, 1223.
Recommendation Policy Guidance
S 334 (H Rules Com) ..... 110, 419, 434.
H 249 (Res. 27) ..... 1073, 1165, 1199, 1210.
Nascar Stock Car Racing Recognized
S 482 (adopted) ..... 157, 1012, 1029, 1527.
Pinehurst Recognized as Golf Capital
H 296 (Res. 26) ..... 384, 1150, 1201.
School Building Improvement Report System
S 111 (H 70)(reref Rules Com) ..... 59, 183.
Supreme Court Chief Justice Address Joint Session
H 440 (Res. 6) ..... 189, 197, 207, 214, 220, 221.
Textile Technology 50th Anniversary
S 638 (Rules Com) ..... 209.
H 680 (Res. 9) ..... 273, 280, 289, 321, 323.
United State Vice President Gore Invitation
H 199 (Res. 2) ..... 84, 86, 90, 95, 1321.
UNC-Chapel Hill Men's Basketball Program Recognized
S 919 (Res. 10) ..... 287, 358.
UNC-Chapel Hill Women's Soccer Program Recognized
S 441 (H Rules Com) ..... 133, 269, 342.
Utilities Commission
Confirmation (Judy Hunt)
S 1161 (H 1400)(Res. 17) ..... 497, 616, 618, 627.
Confirmation (Ralph Hunt)
S 1162 (H 1398)(Res. 18) ..... 498, 616, 618, 627.
Confirmation (Thomas)
S 1160 (H 1399)(Res. 16) ..... 497, 616, 618, 627.
Washington Named All America City
H 1496 (Res. 19) ..... 648, 657.
RESOLUTIONS, SENATE SIMPLE
Bessemer City 100th Anniversary
S 468 (adopted) ..... 141, 1527.
Cherry Point Naval Aviation Depot Closure
S 1229 (Rules Com) ..... 612, 1532.
Fiscal Stability
S 951 (adopted) ..... 331, 470, 492, 494, 500, 504, 510, 1529.
Nascar Stock Car Racing Recognized
S 482 (adopted) ..... 157, 1012, 1029, 1527.

RESOLUTIONS, SENATE SIMPLE (continued)
Permanent Rules
Adopted
S 823 (adopted) ..... 262, 270, 283, 286, 289, 1528.
Amended (40.1; 67A)
S 1243 (adopted) ..... 646, 652, 654, 1533.
Amended (47(b); 67A)
S 1010 (adopted) ..... 382, 427, 449, 1532.
Secretary of State Thad Eure Memorialized
S 1298 (adopted) ..... 1245, 1533.
UNC Board of Governors Vacancy/Election
S 102 (adopted) ..... 58, 61, 66, 84, 1525.
RESORT—see **Environment, Health, and Natural Resources** (Parks)
RESPITE CARE—see **Medicine** (Long-Term Care)
REST HOME—see **Medicine** (Long-Term Care—Domiciliary)
RESTAURANTS—see **Hotels and Restaurants**
RESTITUTION—see **Victim**
RESTORATION—see **Historic Properties**
RETARDATION—see **Mental Health** (Developmental Disabilities)
RETAILERS—see **Commerce and Business**
RETIREMENT
Benefits/Formula Increased
S 527 (reref Appr Com)(In S 27) ..... 176, 349.
Budget/Current Operations
S 27 [Sec. 74; 74.1; 74.2](Ch. 321) ..... 828, 830, 834.
Civil Service—see **Civil** (Service)
Confederate Homes and Pensions Statute Repeal
S 744 (Ch. 257) ..... 250, 340, 451, 488, 722.
Consolidated Judicial Retirement System
Allowance Increase Three Percent
S 527 (reref Appr Com)(In S 27) ..... 176, 349.
Benefits Increase
S 27 [Sec. 74](Ch. 321) ..... 828.
Benefits/Re-employed Retiree
S 757 (reref Appr Com) ..... 251, 620.
IRC Compliance as to Rollover/Overpayment
S 600 (Ch. 531) ..... 193, 243, 267, 321, 1214, 1217, 1220, 1246.
Death Benefit After Retirement
S 27 [Sec. 74.1; 74.2](Ch. 321) ..... 830, 834.
Disability
Disability Income Plan Benefits/Reimbursement
S 601 (reref Appr Com) ..... 193, 411.
War-Related Disability Exemption
S 344 (H Pens&Ret Com) ..... 114, 153, 334, 343.
Employer Contribution Percentage Rate
S 27 [Sec. 70](Ch. 321) ..... 824.
Firemen
Career Firefighter Benefits
S 1235 (Pens&Ret Com) ..... 635.
Career Firefighter Benefits Study (LRC)
S 1266 (reref Rules Com/see H 1319) ..... 702, 723.
Firemen and Rescue Squad
Auditor Removed From Board of Trustees
H 58 (Ch. 9) ..... 151, 167, 174, 175.
County Fire Marshal/Inspector Eligible
S 1026 (reref Appr Com) ..... 391, 538.

RETIREMENT (continued)
Firemen (continued)
Firemen and Rescue Squad (continued)
Membership Eligibility Retroactive
S 236 (Pens&Ret Com) ..... 88.
H 225 (Ch. 429) ..... 147, 288, 1104, 1121, 1138.
Greensboro Relief Fund Transfer (Guilford)
H 450 (Ch. 431) ..... 319, 620, 1105, 1115, 1138.
Hendersonville Supplemental Retirement Fund (Henderson)
S 812 (Ch. 244) ..... 261, 349, 437, 462, 709.
Judicial—see under this heading (Consolidated Judicial)
Law Enforcement
Benefit Restriction to State Employee
S 293 (GovPerform Com/see H 373) ..... 97.
Benefits Require Certification
S 27 [Sec. 34](Ch. 321) ..... 809.
S 369 (H PubEmp Com/see H 373) ..... 117, 228, 246, 374, 465, 476.
Cultural Resources Department Security Officer Deleted
S 27 [Sec. 34](Ch. 321) ..... 809.
Income Goal/Separation Allowance Revision
S 292 (GovPerform Com/see H 373) ..... 97.
Legislative Retirement System
Allowance Increase Three Percent
S 527 (reref Appr Com)(In S 27) ..... 176, 349.
Benefits Increase
S 27 [Sec. 74](Ch. 321) ..... 828.
Contributions Guaranteed Return
S 528 (reref Appr Com) ..... 177, 216.
Creditable Service Purchase
S 27 [Sec. 71](Ch. 321) ..... 825.
Expense Allowance is Compensation
S 920 (reref Rules Com) ..... 317, 495.
IRC Compliance as to Rollover/Overpayment
S 600 (Ch. 531) ..... 193, 243, 267, 321, 1214, 1217, 1220, 1246.
January 1985 Creditable Service
S 962 (H 388)(reref Appr Com)(In S 27) ..... 345, 410.
Legislative Actuarial Note Act
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Local Government Employees
Allowance Increase Three Percent
S 527 (reref Appr Com)(In S 27) ..... 176, 349.
Benefits Increase
S 27 [Sec. 74](Ch. 321) ..... 828.
Benefits/Re-employed Retiree
S 757 (reref Appr Com) ..... 251, 620.
Contributions Guaranteed Return
S 528 (reref Appr Com) ..... 177, 216.
IRC Compliance as to Rollover/Overpayment
S 600 (Ch. 531) ..... 193, 243, 267, 321, 1214, 1217, 1220, 1246.
Mount Airy Retirement Plan Transfer
S 447 (Ch. 26) ..... 136, 153, 185, 196, 316.
Out-of-State Service Purchase
S 843 (H 930)(reref Appr Com) ..... 270, 410.
Refund Deadline Agriculture/Extension Service
S 764 (reref Appr Com) ..... 252, 410.

RETIREMENT (continued)
Major Medical Plan, Comprehensive—see **State** (Personnel)
Military
Longevity/Disability Concurrent Receipts
S 1206 (held in Clerk's office) ..... 575.
Vehicle License Plate
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Penalty Reduced for Early Retirement
S 949 (H 1162)(Pens&Ret Com) ..... 331.
Rescue Squad—see under this heading (Firemen)
RSVP (Retired Senior Volunteer Program)—see **Aged**
Sheriff—see under this heading (Law Enforcement)
Teachers and State Employees
Allowance Increase Three Percent
S 527 (reref Appr Com)(In S 27) ..... 176, 349.
Benefits Increase
S 27 [Sec. 74](Ch. 321) ..... 828.
Benefits/Re-employed Retiree
S 757 (reref Appr Com) ..... 251, 620.
Board Member Appointed (Weisel)
S 1124 [Sec. 30]
(H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Contributions Guaranteed Return
S 528 (reref Appr Com) ..... 177, 216.
Death Benefit Effective Date Changed
S 27 [Sec. 74.2](Ch. 321) ..... 834.
S 615 (reref Appr Com) ..... 194, 243.
Early Retirement Penalties Study (LRC)
S 1264 (reref Rules Com/see H 1319) ..... 702, 723.
IRC Compliance as to Rollover/Overpayment
S 600 (Ch. 531) ..... 193, 243, 267, 321, 1214, 1217, 1220, 1246.
Leave
Annual Leave to Sick Leave/School Employee
S 1205 (H 1203)(Pens&Ret Com)(In S 27) ..... 575.
Conversion to Retirement/Teacher Training
S 374 (H 329)(reref Appr Com) ..... 118, 201.
Major Medical Plan—see **State** (Personnel)
Out-of-State Service Purchase
S 843 (H 930)(reref Appr Com) ..... 270, 410.
Penalty Calculation for Early Retirement
S 949 (H 1162)(Pens&Ret Com) ..... 331.
Refund Deadline/Agriculture Extension Service
S 764 (reref Appr Com) ..... 252, 410.
Volunteer—see **Aged** (Retired Senior Volunteer Program—RSVP)
REVENUE
Alternative Sources Study (LRC)
S 1268 (Rules Com/see H 1319) ..... 711.
Bonds—see **Bonds** (General)
Building—see **State** (Buildings)
Cities, Towns, Municipalities—see **Local Government** (Finance)
Civil Penalty—see **Taxation**
Code—see **Taxation** (IRC)
Community College Capital Improvements Bonds
S 396 (reref Bonds Com/see H 164) ..... 120, 258.

REVENUE (continued)
Confidentiality of Tax Information
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
Department—see **Revenue Department**
Fees—see also **Fees**
Farm Product Inspection Nonreverting Account
S 499 (H Agric Com) ..... 163, 175, 544, 549.
H 446 (Ch. 223) ..... 440, 581, 678, 691, 693.
Fines—see **Fines**
Funds—see **Funds**
Internal Revenue Code—see **Taxation** (IRC)
Local Economic Development Financing Bonds
S 1157 (H 1372)(Ch. 497) ..... 497, 516, 558, 568, 569, 577, 578, 594, 1130, 1153, 1205, 1207, 1222.
Lottery—see **Criminal Law** (Gambling)
Non-Tax Revenue
Human Resources Department Unobligated Balance
S 26 [Sec. 26](Ch. 561) ..... 1269.
Note for Correction Enterprise Facility
S 1278 (H Fin Com) ..... 735, 1102, 1104, 1120, 1127.
Record Retention/Destruction
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
Revenue Laws Study Continued (LRC)
H 1319 [Sec. 2.1(9)](ordered enrolled) (see S 1270; H 123) ..... 1249, 1320.
School Fund Availability Redefined
S 235 (H Fin Com) ..... 88, 207, 216, 234.
H 400 (Ch. 179) ..... 314, 633, 643, 648.
Tax—see **Taxation**
Technical Changes
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.

REVENUE DEPARTMENT
Administrative Hearing Timetable
S 832 (Ch. 532/see H 1028) ..... 264, 413, 436, 1216, 1217, 1246.
H 1028 (Rules Com/see S 832) ..... 712.
Auditor
Interstate Audit Operation Expanded
S 267 (GovPerform Com/see H 299) ..... 93.
Current Operations Appropriations
S 27 [Part 12](Ch. 321) ..... 813.
Deputy Secretary Reclassified Hearing Officer
S 266 (GovPerform Com/see H 299) ..... 93.
Employee Evaluation Criteria
H 1028 (Rules Com/see S 832) ..... 712.
Field Operation Division
Eliminate Nineteen Offices/Eight Suboffices
S 27 [Sec. 44](Ch. 321) ..... 813.
S 269 (GovPerform Com/see H 299) ..... 93.
Field Office Supervisors Eliminated
S 265 (GovPerform Com/see H 299) ..... 93.
Taxpayer Assistance Decreased, Personal
S 27 [Sec. 44](Ch. 321) ..... 813.
S 268 (GovPerform Com/see H 299) ..... 93.

REVENUE DEPARTMENT (continued)
Information System Management/Operation Report
S 322 (GovPerform Com/see S 315; H 322) ..... 108.
Integrated Tax Administration System Implementation
S 239 (GovPerform Com/see S 315; H 299)(In S 27) ..... 88.
Secretary
Management Reorganization
S 266 (GovPerform Com/see H 299) ..... 93.
Salary, Annual
S 27 [Sec. 50](Ch. 321) ..... 816.
Taxpayer Bill of Rights
H 1028 (Rules Com/see S 832) ..... 712.
Tax Expenditure Report to General Assembly
H 843 (Ch. 433) ..... 622, 1095, 1122, 1138.
Tax Payment by Electronic Funds Transfer
H 174 (Ch. 450) ..... 1066, 1115, 1133, 1145, 1200.
RICHARDSON, James F.—Senator Mecklenburg (part)**—33rd District**
Absent With Leave ..... 61, 163, 167, 179.
Adjournment Motion—Second ..... 143, 371, 545.
Certificate of Election ..... 7.
Committee Assignments ..... 33, 34, 35, 36, 38, 39, 123.
Standing—
Appropriations on Human Resources (Chairman)
Appropriations—Banks and Thrift Institutions—
Capital Expenditures and Improvements—
Children and Human Resources—Economic Development/
Travel and Tourism—Judiciary I—
Manufacturing and Labor
Statutory—
Governmental Operations Commission, Joint Legislative ..... 112.
Conference—
S 27 ..... 600, 781.
H 602 ..... 728, 1006.
Escorts—
"Hugo", Charlotte Hornets' Mascot ..... 32.
George Shinn ..... 739.
Funeral Delegate—
Mrs. Johnnie Smith ..... 178.
Nomination (second)—
Deputy President *Pro Tempore* ..... 17.
Sergeant-at-Arms ..... 21.
Oath of Office ..... 7.
Remarks Spread—
Jeralds Eulogy ..... 104.
Nomination (second)—
Deputy President *Pro Tempore* ..... 17.
Sergeant-at-Arms ..... 21.
Quinn Eulogy ..... 367.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 122, 227, 228, 229, 230, 231, 232, 423, 469, 541, 542, 613, 614, 683, 684, 725, 726, 797, 806.
Co-Sponsor ..... 12, 13, 18, 22, 31, 32, 33, 34, 35, 68, 89, 218, 219, 251, 256, 334, 336, 341, 397, 400, 419, 421, 422, 424, 478, 479, 500, 549, 572, 593, 607, 615, 617, 669, 670, 674, 675, 676, 696, 767, 768, 770, 771, 782, 793, 813, 822, 835, 873, 876, 878, 898, 919, 920, 934, 949, 952, 964, 966, 969, 970, 976, 993, 1001, 1012, 1029, 1041, 1042, 1076, 1122, 1132, 1133, 1151, 1174, 1189, 1194, 1200, 1246, 1250.

RICHARDSON, James F.—Senator (continued)
Bills and Resolutions—(Senate Bill Numbers) (continued)
Endorsement Withdrawn—
S 685 ..... 232.
RICHMOND COUNTY—District 17—Senator J. Richard Conder
—Senator Aaron W. Plyler
Community College Fine Arts Classroom Building
S 805 (H 893)(reref CapExp Com)(In S 14) ..... 260, 771.
Community College Leadership Development Center
S 27 [Sec. 114](Ch. 321) ..... 854.
Economic Development Prospective Revenue
H 466 (Ch. 246/see S 708; H 544; H 791) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
Hamlet
City Lake Development Project
S 26 [Sec. 107](Ch. 561) ..... 1305.
Low-Level Waste Site Grant
S 26 [Sec. 106](Ch. 561) ..... 1305.
Richmond Memorial Hospital Transfer Exemption
S 335 (Ch. 10) ..... 110, 149, 155, 191.
Southeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
RIGHT TO NATURAL DEATH—see **Medicine**
RIGHTS OF CHILDREN [G.S. 49A]
RIVERS [G.S. 77]
Little River Reservoir Land Acquisition
S 1211 (H 1477)(reref CapExp Com) ..... 575, 772.
Lumber River State Park
—see **Environment, Health, and Natural Resources** (Parks)
Natural/Scenic River Designation
S 735 (H Envir Com) ..... 249, 402, 420, 451.
Newport River
Beaufort and Morehead Railroad Trestle
S 26 [Sec. 68](Ch. 561) ..... 1284.
Trestle Replacement Funds
S 1216 (reref CapExp Com) ..... 583, 772.
Pamlico/Waccamaw No-Wake Zones Established
H 876 (Ch. 434) ..... 409, 694, 703, 1138.
Whitewater River Guide Service Wages
S 1051 (reref Mfg&Labor Com) ..... 408, 511, 520.
ROAD HUNTING—see **Wildlife** (Hunting); Specific County
ROADS AND HIGHWAYS [G.S. 136]—see **Transportation**
ROBBERY—see **Criminal Law**
ROBESON COUNTY—District 30—Senator David R. Parnell
Beaver Damage Control Pilot Program
S 26 [Sec. 111](Ch. 561) ..... 1307.
Coroner's Office Abolishment Proposed
S 851 (Ch. 272) ..... 271, 334, 658, 668, 670, 677, 718, 730, 734.
Dispute Settlement Center Funds
S 1171 (H 1396)(Appr Com) ..... 521.
East Robeson Fire Tower Transfer
S 26 [Sec. 115](Ch. 561) ..... 1308.
Farmer's Market
Southeastern Agricultural Center
S 1173 (H 1376)(CapExp Com)(In S 26) ..... 521.

ROBESON COUNTY (continued)
Indian Cultural Center Construction Funds
S 426 (H 295)(CapExp Com)(In S 26) ..... 127.
Indian Cultural Center/Riverside Golf Course
S 26 [Sec. 33](Ch. 561) ..... 1272.
S 152 (Ch. 88/see H 544) ..... 69, 372, 402, 421, 573.
Meadow Branch Development Project
S 26 [Sec. 107](Ch. 561) ..... 1306.
Revolving Loan Fund Repeal
H 491 (Ch. 224) ..... 256, 560, 674, 686, 693.
Riverside Golf Course/Indian Cultural Center
S 26 [Sec. 33](Ch. 561) ..... 1272.
S 152 (Ch. 88/see H 544) ..... 69, 372, 402, 421, 573.
Riverside Golf Course Funds
S 426 (H 295)(CapExp Com)(In S 26) ..... 127.
St. Pauls
Election of Mayor/Commissioners
S 702 (Ch. 158) ..... 231, 323, 334, 634.
Southeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
Subdivision Definition Amendment
H 163 (Ch. 131/see H 544) ..... 273, 582, 599, 604.
ROCKINGHAM COUNTY—District 12—Senator Fred Folger, Jr.
—Senator A. P. Sands III
Abandoned Property Redevelopment
S 792 (H Fin Com) ..... 259, 475, 614, 623, 630.
Chinqua-Penn Planning Grant Funds
S 858 (H 846)(reref CapExp Com)(In S 26) ..... 272, 771.
Economic Development Prospective Revenue
H 466 (Ch. 246/see S 708; H 544; H 791) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
Eden
Annexation Contract Negotiation
S 792 (H Fin Com) ..... 259, 475, 614, 623, 630.
Annexation Contract Negotiation Authority
S 855 (Ch. 418) ..... 272, 415, 432, 1074, 1082, 1089, 1098, 1110.
H 869 (Ch. 139/see H 799) ..... 442, 583, 599, 605.
Local Industrial Development Authority
S 699 (Ch. 25) ..... 223, 235, 240, 241, 256, 274, 275, 281, 288.
Redevelopment Funds
S 855 (Ch. 418) ..... 272, 415, 432, 1074, 1082, 1089, 1098, 1110.
H 869 (Ch. 139/see H 799) ..... 442, 583, 599, 605.
Reidsville
Election Procedures Council/Mayor
S 859 (Ch. 306) ..... 272, 415, 432, 752, 757, 759.
Enabling Legislation
S 856 (Rules Com) ..... 272.
Room Occupancy Tax Collection Method
S 791 (H 800)(Fin Com) ..... 259.
School Merger Plan Corrections
S 498 (reref Rules Com) ..... 163, 213, 215, 233, 247.
H 426 (Ch. 15) ..... 227, 233, 236.
Zoning Notice Exemption
S 817 (Ch. 271/see H 799) ..... 261, 415, 432, 726, 733.

ROOFING—see Construction
ROWAN COUNTY—District 22—Senator Fletcher L. Hartsell, Jr.
—District 23—Senator Paul S. Smith
—District 38—Senator Betsy L. Cochrane
Bostian Heights Fire District Expanded
H 207 (Ch. 94) ..... 244, 559, 567, 573.
High Rock Lake Marine Commission Established
S 724 (Ch. 355) ..... 238, 418, 615, 622, 630, 1052.
Prosecutorial District 19C Includes
S 895 (Appr Com) ..... 311.
Spencer Historic Site—see **Historic Properties**
Trespass/Third-Degree Offense
H 689 (H J3 Com) ..... 386, 1204, 1208, 1214.
RSVP (Retired Senior Volunteer Program)—see **Aged**
RULES
Actuarial Note
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Civil Procedure [G.S. 1A]—see **Civil** (Procedure)
Fiscal Note Five-Year Estimate Provision
S 26 [Sec. 21](Ch. 561) ..... 1267.
Review Commission
Appointments (Henry; Redwine)
S 1124 [Sec. 18](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Economic Impact Assessment/Administrative Procedures
S 1012 (reref W&M Com) ..... 382, 418, 444, 451, 493, 495, 507, 516.
Summaries of Rules Monthly Submission
S 1261 (Rules Com/see H 1319) ..... 702.
Senate
Admission to Senate Chamber During Session—Rule 67A
S 1010 (adopted) ..... 382, 427, 449, 1532.
S 1243 (adopted) ..... 646, 652, 654, 1533.
Bill Introduction Deadline—Rule 40.1
S 1243 (adopted) ..... 646, 652, 654, 1533.
Bills/Second Session
S 1297 (calendar) ..... 1139, 1198, 1237.
S 1299 (Res. 31) ..... 1252, 1316.
Permanent
Adopted
S 823 (adopted) ..... 262, 270, 283, 286, 289, 1528.
S 1010 (adopted) ..... 382, 427, 449, 1532.
S 1243 (adopted) ..... 646, 652, 654, 1533.
Temporary
Adopted ..... 9.
Statute
Executive Budget Act [G.S. 143]
S 27 [Sec. 319](Ch. 321) ..... 999.
RULINGS BY PRESIDING OFFICER
Election - Statutory Direction Supersedes Motion ..... 563.
Enforcement of Rule 47 ..... 377.
Unfinished Business Precedes Special Orders ..... 590.
S 11 Previous Question/Vote on Passage ..... 607.
Previous Question/Amendment Only ..... 615.
S 14 Conference Report Ruled Material ..... 1192.
S 27 Fee Require Finance Committee Review ..... 460.
S 60 Conference Report Ruled Material ..... 1136.

RULINGS BY PRESIDING OFFICER (continued)
S 84 Amendment Ruled Not Germane ..... 555.
S 87 Amendment No. 3 Ruled Material/Changes Local Bill to Public . 122.
Amendment No. 5 Constitutes First Reading ..... 143.
S 479 Committee Substitute Ruled Material ..... 484.
S 505 Current Operations Bill Not Affected ..... 483.
S 531 Actuarial Note Required for Consideration ..... 451, 461.
S 682 Committee Substitute Ruled Roll-Call ..... 378.
House Committee Substitute Ruled Not Material ..... 699.
S 716 Committee Substitute Ruled Material ..... 744.
S 726 House of Representatives Action in Debate Out of Order ..... 396.
S 853 Conference Report Ruled Not ..... 1231.
S 855 Call of Roll Required ..... 1082.
S 887 Committee Substitute Ruled Material ..... 613.
S 924 Call of Roll Not Required ..... 1107.
S 945 Fiscal Note Required for Bill Jacket ..... 507.
S 972 Negative Assessment Report Does Not Prevent Consideration .... 537.
S 1012 Call for Ayes and Noes Out of Order After Question Stated ..... 495.
Voting Equipment Malfunction/Action Confirmed ..... 516.
S 1077 Call of Roll Required ..... 1046.
S 1112 Call of Roll Required ..... 1208.
S 1141 Call of Roll Required/Committee Substitute ..... 663.
S 1146 Amendment Ruled Material ..... 699.
S 1148 Actuarial Note Attached to
Bill Jacket Prior to Consideration ..... 525, 526, 598.
Rule 53 Not Applicable to Defeated Amendment ..... 745.
S 1157 Motion Not Required for Referral to Ways and Means ..... 577.
Call of Roll Required/House Committee Substitute Bill ..... 1130.
S 1296 Bill Filing Deadline Not Applicable to Memorializing Bills ..... 751.
H 105 Call of Roll Not Required ..... 1044.
H 124 Call of Roll Not Required ..... 1146.
H 174 Call of Roll Required ..... 1133.
H 214 Committee Chairman Reporting Measure
Calls Previous Question ..... 729.
H 218 Call of Roll Not Required ..... 1147.
H 235 Committee Substitute Ruled Material ..... 1067.
H 297 Call of Roll Required ..... 1147.
H 509 Call of Roll Not Required ..... 1045.
H 514 Defeated Provisions in Identical Measure ..... 524, 526.
H 606 Call of Roll Not Required ..... 1147.
H 622 Call of Roll Not Required ..... 1148.
H 686 Amendment Changes Local Measure to Public ..... 1070.
H 747 Call of Roll Not Required ..... 1100.
H 815 Amendment Ruled Material ..... 1020.
H 856 Amendment Ruled Material ..... 660.
H 862 Call of Roll Not Required ..... 1148.
H 874 Call of Roll Required ..... 1133.
H 914 Call of Roll Not Required ..... 1100.
H 910 Appropriations/Finance Committee Review Required .... 1111, 1119.
H 1212 Call of Roll Not Required ..... 1100.

"RUNNERS" LAW—see **Medicine** (Health Care Provider)

RURAL
Economic Development Center—see **Economic Development**
Education Programs—see **Higher Education** (UNC)
Electrification Authority—see **Utilities** (Electricity)
Health and Resource Development
—see **Environment, Health, and Natural Resources**

RURAL (continued)
Health Care Initiatives/Incentives
S 6 (reref Appr Com) ..... 29, 79.
S 27 [Sec. 101.3](Ch. 321) ..... 849.
Rehabilitation [G.S. 137]
Rural Center Administration Funds
S 1101 (reref CapExp Com) ..... 455, 1018.
Water Association—see **Water**
RUTHERFORD COUNTY—District 37—Senator Ollie Harris
Forest City
Watershed Zoning Notice Exemption
H 860 (Ch. 267/see H 799) ..... 459, 676, 687, 723.
Parents as Teachers Pilot Program
S 27 [Sec. 140](Ch. 321) ..... 876.
Prison Bonds/50-Bed Expansion
S 1077 (H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**

- S -

SAFE SCHOOLS—see **Education** (School—Violence)
SAFEKEEPER OF PRISONER—see **Prisons** (Jail)
SAFETY AND HEALTH LAWS—see **Labor** (OSHA)
SAILBOATS—see **Boating and Water Safety**
SALARIES AND FEES [G.S. 138]
Appropriations—see **Appropriations** (Budget)
Child Support—see **Judicial Department** (Clerk); **Married Persons** (Divorce)
City/County Employee—see **Local Government** (Employee); Specific County
Developmentally Disabled—see **Mental Health**
Fees—see **Fees**
Judges—see **Judicial Department**
Legislators—see **General Assembly**
Prison Inmate—see **Prisons**
School Employee—see **State** (Personnel—Salaries)
State Personnel—see **State** (Personnel—Salaries)
Teachers—see **State** (Personnel—Salaries)
Wage and Hour Act—see **Labor**
Water and Sewer Authority—see **Water and Sewer Authority**
SALES TAX—see **Taxation**
SAMPSON COUNTY—District 5—Senator Charles W. Albertson
—District 15—Senator Elaine Marshall
—District 30—Senator David R. Parnell
Board of Commissioners Plan for Election
H 865 (S 909)(Ch. 521) 353, 1111, 1143,
..... 1145, 1197, 1198, 1243.
Roseboro Livestock Facility/Water/Sewer Services
S 26 [Sec. 96](Ch. 561) ..... 1295.
Southeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
SANDS III, A. P. "Sandy"—Senator Alleghany, Ashe, Guilford (part), **Rockingham,** Stokes, Surry, Watauga—**12th District**
Absent With Leave ..... 113, 129 (present), 1245.
Adjournment Motion—Second ..... 52, 55, 190, 595, 626, 663.
Certificate of Election ..... 6.

SANDS III, A. P. "Sandy"—Senator (continued)
Committee Assignments ..... 33, 35, 36, 37, 38, 40, 41.
Standing—
Rules and Operation of the Senate (Chairman)
Judiciary I (Vice-Chairman)
Agriculture, Marine Resources, and Wildlife—Constitution and Election Laws—Education/Higher Education—Environment and Natural Resources—Finance—Insurance—Ways and Means
Select—
Government Performance Audit (Vice-Chairman)
Statutory—
Legislative Services Commission ..... 85.
Conference—
S 27 ..... 600, 781.
S 125 ..... 1018, 1044.
S 128 ..... 1053, 1113.
S 699 ..... 241, 274.
S 1139 ..... 728, 768.
H 402 ..... 671, 1008.
H 602 ..... 728, 1006.
H 1062 ..... 1127.
Escorts—
Principal Clerk-elect ..... 20.
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Honorable Albert Gore, Jr., United States Vice President ..... 90.
Oath of Office ..... 7.
Votes Recorded—
H 358 ..... 765.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 220, 221, 498, 558, 583, 634, 652, 677, 699, 791, 792, 817, 823, 854, 855, 856, 858, 859, 860, 885, 905, 938, 939, 940, 982, 983, 1010, 1032, 1033, 1083, 1084, 1114, 1115, 1125, 1126, 1152, 1153, 1169, 1243, 1297.
Co-Sponsor ..... 1, 12, 22, 110, 111, 123, 124, 401, 402, 403, 404, 405, 447, 448, 471, 482, 484, 553, 572, 672, 674, 676, 696, 714, 723, 778, 779, 780, 866, 876, 878, 881, 891, 893, 915, 919, 934, 949, 969, 1003, 1012, 1026, 1069, 1092, 1110, 1135, 1222, 1245, 1250, 1260, 1271.
SANITARIANS [G.S. 90A]—see **Pollution Control; Public** (Health)
SANITARY DISTRICTS—see **Water and Sewer Authority**
SAT (Scholastic Aptitude Test)—see **Education**
SATELLITE
Annexation—see **Local Government** (Cities—Annexation)
Jail—see **Prison** (Jail)
SAVINGS
Banks [G.S. 54C]—see **Banks**
Reserve Account—see **Appropriations** (Budget); **Revenue**
Savings and Loan [G.S. 54B]—see **Banks**
SBI (State Bureau of Investigation)—see **Justice Department** (SBI)
SCHOLARSHIPS—see **Higher Education**
SCHOOL
Building—see **Education** (Facilities)
Bus—see **Motor Vehicle**
Driver—see **State** (Personnel—School)
Merger—see **Education** (School)
Public Education [G.S. 115C]—see **Education**

SCHOOL (continued)
Technology Commission
—see **Boards and Commissions; Education** (School)
SCIENCE
Grassroots Science Program Funds
S 27 [Sec. 260.2](Ch. 321) ..... 955.
Marine Science—see **Higher Education** (UNC)
Museum Program—see **Museum** (Natural Science)
Science and Math School—see **Higher Education** (UNC)
Science and Technology Board
Appointment of Board Member (Coutler)
S 1124 [Sec. 22](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Appointment of Board Member (Fletcher)
H 439 [Sec. 10](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
SCOTLAND COUNTY—District 17—Senator J. Richard Conder
—Senator Aaron W. Plyler
Coroner Abolished
S 851 (Ch. 272) ..... 271, 334, 658, 668, 670, 677, 718, 730, 734.
Laurinburg-Maxton Airport Authority Power
S 942 (Ch. 414) ..... 330, 411, 453, 470, 498, 1074, 1082, 1089, 1098.
School Pay Date Changed
S 27 [Sec. 143.1](Ch. 321) ..... 878.
Southeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
SCRAP TIRE DISPOSAL ACT—see **Motor Vehicle** (Tires)
SEA TURTLE—see **Marine Resources**
SEAFOOD—see **Marine Resources** (Fish)
SEAPORTS—see **Commerce and Business** (Ports)
SEAT BELTS—see **Motor Vehicle**
SECOND PRIMARY—see **Elections** (Primary)
SECOND SESSION—see **Convene**
SECONDARY ROADS—see **Transportation** (Roads and Highways)
SECRETARY OF STATE
Administrative Code Transfer
S 299 (GovPerform Com/see H 310) ..... 98.
Business License Information Office Application System
S 26 [Sec. 41](Ch. 561) ..... 1275.
S 869 (H 979)(reref Appr Com)(In S 26) ..... 278, 454, 749.
Business License Information Office Report Repeal
S 216 (Ch. 446) ..... 83, 215, 229, 1139.
Business Tax Credit Report (LRC)
S 1141 (H 1362)(Ch. 443/see H 544) ..... 479, 650, 662, 669, 1012, 1038, 1107, 1128, 1139.
Camping Act, Membership—see **Commerce and Business**
Corporation/Dissolution Reinstatement
S 868 (Ch. 218) ..... 278, 394, 406, 676, 692, 693.
Corporations Division
Farmers Mutual Incorporated
S 1111 (Ch. 495) ..... 456, 557, 673, 690, 1204, 1208, 1222.
Economic Development Board Membership
S 509 (H Bus&Labor Com) ..... 171, 233, 240, 248.
Electoral College Administrative Responsibility
S 20 (H J1 Com) ..... 30, 135, 143, 178, 330, 343.

SECRETARY OF STATE (continued)
Extradition Application Requirement Deleted
H 617 (Ch. 83) ..... 386, 540, 552, 553, 556.
Land Records Management Advisory Committee
S 748 (Ch. 258) ..... 250, 467, 501, 722.
Lobbyist Definition/Registration Rewrite
S 398 (H 262)(reref Appr Com) ..... 121, 188, 387.
Local Government Property Mappers Certification Program
S 833 (reref Fin Com) ..... 265, 474.
H 924 (Ch. 326) ..... 592, 651, 749, 764, 779, 1002, 1099.
North Carolina Register Publication Transfer
S 299 (GovPerform Com/see H 310) ..... 98.
Personnel Director
S 309 (GovPerform Com/see H 288) ..... 99.
Personnel/Four Positions Funded
S 1085 (Appr Com)(In S 27) ..... 438.
Property Mappers Certification Program
S 833 (reref Fin Com) ..... 265, 474.
H 924 (Ch. 326) ..... 592, 651, 749, 764, 779, 1002, 1099.
Publications to Office of State Personnel
H 497 (StPers&StGov Com) ..... 360.
Register of Deeds Indexing Standards
H 396 (Ch. 178) ..... 513, 526, 635, 645, 648.
Salary, Annual
S 27 [Sec. 49](Ch. 321) ..... 815.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
SECURITIES [G.S. 78A]—see also **Commerce and Business**
International Finance Corporation Investments
S 481 (Ch. 105) ..... 154, 283, 310, 322, 580.
Risk-Based Capital Insurance
S 626 (H 666)(H Ins Com) ..... 198, 330, 343.
Trustee Invest in Mutual Funds
H 496 (Ch. 126) ..... 440, 557, 569, 596.
SECURITY OFFICER—see **Law Enforcement; Private Protective Services**
SEDIMENTATION—see **Pollution Control**
SELECTIVE SERVICE—see **Military Affairs**
SENATE
Adjournment—see **Adjournment**
Business Concluded ..... 1316.
Chaplain—see **Chaplain; Prayer**
Commendation by Senate—see **Resolutions, Senate Simple**
Committees, Conference—see **Committees** (Conference)
Committees, Standing—see **Committees** (Standing, Senate)
Confirmations/Consents—see **Confirmations**
Convene—see **Convene**
Courtesies—see **Courtesies of Chamber Extended**
Districts—see **Districts, Senatorial**
Elections—see **Confirmations**
General Assembly—see **General Assembly**
Journal Approval—see **Journal Approval**
Journal Indexing Procedures by Legislative Services Commission
S 354 (reref Rules Com/see H 290) ..... 115, 412.
Membership ..... 3, 6.

SENATE (continued)
Officers ..... 3.
President (Lieutenant Governor Dennis A. Wicker)
—see **Lieutenant Governor; President of the Senate**
President *Pro Tempore*—see **Basnight, Senator Marc**
Deputy President *Pro Tempore*—see **Soles, Jr., Senator R. C.**
Principal Clerk (Sylvia Morris Fink)—see **Principal Clerk**
Reading Clerk (LeRoy Clark, Jr.)—see **Reading Clerk**
Sergeant-at-Arms (Cecil Goins)—see **Sergeant-at-Arms**
Party Officers—
Majority Leader (Senator J. Richard Conder) ..... 22.
Majority Whip (Senator Ralph A. Hunt) ..... 22.
Minority Leader Announced (Senator Robert G. Shaw) ..... 24.
Minority Whip Announced (Senator Betsy L. Cochrane) ..... 24.
Pages—see **Pages**
Prayers Offered—see **Prayers**
President—see **Lieutenant Governor; President of the Senate**
Appointments—see **Appointments**
State Officer—see **State** (Officer)
President *Pro Tempore*—see **Basnight, Senator Marc**
Appointments—see **Appointments**
Presiding—see **Presiding**
Resolutions—see **Resolutions, Joint; Senate Simple**
Rules—see **Rules, Senate**
Rulings—see **Rulings by Presiding Officer**
Salaries—see **General Assembly** (Salaries and Expenses)
Staff ..... 1570.
Policies—see **General Assembly** (Staff)
Studies—see **Studies**
Voting—see **Voting**
SENIOR CITIZENS—see **Aged**
SENTENCING—see **Criminal Procedure**
SEPTAGE—see **Water and Sewer Authority**
SERGEANT-AT-ARMS—**Cecil Goins**
1991 Sergeant-at-Arms (Gerda Pleasants)
Escorts ..... 5, 8.
Nomination/Election ..... 21.
Oath ..... 22.
Salary—see **General Assembly** (Salaries and Expenses)
Senate Officer—see **Senate** (Officers)
SERVICE AGREEMENT—see **Warranty**
SERVICE OF PROCESS—see **Civil** (Procedure); **Criminal Procedure**
SERVICES COMMISSION, LEGISLATIVE
—see **Boards and Commissions** (Legislative)
SESSION OF GENERAL ASSEMBLY—see **General Assembly**
SETOFF DEBT [G.S. 105A]
Accounts Receivable Collection Program
H 124 (Ch. 512) ..... 1065, 1093, 1116, 1146, 1243.
SEWER—see **Water And Sewer Authority**
SEX
Disease—see **Public** (Health—Communicable Disease)
Education—see **Education; Maternal and Child Health**
Exploitation Act
H 1115 (J1 Com) ..... 515, 530.
Offense—see also **Child** (Abuse); **Criminal Law; Criminal Procedure**
Juvenile Sex Offender Treatment Funds
S 1001 (H 1237)(Appr Com)(In S 27) ..... 376.

SEX (continued)
Offense (continued)
Medical Evaluation Programs/Moses Cone Hospital
S 1069 (reref CapExp Com)(In S 26) ..... 424, 1018.
Rape Victim Witness Counselor
S 27 [Sec. 190](Ch. 321) ..... 903.
Testimony by Closed Circuit Television
S 1288 (J1 Com) ..... 736.

SEYMOUR, Mary P.—Senator **Guilford (part)—32nd District**
Absent With Leave ..... 611, 617, 626, 634, 639, 648, 656, 664, 671, 681, 693, 701, 708, 722, 733, 738, 747, 759, 774, 1003, 1010, 1021, 1033, 1052, 1067, 1077, 1087, 1094, 1109, 1137, 1198, 1233.
Adjournment Motion—Second ..... 262.
Certificate of Election ..... 7.
Committee Assignments ..... 34, 35, 37, 39, 40, 66, 174.
Standing—
Public Utilities (Chairman)
Economic Development/Travel and Tourism (Vice-Chairman)
Banks and Thrift Institutions—Finance—Insurance—
Manufacturing and Labor—Rules and Operation of the Senate—
State Personnel and State Government—Transportation
Statutory—
New Licensing Boards Committee, Legislative ..... 112.
Escorts—
Kelly Marks ..... 162.
Nomination (second)—Deputy President *Pro Tempore* ..... 17.
Oath of Office ..... 7.
Presence Acknowledged-Welcoming Remarks ..... 1193.
Remarks Spread—
Nomination (second)—Deputy President *Pro Tempore* ..... 17.
Quinn Eulogy ..... 366.
Votes—
Pair Announced
S 11 ..... 616.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 153, 154, 421, 422, 454, 471, 523, 579, 580, 586, 605, 606, 617, 626, 648, 696, 732, 790, 1062, 1093, 1113, 1134, 1160, 1161, 1162, 1186, 1260.
Co-Sponsor ..... 3, 4, 5, 7, 9, 12, 13, 14, 19, 22, 48, 62, 64, 65, 66, 67, 68, 69, 77, 78, 79, 80, 91, 92, 93, 94, 95, 128, 129, 155, 157, 158, 159, 160, 161, 162, 183, 248, 251, 255, 337, 341, 342, 400, 401, 402, 403, 404, 405, 419, 442, 463, 478, 502, 534, 553, 572, 583, 607, 663, 664, 665, 672, 674, 676, 723, 733, 734, 735, 770, 771, 818, 852, 858, 873, 876, 878, 904, 909, 920, 934, 964, 966, 976, 993, 1012, 1027, 1029, 1041, 1042, 1057, 1069, 1078, 1092, 1132, 1133, 1135, 1141, 1143, 1151, 1174, 1200, 1252.

SHAW, Robert G.—Senator Davidson (part), **Guilford** (part), Randolph (part)—**19th District**

Minority Leader
Absent With Leave ..... 91, 222, 338, 371, 570, 617, 759, 774.
Adjournment Motion—Second ..... 42, 170, 515, 1052.
Certificate of Election ..... 6.

SHAW, Robert G.—Senator (continued)
Committee Assignments ..... 33, 35, 37, 38, 41.
Standing—
Agriculture, Marine Resources, and Wildlife—
Capital Expenditures and Improvements—Finance—
Local Government and Regional Affairs—Ways and Means
Select—
Government Performance Audit
Statutory—
Capital Planning Commission, North Carolina ..... 380.
Governmental Operations Commission, Joint Legislative ..... 112.
Conference—
S 14 ..... 1083, 1167.
S 26 ..... 1114, 1252.
S 27 ..... 600, 781.
S 1222 ..... 1213, 1219.
H 235 ..... 1086.
H 1008 ..... 1127, 1129 (removed).
Escorts—
Kelly Marks ..... 162.
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Oath of Office ..... 7.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 718, 731, 1003, 1069, 1222.
Co-Sponsor ..... 45, 46, 47, 50, 96, 97, 98, 99, 100, 218, 219, 248, 420, 421, 441, 442, 453, 454, 471, 478, 507, 511, 553, 572, 674, 676, 723, 779, 852, 858, 915, 934, 1012, 1062, 1134, 1135, 1174, 1200, 1245, 1250, 1252, 1260.
SHELLFISH—see **Marine Resources** (Fish)
SHELTERED WORKSHOP—see **Mental Health**
SHERIFF [G.S. 162]—see **Law Enforcement**
Training [G.S. 17E]
SHERRON, JR., J. K.—Senator Johnston (part), Wake (part)— **14th District**
Absent With Leave ..... 90, 96, 107, 179 (present), 1003, 1010.
Adjournment Motion—Second ..... 46.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 34, 37, 39, 40, 65, 66, 166.
Standing—
Ways and Means (Chairman)
Capital Expenditures and Improvements (Vice-Chairman)
Finance (Vice-Chairman)
Appropriations—Appropriations on Department of Transportation—Pensions and Retirement—State Personnel and State Government—Transportation
Select—
Bonds
Government Performance Audit (Vice-Chairman)
Statutory—
Capital Planning Commission, North Carolina ..... 380.
Employee Hospital and Medical Benefits Committee ..... 380.
Governmental Operations Commission, Joint Legislative ..... 112.
Conference—
S 27 ..... 600, 781.
H 101 ..... 642, 1008.

SHERRON, JR., J. K.—Senator (continued)
Funeral Delegate—
Mrs. Johnnie Smith ..... 178.
Nomination—Reading Clerk ..... 20.
Oath of Office ..... 7.
Remarks Spread—
Nominating Reading Clerk ..... 20.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 864, 912, 913, 914, 1011 (by request), 1012, 1052, 1053, 1146, 1147, 1148, 1178, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1235, 1242, 1247, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1261, 1266, 1276.
Co-Sponsor ..... 65, 66, 67, 72, 74, 75, 84, 116, 118, 119, 120, 121, 151, 152, 215, 236, 248, 254, 426, 617, 674, 675, 676, 696, 780, 852, 873, 876, 881, 888, 891, 904, 906, 919, 920, 934, 941, 949, 969, 972, 976, 1013, 1037, 1121, 1129, 1174, 1245, 1250, 1264.
SHORELINE
—see **Environment, Health, and Natural Resources** (Coastal Area)
SICK LEAVE—see **Retirement** (Teachers and State Employees)
SICKLE CELL
Fayetteville Center Construction Funds (Cumberland)
S 1068 (H 1256)(CapExp Com) ..... 424.
SIDEWALK—see **Local Government** (Street Improvement)
SIGNATURES [G.S. 22A]
SIGNS—see **Advertising; Transportation** (Roads and Highways)
SIMPSON, Dan R.—Senator Alexander, Avery, **Burke** (part), Caldwell, Mitchell, Wilkes, Yadkin—**27th District**
Absent Upon Convening ..... 8.
Absent With Leave ..... 28, 90, 263, 268, 277, 410, 538, 685, 664.
Adjournment Motion—Second ..... 184.
Certificate of Election ..... 43.
Committee Assignments ..... 33, 36, 38, 39, 40, 63, 64, 65, 162.
Standing—
State Personnel and State Government
(Vice-Chairman and Ranking Minority)
Agriculture, Marine Resources, and Wildlife (Ranking Minority)
Capital Expenditures and Improvements (Ranking Minority)
Appropriations—Appropriations on Education—
Environment and Natural Resources—Judiciary II—
Pensions and Retirement—Rules and Operation of the Senate
Select—
Bonds
S 906 (Worker's Compensation) ..... 540.
Statutory—
Highway Oversight Committee, Joint Legislative ..... 248.
Conference—
S 27 ..... 600, 781.
H 485 ..... 758, 1032.
H 799 ..... 1086, 1132.
H 1008 ..... 1129, 1248.
Oath of Office ..... 43.

SIMPSON, Dan R.—Senator (continued)
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 510, 587, 588, 795, 942, 1187, 1226.
Co-Sponsor ..... 84, 85, 86, 118, 119, 120, 121, 237, 446, 457, 501, 511, 535, 553, 572, 582, 608, 609, 674, 675, 676, 682, 919, 949, 956, 970, 976, 993, 1012, 1029, 1174, 1200, 1222, 1224.
SIPS (State Information Processing Services)—see **Telecommunications**
SITE-BASED MANAGEMENT TASK FORCE—see **Task Force**
SITING CRITERIA—see **Public** (Health—Hazardous Waste); **Studies** (Legislative); **Utilities**
SKIER SAFETY [G.S. 99C]—see **Alcohol Regulation**
SLOT MACHINE—see **Video**
SLUDGE MANAGEMENT—see **Public** (Health—Solid Waste)
SMALL BUSINESS—see **Commerce and Business**
SMALL CLAIMS COURT—see **Judicial** (Courts)
SMALL SCHOOL FUNDING FORMULA—see **Education** (School)
SMITH, Paul S.—Senator Davidson (part), Iredell (part), **Rowan** (part)—**23rd District**
Absent With Leave ..... 85, 648, 1052, 1067, 1193, 1233.
Adjournment Motion—Second ..... 617.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 36, 37, 39, 40, 64, 65, 66, 174.
Standing—
Education/Higher Education (Vice-Chairman)
Insurance (Vice-Chairman)
Appropriations on Education (Ranking Minority)
Constitution and Election Laws (Ranking Minority)
Transportation (Ranking Minority)
Appropriations—Capital Expenditures and Improvements—
Pensions and Retirement—Public Utilities
Statutory—
Education Oversight Committee, Joint Legislative ..... 622.
Highway Oversight Committee, Joint Legislative ..... 248.
New Licensing Boards Committee, Legislative ..... 112.
Conference—
S 30 ..... 692.
H 1158 ..... 1041, 1241.
Oath of Office ..... 7.
Remarks Spread—
Quinn Eulogy ..... 367.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 103, 343, 472, 540, 633, 724, 904, 1176.
Co-Sponsor ..... 24, 30, 35, 48, 50, 65, 87, 107, 124, 153, 236, 251, 342, 396, 424, 425, 440, 442, 445, 446, 466, 479, 484, 511, 516, 518, 522, 527, 528, 529, 534, 549, 553, 572, 579, 596, 617, 654, 661, 665, 669, 670, 672, 674, 675, 676, 694, 696, 723, 728, 779, 780, 818, 863, 875, 876, 878, 881, 891, 892, 893, 900, 906, 919, 928, 934, 949, 952, 956, 970, 976, 996, 1012, 1013, 1027, 1029, 1032, 1088, 1129, 1135, 1174, 1175, 1185, 1190, 1191, 1200, 1228, 1230, 1235, 1244, 1248, 1250, 1260, 1264, 1266.
SMOKING—see **Agriculture** (Tobacco)
SOCIAL SECURITY
Medicaid/Medicare—see **Medicaid/Medicare**

SOCIAL SERVICES [G.S. 108A]
Abortion Fund Eligibility Criteria
S 27 [Sec. 259.1](Ch. 321) ..... 954.
AFDC—see **Child**
Child Abuse—see **Child**
Abuse/Neglect/Prosecution Task Force—see **Task Force**
Child Fatality/Prevention Team
S 494 (H 359)(Ch&HumRes Com)(In S 27) ..... 161.
Child Medical/Mental Health Evaluation Committee
S 496 (Ch. 357) ..... 161, 191, 205, 213, 235, 1027, 1051, 1052.
H 352 (Rules Com) ..... 385.
Child Protective Services
County Funding Formula/Distribution
S 27 [Sec. 234](Ch. 321) ..... 941.
County Matching Fund Requirement
S 27 [Sec. 237](Ch. 321) ..... 943.
Funds
S 27 [Sec. 285](Ch. 321) ..... 967.
Maltreatment Evaluation/Education Centers
S 489 (H 351)(reref Appr Com) ..... 160, 337, 603.
Worker Case Load
S 1102 (reref Appr Com)(In S 27) ..... 455, 563.
Child Support Enforcement Rules
S 314 (H 272)(reref Appr Com/see H 1319) ..... 100, 208, 466.
Child Support Enforcement Section Funds
S 27 [Sec. 219](Ch. 321) ..... 930.
Commission—see **Boards and Commissions**
Construction Contract Exemptions (Columbus)
H 157 (Ch. 11) ..... 134, 149, 176, 182, 207.
Disability Income Plan Amendments
S 601 (reref Appr Com) ..... 193, 411.
Domiciliary Homes—see **Medicine** (Long-Term Care)
Emergency Assistance Benefits Limit
S 27 [Sec. 232](Ch. 321) ..... 941.
Employee Immunity Civil/Criminal Liability
S 340 (H 242)(J2 Com) ..... 114.
Eviction—see **Housing**
Family Preservation—see **Family**
Food Stamps
Eligibility Outreach Program Continued
S 27 [Sec. 233](Ch. 321) ..... 941.
Fraud/Felonious Larceny
H 698 (H Rules Com) ..... 346, 1152, 1203.
Special Supplemental Food Program
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Foster Care—see **Child**
Health Insurance Coverage
S 722 (Ins Com) ..... 238.
Hospital Financial Responsibility Parent/Child
S 539 (recommit Ch&HumRes Com) ..... 180, 268, 1030.
H 552 (Ch. 386) ..... 326, 1030, 1059, 1062, 1063, 1072, 1078.
Managed Care Program, Statewide
S 361 (reref Appr Com/see H 313) ..... 116, 208.
Medicaid—see **Medicaid**

SOCIAL SERVICES [G.S. 108A] (continued)
Pediatric CPR Training Program/Schedule
S 397 (J1 Com) ..... 121.
H 221 (J1 Com) ..... 458.
Pregnancy—see **Maternal and Child Health**
Public Assistance Direct Deposit Study (LRC)
H 1319 [Sec. 2.1(37)](ordered enrolled)
(see S 1270; H 1022) ..... 1249, 1320.
Social Worker Certification—see **Social Worker**
Staff Reduction Recommendation
S 357 (reref Appr Com/see H 342) ..... 116, 204.
Study Commission—see **Studies** (Independent)
SOCIAL WORKER [G.S. 90B]
Certified Clinical Social Worker Defined
S 954 (Ch. 464) ..... 332, 471, 473, 493, 506, 507, 1140, 1154, 1201.
Child Protective Service Worker Case Load
S 1102 (reref Appr Com)(In S 27) ..... 455, 563.
Education Loan Fund
S 1059 (H 1327)(reref Appr Com) ..... 423, 539.
SOFT DRINK
Excise Tax Repeal
S 654 (Fin Com) ..... 210.
SOIL AND WATER DISTRICTS [G.S. 139]
Soil Conservation Law Changes
S 1121 (Ch. 391) ..... 457, 504, 674, 706, 714, 1087.
Supervisor Per Diem/Travel Expenses
S 27 [Sec. 289](Ch. 321) ..... 977.
SOLAR ENERGY—see **Energy**
SOLES, JR., R. C.—**Senator** Bladen (part), Brunswick, **Columbus**, New Hanover (part) **—18th District**
Deputy President *Pro Tempore*
Absent With Leave ..... 55, 61, 91, 338, 545.
Adjournment Motion ..... 157, 190, 206, 496 (fails).
Adjournment Motion—Second ..... 174, 496 (fails), 588.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 34, 36, 37, 38, 39, 40, 41, 65.
Standing—
Judiciary II (Vice-Chairman)
Agriculture, Marine Resources, and Wildlife—
Banks and Thrift Institutions—Economic Development/
Travel and Tourism—Finance—Insurance—
Pensions and Retirement—Public Utilities—
Rules and Operation of the Senate—Ways and Means
Select—
Government Performance Audit
S 906 (Worker's Compensation) ..... 540.
Statutory—
Legislative Committee on New Licensing Boards ..... 112.
Conference—
S 27 ..... 600, 781.
S 710 ..... 1166, 1239.
S 853 ..... 1109, 1231.
H 539 ..... 780, 1220.
Deputy President *Pro Tempore* Nomination/Election ..... 16.

SOLES, JR., R. C.—Senator (continued)
Escorts—
Honorable James G. Exum, Jr., Chief Justice ..... 214, 222.
Honorable James B. Hunt, Jr., Governor ..... 66, 67, 72.
Oath of Office ..... 7, 18.
Remarks Spread—
Deputy President *Pro Tempore* Acceptance Speech ..... 18.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 250, 438, 473, 667, 697, 698, 868, 936, 937, 943, 1004, 1016, 1145, 1232.
Co-Sponsor ..... 35, 36, 37, 38, 39, 68, 91, 92, 93, 94, 95, 236, 254, 334, 341, 417, 418, 419, 422, 483, 518, 519, 520, 521, 572, 582, 583, 585, 620, 672, 674, 676, 696, 714, 770, 771, 780, 852, 876, 878, 919, 920, 934, 976, 996, 1012, 1013, 1027, 1029, 1070, 1092, 1129, 1131, 1141, 1163, 1174, 1200, 1250.
Endorsement Withdrawn—
S 906 ..... 322.
SOLID WASTE—see **Public** (Health)
SOLID WASTE MANAGEMENT LOAN [G.S. 159I]—see **Public** (Health)
SOUTHEAST COMPACT—see **Public** (Health—Hazardous Waste)
SPECIAL NEEDS CHILDREN
—see **Child; Education** (Exceptional); **Mental Health**
SPECIALTY MARKETS
—see **Commerce and Business; Taxation** (Privilege License)
SPEECH PATHOLOGIST—see **Medicine** (Pathology)
SPEED, James D.—Senator **Franklin,** Johnston (part), Vance (part), Wilson (part)— **11th District**
Absent With Leave ..... 596.
Adjournment Motion—Second ..... 221, 733, 1109.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 35, 36, 38, 39, 40, 63.
Standing—
Transportation (Chairman)
Agriculture, Marine Resources, and Wildlife (Vice-Chairman)
Appropriations—Appropriations on Department of Transportation—Children and Human Resources—Children and Human Resources on Veteran and Military Affairs, and Senior Citizens—Education/Higher Education—Environment and Natural Resources—Judiciary II—Pensions and Retirement
Statutory—
Highway Oversight Committee, Joint Legislative ..... 248.
Conference—
S 128 ..... 1053, 1113.
S 161 ..... 1129, 1233.
S 853 ..... 1109, 1231.
S 1222 ..... 1213, 1219.
H 385 ..... 1143.
H 747 ..... 1130, 1149.
H 1158 ..... 1041, 1241.
Escorts—
Bob J. Nash (Undersecretary, USDA) ..... 1029.
Nomination (second)—Reading Clerk ..... 21.
Oath of Office ..... 7.
Remarks Spread—
Nomination (second)—Reading Clerk ..... 21.
Quinn Eulogy ..... 367.
Thompson Eulogy ..... 1160.

SPEED, James D.—Senator (continued)
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 35, 36, 37, 38, 39, 40, 70, 236, 254, 456, 457, 620, 729, 730, 865, 866, 877, 965, 1026, 1027, 1028, 1098, 1099, 1175, 1183.
Co-Sponsor ..... 18, 31, 32, 33, 34, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 90, 110, 111, 116, 123, 124, 151, 251, 396, 422, 440, 448, 449, 450, 451, 452, 459, 460, 461, 462, 479, 499, 518, 519, 520, 521, 572, 644, 645, 646, 664, 665, 674, 675, 676, 693, 694, 696, 733, 734, 735, 770, 771, 849, 853, 863, 876, 878, 900, 904, 920, 933, 934, 949, 976, 989, 1029, 1129, 1141, 1143, 1174, 1184, 1188, 1200, 1202, 1230, 1245, 1250, 1268, 1269, 1271.
Endorsement Withdrawn—
S 906 ..... 337.
SPEED LIMIT—see **Boating and Water Safety; Motor Vehicle**
SPORTS—see **Athletics**
SPORTS FESTIVAL—see **Celebrations/Festivals**
SPOUSE—see **Married Persons**
STALKING—see **Criminal Law**
STANDARDS LABORATORY—see **Weights and Measures**
STANLY COUNTY—District 17—Senator J. Richard Conder
—Senator Aaron W. Plyler
—District 22—Senator Fletcher L. Hartsell, Jr.
ABC Proceeds Distribution
H 864 (LocGov Com) ..... 353.
Airport Authority Expansion Funds
S 850 (reref CapExp Com)(In S 26) ..... 271, 773.
Albemarle
Alcoholic Beverage Control Profit Distribution
S 981 (Ch. 379) ..... 359, 415, 433, 1077.
Albemarle/Stanly County Historic Preservation Commission
S 1204 (reref CapExp Com) ..... 571, 772.
Independent Living Rehabilitation Program
S 80 (H 9)(Appr Com)(In S 27) ..... 54.
Oakboro Boundaries Defined
S 789 (Ch. 254) ..... 255, 324, 466, 499, 519, 719.
H 854 (Rules Com) ..... 541.
Superior Court Judge Increase
S 27 [Sec. 200.5](Ch. 321) ..... 912.
STATE
Government Center—see **State of North Carolina** (Lands)
Government Performance Audit—see **Audit**
Government Reorganization—see **Executive Reorganization**
Information Processing—see **Telecommunications**
STATE OF NORTH CAROLINA
Agencies [G.S. 143]
Accounts Receivable Collection Program
H 124 (Ch. 512) ..... 1065, 1093, 1116, 1146, 1243.
Administration Department—see **Administration**
Agriculture Department—see **Agriculture**
Appropriation Single Sum Pilot Program Expanded
S 262 (reref Appr Com/see H 330) ..... 92, 245.
Attorney General—see **Attorney General; Judicial Department**
Budget/Strategic Planning Process
S 253 (reref Appr Com/see H 330)(In S 27) ..... 92, 448.

STATE OF NORTH CAROLINA (continued)
Agencies [G.S. 143] (continued)
Commerce Department—see **Commerce Department**
Community College—see **Higher Education**
Controller—see **Controller, State**
Correction Department—see **Prisons**
Crime Control and Public Safety Department—see **Law Enforcement**
Cultural Resources Department—see **Cultural Resources**
Economic and Community Development Department
—see **Commerce Department**
Elections Board, State—see **Elections**
Energy Policy—see **Energy**
Environment, Health, and Natural Resources
—see **Environment, Health, and Natural Resources**
General Assembly—see **General Assembly**
House of Representatives—see **House of Representatives**
Human Resources Department—see **Human Resources**
Information Resource Management Oversight Plan
S 326 (GovPerform Com/see S 315; H 322) ..... 109.
Insurance Department—see **Insurance**
Judicial Department—see **Judicial Department**
Justice Department—see **Justice Department**
Labor Department—see **Labor**
Legislative Agent Registration/Definition
S 398 (H 262)(reref Appr Com) ..... 121, 188, 387.
Organizational/Staffing Analysis
S 242 (H StGov Com) ..... 88, 412, 434.
H 309 (GovPerform Com) ..... 384.
Performance Measurement System Standard
S 252 (H Appr Com) ..... 91, 245, 1017, 1134, 1221, 1223.
Public Instruction Department—see **Education**
Purchasing Management Information System/Reports
S 137 (reref GovPerform Com/see H 306) ..... 68, 75.
Revenue Department—see **Revenue; Revenue Department**
Senate—see **Senate**
Transportation Department—see **Transportation**
University of North Carolina—see **Higher Education**
Architectural/Engineering Services/Capital Improvements
S 141 (reref GovPerform Com/see H 306) ..... 68, 75.
Authority on Strategic Planning—see **Boards and Commissions** (Authority)
Automobile—see **Motor Vehicle** (State-owned)
Awards [G.S. 140A]
Bar—see **Attorneys; Judicial**
Board of Education—see **Education**
Boundaries [G.S. 141]
Budget—see **Appropriations; Budget**
Buildings [G.S. 129]
Access to Public Buildings
S 873 (H 985)(Ch. 412) ..... 279, 417, 436, 462, 493, 1054, 1063, 1091, 1098.
Art Selection/Funding Formula
S 605 (H 641)(H Appr Com)(In S 27) ..... 193, 657, 745, 1037, 1101.
Building Commission
Commissioner Appointed (Turner)
S 1124 [Sec. 20](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Single Prime Contract/Capital Project
S 139 (reref GovPerform Com/see H 306) ..... 68, 75.

STATE OF NORTH CAROLINA (continued)
Buildings [G.S. 129] (continued)
Capital Budget Process Restructured
S 260 (reref Appr Com/see H 330)(In S 27) ..... 92, 207.
Capital Education Program Fund
S 1186 (Appr Com) ..... 534.
Capitol, State
Restoration Bidder Prequalification
S 27 [Sec. 27](Ch. 321) ..... 805.
Education/Revenue Building Renovation Report
S 26 [Sec. 34](Ch. 561) ..... 1273.
Energy Conservation Design Guidelines
S 92 (StPers&StGov Com) ..... 56.
H 101 (Ch. 334) ..... 161, 197, 213, 216, 234, 625, 628, 642, 1006, 1013, 1019.
Fair Multipurpose Exhibit Building
S 762 (reref CapExp Com) ..... 252, 771.
Fire Sprinkler Fire Design/Contractor
S 864 (StPers&StGov Com) ..... 272.
Highway Patrol Communications/Logistics Centers
S 1272 (CapExp Com) ..... 712.
Judicial Center Planning Funds
S 1221 (CapExp Com) ..... 584.
Key Duplication Authorization/Penalty
H 565 (J1 Com) ..... 385.
Legislative Facility Space/Storage Needs
S 258 (GovPerform Com/see H 290) ..... 92.
Natural History Museum Construction Funds
S 1215 (H 1474)(CapExp Com) ..... 576.
Natural Science Museum Construction Funds
S 828 (H 637)(reref CapExp Com) ..... 264, 771.
Repairs/Renovations Reserve Created
S 814 (Appr Com)(In S 26; S 27) ..... 261.
School—see **Education** (Facilities)
Toxicology Building/NCSU
S 1241 (CapExp Com) ..... 643.
Capital Improvements—see also **Appropriations**
General Obligation Bonds
S 951 (adopted) ..... 331, 470, 492, 494, 500, 504, 510, 1529.
Headstart Facility/Bonds
S 1087 (H 1312)(Bonds Com) ..... 439.
Capitol—see under this heading (Buildings)
Constitutional Review Commission
S 21 (reref Appr Com/see H 1319) ..... 30, 404, 574.
Contract—see **Purchase and Contract**
Council of State—see also under this heading (Officers)
Statutory References to State Land
S 766 (Rules Com) ..... 252.
H 61 (Rules Com) ..... 244.
Current Operations—see **Appropriations**
Debt [G.S. 142]
Refunding Bond Exceeding Principal
S 1290 (Fin Com) ..... 737.
Documents—see **Publications**

STATE OF NORTH CAROLINA (continued)
Emblems [G.S. 145]
Watermelon State Festival Declared
S 647 (Rules Com) ..... 210.
H 318 (Ch. 212) ..... 281, 625, 650, 655, 681.
Employees—see under this heading (Personnel)
Facilities
Energy Conservation Program
S 95 (H 103)(H Appr Com) ..... 57, 574, 615, 678, 689, 699.
Flag, Motto [G.S. 144]—see **Flags**
Flower [G.S. 145]
Games—see **Athletics**
Health Director—see **Public** (Health)
Lands [G.S. 146]
Acquisition Authority—G.S. 133
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Appraiser Exemption/Department of Transportation
H 618 (Ch. 519) ..... 319, 1011, 1030, 1113, 1194, 1209, 1243.
Capital Improvements Funds
S 27 [Sec. 260; 260.1](Ch. 321) ..... 954.
Council of State/Governor References
S 766 (Rules Com) ..... 252.
H 61 (Rules Com) ..... 244.
Diversified Opportunities, Inc., Land Acquisition
S 1225 (CapExp Com) ..... 597.
Downtown School Project Exemption (Forsyth)
S 666 (Ch. 128) ..... 211, 328, 334, 604.
H 691 (Rules Com) ..... 584.
Legislative Review Prior to Conveyance
S 26 [Sec. 32](Ch. 561) ..... 1271.
Mountain Island Lake Acquisition Funds
S 1246 (reref CapExp Com) ..... 658, 772.
Museum of the Albemarle Site Funds
S 26 [Sec. 35](Ch. 561) ..... 1274.
Nature and Historic Preserves
N.C. Constitution—Article XIV, Sec. 5.
Pilot Mountain Park Right-of-Way Conveyance
H 1127 (Ch. 457) ..... 1054, 1095, 1120, 1146, 1200.
Property Conveyance Vote Clarification
S 766 (Rules Com) ..... 252.
H 61 (Rules Com) ..... 244.
Real Property Management
S 754 (H 96)(H StGov Com) ..... 251, 482, 486, 501.
State Real Property Transfers Study Commission Continued
S 756 (H 92)(Rules Com/see H 1319) ..... 251.
Timber Sales Proceeds
S 27 [Sec. 260](Ch. 321) ..... 954.
University of North Carolina-Asheville
Property Acquisition
S 26 [Sec. 48](Ch. 561) ..... 1278.
S 1217 (CapExp Com)(In S 26) ..... 584.
World Languages and Culture Center Property
S 27 [Sec. 39.1](Ch. 321) ..... 810.
Library—see **Libraries**
Motor Fleet—see **Motor Vehicle** (State-owned)

STATE OF NORTH CAROLINA (continued)
Officers [G.S. 147]
Council of State—see N.C. Constitution, Article III (Sec. 2, 7, 8)
Agriculture Commissioner—see **Agriculture**
Attorney General—see **Attorney General**
Auditor—see **Auditor, State**
Governor—see **Governor**
Instruction, Superintendent of Public—see **Education**
Insurance Commissioner—see **Insurance**
Labor Commissioner—see **Labor**
Lieutenant Governor—see **Lieutenant Governor**
President of the Senate—see **President of the Senate**
Secretary of State—see **Secretary of State**
Term Limitation/Twelve Years
S 660 (unf rpt) ..... 211, 468.
Treasurer—see **Revenue; Treasurer**
License Plates—see **Motor Vehicle** (License Plates)
Salaries—see under this heading (Personnel—Salaries)
Parks—see **Environment, Health, and Natural Resources** (Parks)
Personnel [G.S. 126]
Annual Leave
Conversion of Excess to Sick Leave
S 26 [Sec. 18](Ch. 561) ..... 1266.
S 27 [Sec. 73(f)](Ch. 321) ..... 828.
Conversion to Retirement
S 374 (H 329)(reref Appr Com) ..... 118, 201.
Conversion to Sick Leave/School Employee
S 1205 (H 1203)(Pens&Ret Com)(In S 27) ..... 575.
Teacher
Shared Leave Program
S 195 (Ed/HighEd Com) ..... 81.
Training Course Eligibility/School Year
S 373 (H 328)(reref Appr Com) ..... 118, 200.
Training Required
S 376 (H 269)(reref Appr Com) ..... 118, 201.
Training/Stipend of $50
S 375 (H 270)(reref Appr Com) ..... 118, 201.
Audit, Performance—see **Audit**
Classification/Compensation Study
S 26 [Sec. 24](Ch. 561) ..... 1269.
S 1100 (Appr Com) ..... 455.
Community College—see **Higher Education**
Court Personnel—see **Judicial Department**
Criminal Record Check
S 549 (Ch. 403) ..... 181, 374, 539, 549, 1075, 1084, 1088.
Criminal Record Check/DHR
H 554 (Ch. 350) ..... 385, 1011, 1030, 1033.
Director
Guidelines
S 309 (GovPerform Com/see H 288) ..... 99.
Salary, Annual
S 27 [Sec. 51](Ch. 321) ..... 816.
Disaster Volunteer Leave
S 74 (StPers&StGov Com) ..... 53.
H 87 (Ch. 13) ..... 151, 167, 190, 206, 213, 217.
Equal Employment Opportunity Division
Performance Pay Practices Monitored
S 289 (H Appr Com/see H 288) ..... 97, 393, 406.

STATE OF NORTH CAROLINA (continued)
Personnel [G.S. 126] (continued)
Ethics Act Established
S 399 (H 282)(reref J2 Com) ..... 121, 188.
Evaluation/Revenue Department
H 1028 (Rules Com/see S 832) ..... 712.
Holidays [G.S. 103]
Industrial Commission—see **Industrial Commission**
Insurance Department—see **Insurance Department**
Law Enforcement—see **Law Enforcement**
Leave
Disaster Leave Law
S 74 (StPers&StGov Com) ..... 53.
H 87 (Ch. 13) ..... 151, 167, 190, 206, 213, 217.
Legislative Personnel—see **General Assembly**
Liability for Unlawful Purchases
S 759 (reref J2 Com) ..... 251, 469, 501.
H 20 (J2 Com) ..... 480.
Liability Insurance—see **Insurance**
Local Government Employee
Appeals Process Changes/State Personnel Act
S 118 (H 193)(H J3 Com) ..... 62, 324, 335.
Black Creek/Public Office Prohibited (Wilson)
H 737 (Ch. 186) ..... 347, 621, 631, 657.
Political Activity Limitation
H 818 (Ch. 298) ..... 425, 673, 691, 699, 721, 748.
Water and Sewer Authority Records Confidential
S 611 (Ch. 505) ..... 194, 278, 321, 1211, 1213, 1242.
Major Medical Plan
Administrative Restructure
S 742 (reref Appr Com) ..... 250, 372.
Appointment of Trustees (Elliott; Owen)
S 1124 [Sec. 15](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Cancer Drug Treatment Insurance
S 935 (Ins Com) ..... 325.
Corrections Department Automated Claims Processor
S 245 (H Appr Com/see H 274) ..... 89, 207, 216, 234.
Employer Contribution Rate
S 27 [Sec. 70](Ch. 321) ..... 824.
Health Benefit Minimum Deductible
S 42 (Ins Com) ..... 48.
Health Benefits/Premiums
S 331 (GovPerform Com/see H 300) ..... 109.
Health Care Provider Payment
S 181 (Ch. 41) ..... 80, 153, 161, 164, 360, 379, 399, 401.
Health Care Reform Act
S 2 (Ins Com) ..... 29.
Nurse Service Coverage, Registered
S 770 (H 458)(Pens&Ret Com) ..... 252.
Preferred Provider Contract
S 1148 (Ch. 547) ..... 460, 467, 503, 506, 525, 526, 590, 598, 712, 715, 723, 731, 745, 746, 753, 757, 1202, 1236, 1314.

STATE OF NORTH CAROLINA (continued)
Personnel [G.S. 126] (continued)
Major Medical Plan (continued)
Preventive Health Benefits
S 330 (GovPerform Com/see H 300) ..... 109.
Prescription Drug—see **Medicine** (Drugs)
Maternity Leave—see **Retirement** (Teachers and State Employees)
Motor Vehicle Division—see **Motor Vehicle**
Office
Session Laws/Journals Received
H 497 (StPers&StGov Com) ..... 360.
OSHA Compliance Bureau—see **Labor Department**
Pay Date—see under this subheading (Salaries)
Payroll Record Fee $4.00
S 749 (Fin Com) ..... 250.
Political Patronage—see under this subheading (Local Government Employee; State Employee)
Registrar
Vital Records Authority
S 564 (J1 Com) ..... 186.
Vital Records Form Approval/Index to Archives
S 529 (J1 Com) ..... 177.
H 569 (Ch. 146) ..... 385, 574, 594, 618.
Retirement—see **Retirement**
Salaries
Budget Transfers Authorized
S 27 [Sec. 14](Ch. 321) ..... 791.
Classification/Compensation/Benefits Study
S 252 (H Appr Com) ..... 91, 245, 1017, 1134, 1221, 1223.
Community Colleges Schedule Established
S 1078 (H 1313)(Ed/HighEd Com) ..... 438.
Compensation/Benefits/Evaluation/Index
S 332 (GovPerform Com) ..... 109.
H 341 (GovPerform Com) ..... 352.
Compensation Bonus
S 27 [Sec. 69](Ch. 321) ..... 823.
Compensation/Classification Study Funds
S 353 (reref Appr Com/see S 310) ..... 115, 321, 394.
Comprehensive Pay Plan
S 84 (H 192)(Ch. 388) ..... 55, 371, 544, 549, 555, 1073, 1076, 1078.
Council of State
S 27 [Sec. 49](Ch. 321) ..... 815.
Cytotechnologist Salary Review
S 27 [Sec. 101.4](Ch. 321) ..... 849.
S 224 (Ed/HighEd Com) ..... 86.
H 106 (Ch. 427) ..... 425, 1035, 1061, 1103, 1138.
Deferred Compensation Plan
Appointment of Trustee (Myers)
S 1124 [Sec. 5](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Department Heads, Non-elected
S 27 [Sec. 50](Ch. 321) ..... 816.
Differentiated Pay Plan
S 669 (H 582)(Appr Com)(In S 27) ..... 217.
S 670 (H 581)(Ed/HighEd Com) ..... 217.
H 581 (S 670)(Ch. 263) ..... 314, 592, 678, 691, 723.

STATE OF NORTH CAROLINA (continued)
Personnel [G.S. 126] (continued)
Salaries (continued)
Differentiated Pay Plan Reduction
S 27 [Sec. 126](Ch. 321) ..... 858.
Employer Contribution Percentages
S 27 [Sec. 70](Ch. 321) ..... 824.
Executive Branch Appointed Official
S 27 [Sec. 51](Ch. 321) ..... 816.
FICA Savings Use Extension
S 26 [Sec. 42](Ch. 561) ..... 1276.
Flexible Compensation Program
S 120 (Rules Com) ..... 62.
H 194 (Rules Com) ..... 196.
Flexible Compensation Program Study
S 332 (GovPerform Com) ..... 109.
H 341 (GovPerform Com) ..... 352.
Highway Patrol
Merit Pay Increase Automatic, Repeal
S 294 (GovPerform Com/see H 373) ..... 97.
Increase Policies
S 27 [Sec. 66](Ch. 321) ..... 822.
Increase Reserves
S 27 [Sec. 47](Ch. 321) ..... 815.
Inequities Corrected
S 121 (H 195)(reref Appr Com) ..... 62, 381.
Judges—see **Judicial Department**
Local Government Employee Two Percent Increase
S 27 [Sec. 64](Ch. 321) ..... 821.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Longevity Pay Equalized
S 303 (H 324) (GovPerform Com) ..... 99.
Longevity Pay Equalized/Permanent Level
S 304 (H 325)(GovPerform Com) ..... 99.
Nurses/Human Resources Institutions
S 614 (H 381)(Appr Com)(In S 27) ..... 194.
Pay Date (Brunswick)
S 27 [Sec. 144](Ch. 321) ..... 878.
Pay Date June 30 Restored
S 27 [Sec. 21.1](Ch. 321) ..... 795.
S 815 (Appr Com) ..... 261.
S 951 (adopted) ..... 331, 470, 492, 494, 500, 504, 510, 1529.
Pay Date (Scotland)
S 27 [Sec. 143.1](Ch. 321) ..... 878.
Payroll Deduction/Employee Association
S 26 [Sec. 63](Ch. 561) ..... 1282.
Payroll Record Duplication Fee
S 749 (Fin Com) ..... 250.
Performance Pay/Appraisal Training
S 307 (GovPerform Com/see H 373) ..... 99.
Performance Pay Increase Non-discriminatory
S 289 (H Appr Com/see H 288) ..... 97, 393, 406.
Salaries and Benefits Appropriations
S 27 [Part 14](Ch. 321) ..... 815.

STATE OF NORTH CAROLINA (continued)
Personnel [G.S. 126] (continued)
Salaries (continued)
School Employee
Administrator's Salary Schedule
S 26 [Sec. 19](Ch. 561) ..... 1267.
S 27 [Sec. 132](Ch. 321) ..... 861.
Career Development Bonuses
S 26 [Sec. 54](Ch. 561) ..... 1280.
Pay Date (New Hanover)
S 26 [Sec. 53](Ch. 561) ..... 1280.
School Bus Driver
S 27 [Sec. 65(c)](Ch. 321) ..... 822.
Two Percent Increase
S 27 [Sec. 65](Ch. 321) ..... 821.
Two Percent Increase Non-Certified
S 27 [Sec. 133](Ch. 321) ..... 864.
State Employee
Two Percent Increase
S 27 [Sec. 63](Ch. 321) ..... 820.
Wage Floor
S 27 [Sec. 68](Ch. 321) ..... 823.
Teacher
Professional Teaching Standards Board Created
S 883 (H Rules Com) ..... 289, 447, 1124, 1150.
H 938 (Ch. 231) ..... 386, 680, 691, 694.
Salary Schedule
S 27 [Sec. 127](Ch. 321) ..... 858.
Twelfth Month Deferral Eliminated
S 27 [Sec. 21.2](Ch. 321) ..... 796.
Teacher Assistant
Non-Certified Personnel Salary Schedule
S 27 [Sec. 133](Ch. 321) ..... 864.
S 665 (H 640)(Appr Com) ..... 211.
Vacation Leave Flexibility
S 664 (Ed/HighEd Com) ..... 211.
H 639 (Ch. 475) ..... 458, 1035, 1108, 1122, 1129, 1210.
UNC Faculty—see **Higher Education**
School Employee
Administrator—see **Education**
Annual Leave Conversion to Sick Leave
S 1205 (H 1203)(Pens&Ret Com)(In S 27) ..... 575.
Central Office Staff Duties
S 110 (H 48)(Ch. 38) ..... 59, 183, 189, 381.
Differentiated Pay Funds/Reversion
S 26 [Sec. 56](Ch. 561) ..... 1280.
Non-Certified Employee on Continuing Contract
S 818 (H 1056)(Ed/HighEd Com) ..... 262.
Non-Certified Employee Study
S 26 [Sec. 57](Ch. 561) ..... 1280.
Staff Development for Teacher Funds
S 27 [Sec. 143](Ch. 321) ..... 878.
Staff Reduction
S 27 [Sec. 130](Ch. 321) ..... 861.
Sick Leave
Annual Conversion
S 27 [Sec. 73](Ch. 321) ..... 825.

STATE OF NORTH CAROLINA (continued)
Personnel [G.S. 126] (continued)
Sick Leave (continued)
Banks Rules and Regulations
S 27 [Sec. 72](Ch. 321) ..... 825.
Conversion of Annual Leave
S 26 [Sec. 18](Ch. 561) ..... 1266.
S 27 [Sec. 73(f)](Ch. 321) ..... 828.
State Employee
Classification/Compensation Study
S 26 [Sec. 24](Ch. 561) ..... 1269.
S 310 (reref Appr Com/see H 373) ..... 99, 340.
Employee Management Function Monitored
S 296 (GovPerform Com/see H 288) ..... 98.
Information Processing Services Centralization
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 320 (GovPerform Com/see H 320; H 322) ..... 108.
Information Technology Position Descriptions
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
S 316 (GovPerform Com/see H 322) ..... 108.
Motor Vehicles Registration Offices Privatized
S 179 (reref Appr Com/see H 323) ..... 74, 200.
Opinion Survey, Annual
S 311 (H Appr Com/see H 288)(In S 27) ..... 100, 393, 406.
Political Patronage Restriction
S 287 (GovPerform Com/see H 288) ..... 97.
Staff Expansion/OSHA Division
S 548 (H 1261)(Appr Com)(In S 27) ..... 181.
Staff Reduction
Administrative Hearings Office/14 Positions
S 300 (GovPerform Com) ..... 98.
Commerce Department
Eliminate 84 Positions
S 190 (reref Rules Com/see H 294; H 1319) 81, 229, 246, 1234.
Regional Office
S 191 (GovPerform Com/see H 294) ..... 81.
S 238 (GovPerform Com) ..... 88.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Department of Public Instruction
Clerical Position
S 414 (reref Appr Com/see H 378) ..... 126, 201.
Management/Clerical Positions Eliminated
S 372 (reref Appr Com/see H 378) ..... 118, 200.
16 Positions
S 371 (reref Appr Com/see H 378) ..... 118, 200.
Staff Development Unit
S 409 (reref Appr Com/see H 287) ..... 125, 201.
Highway Division Equipment Operation Supervisor Eliminated
S 172 (reref Appr Com/see H 323) ..... 73, 199.
Highway Maintenance District Management Eliminated
S 173 (reref Appr Com/see H 323) ..... 74, 199.
Human Resources Department
Managerial/Supervisory (20)
S 295 (reref Appr Com/see H 342) ..... 97, 203.

STATE OF NORTH CAROLINA (continued)
Personnel [G.S. 126] (continued)
State Employee (continued)
Staff Reduction (continued)
Human Resources Department
38 Positions
S 357 (reref Appr Com/see H 342) ..... 116, 204.
Marine Affairs Office
S 27 [Sec. 28](Ch. 321) ..... 805.
S 244 (GovPerform Com/see H 369) ..... 89.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Motor Vehicle Field Office Reduction
S 175 (reref Appr Com/see H 323) ..... 74, 199.
Prisons Area Offices
S 27 [Sec. 177](Ch. 321) ..... 899.
S 243 (H Appr Com/see H 274) ... 88, 228, 270, 412, 464, 473.
Purchase and Contract Staff Reduction
S 131 (H 344)(reref GovPerform Com) ..... 67, 74.
S 136 (H 343)(reref GovPerform Com) ..... 68, 75.
Revenue Department
Field Operation Division/Revenue Officer
S 27 [Sec. 44](Ch. 321) ..... 813.
S 268 (GovPerform Com/see H 299) ..... 93.
Field Supervisors
S 265 (GovPerform Com/see H 299) ..... 93.
Teacher Certification Position
S 350 (reref Appr Com/see H 304) ..... 115, 200.
Transportation—85 Positions Eliminated
S 174 (reref Appr Com/see H 323) ..... 74, 199.
Training Performance Management/Employment Opportunity
S 252 (H Appr Com) ..... 91, 245, 1017, 1134, 1221, 1223.
Training System Rules Established
S 288 (reref Appr Com/see H 288) ..... 97, 393.
State Personnel Study Created
S 119 (H 196)(Rules Com/see H 1319) ..... 62.
Teacher—see **Education**
Annual Leave—see under this heading (Personnel—Annual Leave)
Total Quality Management Program
S 1256 (Appr Com) ..... 695.
Transportation Department—see **Transportation Department**
Treasurer—see **Treasurer** (Department)
Union Employment Proposal Conference
S 816 (Mfg&Labor Com) ..... 261.
University Board of Trustees—see **Higher Education** (UNC)
Workers' Compensation—see **Workers' Compensation**
Workforce Management Planning
S 290 (reref Appr Com/see H 288) ..... 97, 393.
Workplace Safety—see **Labor** (OSHA)
Planning Officer—see **Appropriations**
Ports—see **Commerce and Business**
Prison [G.S. 148]—see **Prison**
Privatization of State Services
S 146 (reref GovPerform Com/see H 306) ..... 69, 75, 111, 122, 129.
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Property—see under this heading (Buildings; Lands)
Surplus Property—see **Property**
Purchasing Agent—see **Purchase and Contract**

STATE OF NORTH CAROLINA (continued)
Retirement [G.S. 135]—see **Retirement**
Salaries
Per Diem/Travel Expenses
Soil and Water Conservation Supervisor
S 27 [Sec. 289](Ch. 321) ..... 977.
State Project Bond Fund Established
S 1242 (StPers&StGov Com) ..... 652.
Song and Toast [G.S. 149]
Telephone System Menu Reduction
S 1190 (reref Appr Com) ..... 541, 581, 602, 616.
Vehicles—see **Motor Vehicle** (State-Owned)
STATE OF THE STATE—see **Governor; Joint Session**
STATUTES—see **General Statutes**
Construction [G.S. 12]
Limitation—see **Civil** (Procedure—Rules)
STATUTORY LIENS [G.S. 44A]—see **Liens**
STERILIZATION—see **Maternal and Child Health**
STOCK—see **Corporations**
STOKES COUNTY—District 12—Senator Fred Folger, Jr.
—Senator A. P. "Sandy" Sands III
King
Watershed Zoning Notice Exemption
H 860 (Ch. 267/see H 799) ..... 459, 676, 687, 723.
Superior Court Judge Increase
S 27 [Sec. 200.5](Ch. 321) ..... 912.
Town Fork Development Project
S 26 [Sec. 107](Ch. 561) ..... 1305.
Trespass/Third-Degree Offense
H 689 (H J3 Com) ..... 386, 1204, 1208, 1214.
Water Supply Watershed Protection Zoning Notice Exemption
S 855 (Ch. 418) ..... 272, 415, 432, 1074, 1082, 1089, 1098, 1110.
H 869 (Ch. 139/see H 799) ..... 442, 583, 599, 605.
STORM DRAINAGE SYSTEM—see **Water and Sewer Authority**
STRAYS [G.S. 79]—see **Animals**
STRUCTURED SENTENCING—see **Criminal Procedure** (Sentencing)
STUDENTS—see **Education; Higher Education**
STUDIES
Agency
Administration
Budget Director
Flexible Compensation Program Study Created
S 120 (Rules Com) ..... 62.
H 194 (Rules Com) ..... 196.
Personnel Classification/Compensation Study
S 26 [Sec. 24](Ch. 321) ..... 1269.
S 1100 (Appr Com) ..... 455.
Administrative Office of the Courts
Juvenile Secure Custody Study
S 26 [Sec. 87](Ch. 561) ..... 1290.
Mediation Programs
S 27 [Sec. 200](Ch. 321) ..... 906.
Network Ownership Transfer Study
S 27 [Sec. 186](Ch. 321) ..... 901.
Area Health Education Center
Allied Health Personnel
S 27 [Sec. 84](Ch. 321) ..... 839.

STUDIES (continued)
Agency (continued)
Board of Education
CPR Instruction Study
S 26 [Sec. 55](Ch. 561) ..... 1280.
Graduation Requirements/Exceptional Children
S 863 (H 904)(Ch. 359) ..... 272, 404, 422, 1039, 1051, 1053.
Commerce Department
Ports Authority as State Agency
S 27 [Sec. 314.1](Ch. 321) ..... 997.
Ports Railway Commission
S 27 [Sec. 314.2](Ch. 321) ..... 997.
Community College Merger Study (Nash/Edgecombe)
H 736 (Ch. 468) ..... 386, 1118, 1142, 1201.
Community College State Board
Class Size
S 27 [Sec. 124](Ch. 321) ..... 857.
Community College System Comprehensive Review
S 27 [Sec. 119](Ch. 321) ..... 855.
Department of Insurance
Minority Contractor Bond Study
S 26 [Sec. 39](Ch. 561) ..... 1274.
Education, State Board
Contract Process of School Employee
S 387 (H 372)(reref Ed/HighEd Com) ..... 119, 283.
School Leadership Academy
S 451 (H 258)(reref Appr Com)(In S 27) ..... 137, 246.
Environment, Health, and Natural Resources
Coastal Futures Committee CAMA Study
S 27 [Sec. 264](Ch. 321) ..... 958.
Mountain Island Lake Regional State Park
S 1275 (Rules Com) ..... 735.
Water Supply/Management Study
S 979 (H 1211)(Appr Com)(In S 27) ..... 359.
Governor
Banking Regulatory Agency Study
S 264 (H 271)(GovPerform Com) ..... 93.
Butner Public Safety
S 285 (GovPerform Com) ..... 95.
H 312 (GovPerform Com) ..... 352.
Flexible Compensation Program
S 332 (GovPerform Com) ..... 109.
H 341 (GovPerform Com) ..... 352.
Health Statistics Center
Child Fatality Review/Prevention System
S 495 (H 360)(Ch&HumRes Com) ..... 161.
Childhood Deaths Study
S 490 (H 367)(reref Appr Com) ..... 160, 288.
Human Resources Department
Juvenile Custody Facilities
S 26 [Sec. 87](Ch. 561) ..... 1290.
Medical Assistance Division/Managed Care Statewide
S 361 (reref Appr Com/see H 313) ..... 116, 208.
Physician Extender Programs Study
S 776 (Rules Com) ..... 253.
Rate Structure/Reimbursement
S 31 (H Hlth Com) ..... 47, 167, 174.

STUDIES (continued)
Agency (continued)
Insurance Department
Workers' Compensation Study Commission Created
S 906 (H Courts Com) ..... 312, 322, 329, 337, 348, 430, 453, 721, 732, 767, 1020, 1024, 1047, 1061, 1064.
North Carolina State University
Swine Farm Odor Abatement
S 26 [Sec. 45](Ch. 561) ..... 1277.
Swine Farm Operation
S 926 (H 1159)(reref Appr Com)(In S 26) ..... 318, 1024, 1028.
Public Instruction
Exceptional Children Services Study
H 40 (Ch. 61) ..... 145, 536, 543, 546.
Sentencing and Policy Advisory Commission
Restitution Policy of Criminal Justice System
S 915 (J1 Com) ..... 313.
H 1035 (Ch. 535/see H 1319) ..... 1075, 1101, 1120, 1151, 1212, 1221, 1224, 1246.
State Personnel Office
Compensation/Classification Study Funds
S 353 (reref Appr Com/see S 310) ..... 115, 321, 394.
Employee Classification and Compensation Study
S 26 [Sec. 24](Ch. 561) ..... 1269.
S 310 (reref Appr Com/see H 373) ..... 99, 340.
System Study
S 84 (H 192)(Ch. 388) ..... 55, 371, 544, 549, 555, 1073, 1076, 1078.
Transportation Department
Piedmont Triad Area Needs
S 27 [Sec. 167](Ch. 321) ..... 892.
Water/Sewer Line Relocation Costs
S 26 [Sec. 64](Ch. 561) ..... 1283.
University of North Carolina
H 1319 (ordered enrolled)(see S 1270; S 1280; S 1282) ... 1249, 1320.
Gerontology Institute Establishment [Sec. 10.1]
Marine Science Program Evaluations [Sec. 10.2]
Science and Mathematics School Status [Sec. 10.3]
Board of Education
School Leadership Academy Establishment
S 27 [Sec. 86](Ch. 321) ..... 843.
Chapel Hill
Childhood Hunger
S 27 [Sec. 94](Ch. 321) ..... 846.
Marine Sciences Program Evaluation
S 1282 (Rules Com/see H 1319) ..... 736.
Utilities Commission
Natural Gas Service/Rates
H 784 (Rules Com) ..... 535.
Rate Making for Natural Gas Companies
S 190 (reref Rules Com/see H 294; H 1319) .... 81, 229, 246, 1234.
Workforce Preparedness Commission
Literacy Grant Study
H 1131 (Ch. 526/see H 1319) .... 459, 636, 680, 1124, 1152, 1244.
Election Laws Review Commission
H 1319 [Sec. 7.1](ordered enrolled)
(see S 210; S 1270) ..... 1249, 1320.

STUDIES (continued)
Environmental Review Commission
Environmental Justice Issues
H 1319 [Sec. 5.1](ordered enrolled)
(see S 1270; H 1423) ..... 1249, 1320.
Independent
African-American Cultural Center Study Commission Created
S 1262 (Rules Com/see H 1319) ..... 702.
Budget Practices Study Commission Created
S 27 [Sec. 22](Ch. 321) ..... 796.
Certificate of Participation Study Commission
S 739 (Rules Com/see H 1319) ..... 249.
Criminal Case Disposition Study Commission
S 250 (Rules Com/see H 1319) ..... 91.
Economic Impact of Rules Study Commission Created
S 1261 (Rules Com/see H 1319) ..... 702.
General Statutes Commission
Computer Legal Research/Documents by Reference
S 1092 (Rules Com/see H 1319) ..... 439.
Mental Health Study Commission
Coalition 2001
S 934 (H 1177)(Appr Com)(In S 27) ..... 325.
Continued
S 400 (H 305)(Rules Com/see H 1319) ..... 124.
H 1319 [Sec. 3.1](ordered enrolled)(see S 1270) ..... 1249, 1320.
Insurance Coverage for Biologically-Based Brain Disease
H 1161 (Rules Com) ..... 741.
Minority Male Status Study Commission Established
S 1236 (Rules Com/see H 1319) ..... 642.
Mountain Area Study Commission
Continued/Expanded
S 86 (H 118)(Rules Com) ..... 56.
Funds
S 85 (H 117)(Rules Com/see H 1319) ..... 56.
State Purchasing System Commission Created
S 1178 (Rules Com/see H 1319) ..... 522.
Legislative
Agriculture and Forestry Study Commission
S 37 (Ch. 23) ..... 48, 139, 145, 277.
H 35 (reref Appr Com) ..... 164, 176, 183, 205.
Animal Residue Marketing Study
S 956 (Rules Com/see H 1319) ..... 344.
Alternative Schools Commission Created
S 1200 (Rules Com/see H 1319) ..... 565.
Community College Capital Needs Commission
S 14 [Sec. 11](Ch. 542/see S 26; S 65; H 60; H 544) .... 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.
Economic Incentives to Lure Industry Commission Created
S 26 [Sec. 103](Ch. 561) ..... 1298.
Education Oversight Committee, Joint
Educational Neglect Study
S 1281 (Rules Com) ..... 736.
H 1319 [Sec. 9.1](ordered enrolled)(see S 1270) ..... 1249, 1320.
Non-Certified School Employee Study
S 26 [Sec. 57](Ch. 561) ..... 1280.

STUDIES (continued)
Legislative (continued)
Fiscal Trends and Reform Study Commission
Highway Fund Appropriation Study
S 27 [Sec. 169](Ch. 321) ..... 893.
Statutory Commission Proposed
S 194 (H 267)(Rules Com/see H 1319) ..... 81.
Governmental Operations Commission
—see **Boards and Commissions** (Legislative)
Highway Oversight Committee
Diesel Fuel Consumption/Highway Funds Impact
S 1088 (reref Appr Com/see S 26) ..... 439, 749, 765.
Transportation Financing Study
S 165 (reref Appr Com/see H 307; H 1319) ..... 73, 208.
Legislative Personnel Study
S 308 (reref Appr Com/see S 297; H 373) ..... 99, 393.
Legislative Research Commission
H 1319 (ordered enrolled)(see S 1270) ..... 1249, 1320.
African-American Cultural Center [Sec. 2.1(94)](see S 1262)
Alcoholic Beverage Control Laws [Sec. 2.1(42)(see H 1093)
All-Terrain Vehicle Licensing/Regulation
[Sec. 2.1(36)](see H 1006)
Animal Residue Market Development [Sec. 2.1(84)](see S 956)
Bid Laws and Reciprocity [Sec. 2.1(30)](see H 716)
Bingo [Sec. 2.1(48)](see H 1190)
Blood Alcohol Limit to 0.02 [Sec. 2.1(21)](see H 366)
Brain Disease Insurance Coverage [Sec. 2.1(47)](see H 1161)
Cemetery Commission/Regulation [Sec. 2.1(57)](see H 1320)
Chemical Dependency Insurance Coverage
[Sec. 2.1(63)](see H 1411)
Child Care Issues [Sec. 2.1(15)](see S 89; H 213)
Child Support [Sec. 2.1(19)](see S 314; H 272)
Chiropractic Care for Cost-Effective Health Care
[Sec. 2.1(55)](see S 1156; H 1309)
Chiropractic College in North Carolina
[Sec. 2.1(16)](see S 223; H 224)
Coastal Fishing Waters, Hook and Line/Commercial Net
[Sec. 2.1(46)](see H 1156)
Commercial Nets Effect on Fish/Shellfish/Estuarine Habitats
[Sec. 2.1(51)](see H 1282)
Confidentiality Requirements on Human Service Needs
[Sec. 2.1(74)](see S 22)
Constitutional Review [Sec. 2.1(73)](see S 21)
Consumer Protection Issues
[Sec. 2.1(54)(71)](see H 1303; H 1453)
Crafts Training Preservation in North Carolina
[Sec. 2.1(66)](see H 1426)
Criminal Case Disposition [Sec. 2.1(10)](see S 250; H 127)
Disaster Relief Volunteer Protection
[Sec. 2.1(52)](see S 1192; H 1283)
Divorce Education Program [Sec. 2.1(45)](see H 1148)
East Carolina University School of Medicine
[Sec. 2.1(61)](see H 1389)
Economic Impact of Rules [Sec. 2.1(93)](see S 1261)
Education Support Services [Sec. 2.1(1)](see S 13; H 11)
Elections Systems Alternate [Sec. 2.1(62)](see H 1397)
Emergency Cardiac Care [Sec. 2.1(33)](see H 805)

STUDIES (continued)
Legislative (continued)
Legislative Research Commission (continued)
H 1319 (continued)
Emergency Management Issues Study Continued [Sec. 2.1(5)](see S 75; H 88)
Employment Discrimination Study Continued [Sec. 2.1(3)](see H 54)
Employment Termination Act, Model [Sec. 2.1(22)](see H 384)
Energy Conservation/Renewable Sources Study Continued [Sec. 2.1(7)](see S 337; H 150)
Equitable Distribution [Sec. 2.1(70)](see H 1452)
Exactions [Sec. 2.1(65)](see S 1181; H 1413)
Extraterritorially-Zoned Area Representation [Sec. 2.1(53)](see H 1284)
Family Law Reform [Sec. 2.1(28)(85)](see S 993; H 705)
Farmland Preservation/Dairy Farmer Economic Issues [Sec. 2.1(41)](see H 1060)
Fire and Occupational Safety Issues Study Continued [Sec. 2.1(13)](see S 107; H 191)
Firefighter Benefits [Sec. 2.1(96)](see S 1266)
Firefighters' Early Retirement Incentives, Professional [Sec. 2.1(39)](see H 1033)
Fiscal Trends and Reform [Sec. 2.1(18)](see S 194; H 267)
Fletcher-Jeralds Omnibus Health Reform Act [Sec. 2.1(79)](see S 554)
Forfeitures/Fines Proceeds Allocation [Sec. 2.1(88)](see S 1167)
Guardianship Services Improvement [Sec. 2.1(25)](see H 451)
Health and Fitness Club Issues [Sec. 2.1(29)](see H 714)
Health Care Reform [Sec. 2.1(100)](see S 1293)
Historic Structures Disposition [Sec. 2.1(69)](see H 1447)
Information Technology [Sec. 2.1(12)](see S 741; H 172)
Juvenile Code [Sec. 2.1(67)](see H 1429)
Law Officer Conduct Review System [Sec. 2.1(81)](see S 683)
Lead Hazard Management Program Development [Sec. 2.1(27)](see H 623)
Legal Research [Sec. 2.1(86)](see S 1092)
Legislative Compliance Review [Sec. 2.1(77)](see S 395)
Liability Immunity from Negligent Acts [Sec. 2.1(17)](see H 242)
Literacy [Sec. 2.1(43)](see H 1131)
Long-Term Care Issues [Sec. 2.1(72)](see H 1456)
Medicaid [Sec. 2.1(64)](see H 1412)
Medicaid Eligibility Requirements [Sec. 2.1(92)](see S 1251)
Medical Malpractice Compensation [Sec. 2.1(87)](see S 1159)
Minority Male [Sec. 2.1(91)](see S 1236)
Mortgage Bankers/Brokers Regulation [Sec. 2.1(26)](see H 464)
Mountain Area Study [Sec. 2.1(8)](see S 85; H 117)
North American Free Trade Agreement Impact [Sec. 2.1(99)](see S 1271)
Participation Certificates [Sec. 2.1(83)](see S 739)
Partnership for Quality Growth [Sec. 2.1(82)](see S 736; S 737)
Physical Fitness Among Youth [Sec. 2.1(78)](see S 443)
Pilot Program Issues [Sec. 2.1(56)](see H 1319)
Poultry Mortalities Recycling/Composting [Sec. 2.1(23)](see H 421)
Property Owners Association Act Need [Sec. 2.1(34)](see H 919)
Public Assistance Direct Deposit [Sec. 2.1(37)](see H 1022)

STUDIES (continued)
Legislative (continued)
Legislative Research Commission (continued)
H 1319 (continued)
Public Health Programs Organization
[Sec. 2.1(20)](see S 298; H 289)
Public Transportation/Railroads [Sec. 2.1(50)](see H 1225)
Recovery Care Centers [Sec. 2.1(68)](see S 1172; H 1434)
Recycled Product Business Tax Credit [Sec. 2.1(44)](see H 1132)
Regional/Economic Development Zones [Sec. 2.1(98)](see S 1269)
Register of Deeds Liability/Torrens Land Registration System
[Sec. 2.1(49)](see H 1194)
Rental Vehicle Insurance [Sec. 2.1(32)](see H 798)
Residential Property Disclosure Act [Sec. 2.1(38)](see H 1032)
Restitution Policy/Criminal Justice System
[Sec. 2.1(40)](see H 1035)
Revenue Laws Study Continued [Sec. 2.1(9)](see H 123)
Revenue Source Alternative for State Government
[Sec. 2.1(97)](see S 1268)
School Alternative [Sec. 2.1(90)](see S 1200)
School Wastewater Discharge Requirements
[Sec. 2.1(101)](see S 1295)
Solid Waste Management Study Continued
[Sec. 2.1(4)](see S 56; H 69)
State Parks and Recreation Areas [Sec. 2.1(11)](see H 149)
State Personnel [Sec. 2.1(14)](see S 119; H 196)
State Purchasing [Sec. 2.1(89)](see S 1178)
State Real Property Transfer Study Continued/Expanded
[Sec. 2.1(6)](see S 756; H 92)
Teachers and State Employees Early Retirement Penalty
[Sec. 2.1(95)](see S 1264)
Temporary Employment in the State [Sec. 2.1(59)](see H 1351)
Tobacco Warehouse [Sec. 2.1(35)](see H 889)
Tort Reform [Sec. 2.1(60)](see H 1378)
Transportation Funding, Comprehensive
[Sec. 2.1(75)](see S 165; S 166)
Unfunded Mandates to Counties/Cities [Sec. 2.1(24)](see H 433)
UNC Board of Governors Appointment Process
[Sec. 2.1(76)](see S 390)
Voter Registration [Sec. 2.1(31)](see H 778)
Warranties on Used Motor Vehicles [Sec. 2.1(58)](see H 1324)
Water Issues/Surface Water and Groundwater Continued
[Sec. 2.1(2)](see S 67; H 52)
Workers' Compensation [Sec. 2.1(80)](see S 587)
Board of Governors/UNC
S 390 (GovPerform Com/see H 292; H 1319) ..... 120.
Career Firefighter Benefits
S 1266 (reref Rules Com/see H 1319) ..... 702, 723.
Chiropractic Care
S 1156 (H 1309)(Rules Com/see H 1319) ..... 497.
Chiropractic College Feasibility/UNC System
S 223 (H 224)(Rules Com/see H 1319) ..... 86.
Citizens Law Enforcement Review Commission Study
S 683 (reref Rules Com/see H 1319) ..... 225, 673.
Disaster Relief Volunteer Protection Study
S 1192 (H 1283)(Rules Com/see H 1319) ..... 547.
Driver Education Study
S 27 [Sec. 144.3](Ch. 321) ..... 884.

STUDIES (continued)
Legislative (continued)
Legislative Research Commission (continued)
Emergency Management Issues Study Continued
S 75 (H 88)(Rules Com/see H 1319) ..... 53.
Enabling Legislation
S 1270 (Rules Com/see H 1319) ..... 711.
H 1319 (ordered enrolled)(see S 1270) ..... 1249, 1320.
Energy Conservation/Renewable Sources Study Continued
S 337 (H 104)(Rules Com/see H 1319) ..... 114.
Exactions Imposed by Local Governments Study
S 1181 (H 1413)(Rules Com/see H 1319) ..... 523.
Family Law Reform
S 993 (Rules Com/see H 1319) ..... 375.
Fines and Forfeitures Proceeds Study
S 1167 (Rules Com/see H 1319) ..... 520.
Fire and Occupational Safety Issues Continued
S 107 (H 191)(Rules Com/see H 1319) ..... 59.
Highway Fund Appropriations to State Agencies
S 27 [Sec. 169](Ch. 321) ..... 893.
Human Services Confidentiality Study
S 22 (Rules Com/see H 1319) ..... 31.
Intangibles Tax Study
S 1245 (H Fin Com) ..... 658, 1025, 1048, 1059.
Local Government Exaction Study
S 1181 (H 1413)(Rules Com/see H 1319) ..... 523.
Medicaid Long-Term Care Study
S 1251 (Rules Com/see H 1319) ..... 683.
Medical Malpractice/Tort System of Recovery
S 1159 (Rules Com/see H 1319) ..... 497.
North American Free Trade Agreement Impact
S 1271 (Rules Com/see H 1319) ..... 711.
Physical Fitness Study Continued
S 443 (Rules Com/see H 1319) ..... 133.
Public School Sewer System
S 1295 (Rules Com/see H 1319) ..... 737.
Recovery Care Center/Health Care System
S 1172 (H 1434)(Rules Com/see H 1319) ..... 521.
Regional Government and Economic Development Zone
S 1269 (Rules Com/see H 1319) ..... 711.
Revenue Sources Alternatives for State Government
S 1268 (Rules Com/see H 1319) ..... 711.
Solid Waste Management Study Continued
S 56 (H 69)(Rules Com/see H 1319) ..... 50.
State Real Property Transfer Commission Continued
S 756 (H 92)(Rules Com/see H 1319) ..... 251.
Teachers and State Employees Early Retirement
S 1264 (reref Rules Com/see H 1319) ..... 702, 723.
Water Issues
S 67 (H 52)(Rules Com/see H 1319) ..... 52.
Partnership for Quality Growth
Committee Created
S 736 (Rules Com/see H 1319) ..... 249.
Funds
S 737 (Appr Com/see H 1319) ..... 249.
Public Health Programs Organization Commission Proposed
S 298 (H 289)(reref Rules Com/see H 1319) ..... 98, 320.

STUDIES (continued)
Legislative (continued)
Public Health Study Commission Created
S 69 (Rules Com/see H 1319) ..... 52.
H 1319 [Sec. 6.1](ordered enrolled)(see S 69; S 1270) .... 1249, 1320.
Schools for the Deaf Funding
S 246 (H 302)(GovPerform Com) ..... 89.
Seafood and Aquaculture Commission
Marine Littering/Water Pollution
S 100 (H 125)(Ch. 466) ..... 57, 113, 128, 1078, 1092, 1111, 1125, 1163, 1201.
Shellfish Leasing Program
H 1319 [Sec. 4.1](ordered enrolled) (see S 1270; H 810) ..... 1249, 1320.
State Personnel Study Commission Created
S 119 (H 196)(Rules Com/see H 1319) ..... 62.
Transportation Oversight Committee
Diesel Fuel Tax Payment
S 26 [Sec. 71](Ch. 561) ..... 1284.
S 1088 (reref Appr Com) ..... 439, 749, 765.
UNC Status of Education
S 27 [Sec. 101.5](Ch. 321) ..... 849.
UNC Undergraduate Education Study
S 1150 (Rules Com) ..... 480.
Utility Review Committee
Utilities Commission Rulings Municipal Utilities
S 190 (reref Rules Com/see H 294) ..... 81, 229, 246, 1234.
H 1319 [Sec. 8.1](ordered enrolled)(see S 1270) ..... 1249, 1320.
Workers' Compensation Study Commission Created
S 587 (reref Rules Com/see H 1319) ..... 191, 547, 732, 766, 1020.
Minority/Women Owned Business Contracts
S 835 (H 871)(reref CapExp Com)(In S 26) ..... 265, 700, 1001.
Omnibus Studies Act of 1993
H 1319 (ordered enrolled)(see S 1270) ..... 1249, 1320.
References the following measures:

S 13	S 190	S 736	S 1192	S 1282
S 21	S 194	S 737	S 1200	S 1293
S 22	S 223	S 739	S 1236	S 1295
S 27	S 250	S 741	S 1251	H 1035
S 56	S 298	S 756	S 1261	H 1131
S 67	S 314	S 956	S 1262	
S 69	S 337	S 993	S 1264	
S 75	S 390	S 1092	S 1266	
S 85	S 395	S 1156	S 1268	
S 89	S 400	S 1159	S 1269	
S 107	S 443	S 1167	S 1270	
S 119	S 554	S 1172	S 1271	
S 165	S 587	S 1178	S 1280	
S 166	S 683	S 1181	S 1281	

Other
Fort Butler Parks Authority
S 784 (Appr Com) ..... 254.
Task Force—see **Task Force**
SUBCONTRACTORS [G.S. 22C]—see **Contractor**
SUBDIVISION—see **Real Estate**
SUBPOENA—see **Civil** (Procedure); **Criminal Procedure**
SUBSTANCE ABUSE—see **Drugs; Mental Health**
SUMMIT HOUSE—see **Prisons** (Alternative Incarceration)

SUMMONS AND COMPLAINT—see **Civil** (Procedure)
SUPERCOMPUTER—see **Microelectronics Center**
SUPERFUND—see **Public** (Health—Hazardous Waste [CERCLA/SARA])
SUPERINTENDENT OF PUBLIC INSTRUCTION
—see **Education; State** (Officer)
SUPERIOR COURTS—see **Judicial Department** (Courts)
SUPREME COURT—see **Judicial Department** (Courts)
SURETYSHIP [G.S. 26]
SURPLUS PROPERTY—see **Property**
SURRY COUNTY—District 12—Senator Fred Folger, Jr.
—Senator A. P. Sands III
Beer/Wine Tax Levy
S 957 (H Fin Com) ..... 344, 475, 1024, 1042, 1056.
Mount Airy Retirement Plan Transfer
S 447 (Ch. 26) ..... 136, 153, 185, 196, 316.
Pilot Mountain State Park
Land Conveyance
H 1127 (Ch. 457) ..... 1054, 1095, 1120, 1146, 1200.
Outdoor Advertising Prohibited
H 1158 (ordered enrolled) ..... 515, 531, 635, 645, 654, 670, 691, 1041, 1215, 1240, 1244, 1320.
Superior Court Judge Increase
S 27 [Sec. 200.5](Ch. 321) ..... 912.
SURVEY
Base [G.S. 102]
Carteret/Craven County Boundaries
H 812 (Ch. 207) ..... 395, 533, 650, 661, 667, 672.
Surveyor—see **Engineer**
SURVIVING SPOUSE [G.S. 30]—see **Estate**
SUSPENSION FROM SCHOOL—see **Education** (Student)
SWAIN COUNTY—District 29—Senator Clark Plexico
Nantahala Volunteer Fire and Rescue Funds
S 88 (CapExp Com) ..... 56.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
SWIMMING POOL—see **Public** (Health)
SWINE—see **Agriculture**
SYMPHONY—see **Arts** (Music)

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TALLY, Lura S.—Senator **Cumberland** (part)—**24th District**
Absent With Leave ..... 78, 144, 1077.
Adjournment Motion ..... 495 (fails).
Adjournment Motion—Second ..... 496.
Awards—
North Carolina Wildlife Association, "Legislator of the Year" ..... 91.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 34, 35, 36, 38, 39, 64.
Standing—
Environment and Natural Resources (Chairman)
Appropriations on Natural and Economic Resources (Vice-Chairman)
Agriculture, Marine Resources, and Wildlife—
Appropriations—Children and Human Resources—
Children and Human Resources on Veteran and Military Affairs, and Senior Citizens—Judiciary I—Public Utilities

TALLY, Lura S.—Senator (continued)
Escorts—
Honorable Albert Gore, Jr., United States Vice President ..... 90.
Nomination (Second)—Deputy President *Pro Tempore* ..... 17.
Oath of Office ..... 7.
Remarks Spread—
Jeralds, Eulogy ..... 103.
Nomination (Second)—Deputy President *Pro Tempore* ..... 17.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 65, 66, 67, 255, 480, 555, 570, 571, 618, 821, 875, 888, 923, 927, 928, 978, 979, 980, 1048, 1060, 1140, 1163, 1164, 1165, 1193, 1296.
Co-Sponsor ..... 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 35, 43, 44, 48, 68, 91, 92, 93, 94, 95, 251, 256, 334, 336, 337, 341, 342, 400, 419, 422, 440, 459, 460, 461, 462, 479, 482, 502, 534, 538, 543, 544, 549, 572, 624, 663, 674, 675, 676, 696, 770, 771, 788, 871, 873, 876, 904, 915, 919, 920, 934, 964, 976, 993, 996, 1003, 1012, 1029, 1041, 1042, 1093, 1121, 1129, 1174, 1200, 1250, 1264, 1265.
TASC (Treatment Alternatives to Street Crimes)—see **Prisons**
TASK FORCE
Child Fatality Prevention System
Name Change/Membership/Teams
S 27 [Sec. 285](Ch. 321) ..... 967.
Child Fatality Task Force
Abuse/Neglect/Prosecution Joint Training
S 493 (reref Rules Com) ..... 161, 454, 477, 1003.
H 363 (Rules Com) ..... 514, 526.
Membership Increased
S 490 (H 367)(reref Appr Com) ..... 160, 288.
Community Colleges and Future Excellence Proposed
S 505 (H Educ Com) ..... 168, 414, 431, 463, 483.
Comprehensive Compensation System for State Employees
S 84 (H 192)(Ch. 388) ..... 55, 371, 544, 549, 555, 1073, 1076, 1078.
Educational Leadership
Recommendation Funding Contingency
S 27 [Sec. 317](Ch. 321/see H 257) ..... 998.
Family Resources, Interagency Task Force
S 12 (H 10)(CapExp Com) ..... 30, 124, 245, 1021.
Outer Continental Shelf Task Force
Coordination of State Activities
S 27 [Sec. 28])(Ch. 321) ..... 805.
S 244 (GovPerform Com/see S 315; H 369) ..... 89.
Resource Recovery Program
S 27 [Sec. 28](Ch. 321) ..... 805.
Purchase/Contract Procurement Practices
S 27 [Sec. 76](Ch. 321) ..... 835.
S 134 (reref GovPerform Com/see H 306) ..... 68, 75.
School Safety Task Force Established
S 1096 (H 1299)(Appr Com) ..... 440.
Site-Based Management
Public Instruction Membership Increased
S 27 [Sec. 144.2(d)](Ch. 321) ..... 882.
S 49 (reref Appr Com) ..... 49, 403.
H 130 (StPers&StGov Com) ..... 395.

TASK FORCE (continued)
Teacher Staff Development
Created
S 27 [Sec. 141](Ch. 321) ..... 876.
President N.C. Association Independent Colleges
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
Teacher Training Task Force
Continued
S 449 (H 255)(Appr Com)(In S 26) ..... 136.
Membership
S 26 [Sec. 58](Ch. 561) ..... 1281.
S 124 (47)(reref Appr Com) ..... 62, 183.
H 47 (S 124)(reref Appr Com) ..... 458, 592.
Report Forwarded
H 41 (Rules Com) ..... 155.
TATTOO
Regulation by Environment, Health, and Natural Resources
H 203 (reref Fin Com) ..... 346, 590.
TAXATION [G.S. 105]
Ad Valorem—see under this heading (Property)
Administration System
S 239 (GovPerform Com/see S 315; H 299)(In S 27) ..... 88.
Alcohol
Beer/Wine
Surry County Levy Additional Tax
S 957 (H Fin Com) ..... 344, 475, 1024, 1042, 1056.
Mixed Beverage Revenue to Mental Health
S 27 [Sec. 211](Ch. 321) ..... 927.
Animals—see **Animals**; Specific County
Assessments—see **Local Government** (Finance); Specific County; under this heading (Income)
Assistance by Telephone Increased
S 27 [Sec. 44](Ch. 321) ..... 813.
S 268 (GovPerform Com/see H 299) ..... 93.
Beer/Wine—see under this heading (Alcohol)
Bonds—see **Bonds**
Business Investment Credit Expanded
S 1141 (H 1362)(Ch. 443/see H 544) ..... 479, 650, 662, 669, 1012, 1038, 1107, 1128, 1139.
Charitable Organizations—see **Corporations** (Nonprofit)
Cigarette—see under this heading (Tobacco)
City—see **Local Government** (Finance); Specific County
Civil Penalty to State Funds
Motor Fuel Marketing Violation/General Fund
S 343 (J1 Com) ..... 114.
Motor Vehicle Dealer Infraction
S 162 (Ch. 440) ..... 70, 185, 275, 285, 310, 1012, 1038, 1106, 1127, 1138.
Natural Gas Pipeline Penalty $25,000
S 732 (H PubUtil Com) ..... 244, 324, 337.
OSHA Violations
S 109 (H Bus&Labor Com) ..... 59, 242, 247, 277.
H 187 (Ch. 474) ..... 346, 1103, 1121, 1210.
Pipeline Safety Standard Violation
H 1083 (Ch. 189) ..... 481, 534, 641, 654, 657.

TAXATION [G.S. 105] (continued)
Civil Penalty to State Funds (continued)
Sedimentation Control Act
S 570 (reref Fin Com) ..... 187, 288.
H 644 (E&NR Com) ..... 514, 528.
Confidentiality of Tax Record Amended
H 74 (Rules Com) ..... 1012.
County—see **Local Government** (Finance); Specific County
Deed Stamp Tax—see under this heading (Excise)
Disposal Tax/White Goods
S 60 (H 67)(Ch. 471) ..... 51, 223, 682, 696, 704, 713, 1075, 1082, 1090, 1091, 1111, 1135, 1140, 1196, 1197, 1210.
Economic Development Prospective Revenue—see **Local Government**
Entertainment
Increased to Four Percent
S 661 (Fin Com) ..... 211.
Estate—see **Estate**; under this heading (Inheritance)
Excise
Cigarette Tax Revision
S 1025 (Ch. 442) ..... 391, 540, 548, 553, 1094, 1106, 1128, 1139.
Deed Stamp Tax Proceeds to Park Fund
S 733 (H Appr Com) ..... 249, 564, 748, 762, 777.
Fuel—see under this heading (Gasoline, Oil, and Special Fuel)
Household Item Container Disposal
S 54 (reref Fin Com) ..... 50, 564.
Local Land Transfer Tax (Pender)
S 704 (LocGov Com) ..... 231.
Scrap Tire Disposal Tax Increased
S 57 (E&NR Com) ..... 51.
H 83 (Ch. 548) ..... 226, 1035, 1096, 1119, 1145, 1314.
Soft Drink Repeal
S 654 (Fin Com) ..... 210.
White Goods Advance Disposal Tax
S 60 (H 67)(Ch. 471) ..... 51, 223, 682, 696, 704, 713, 1075, 1082, 1090, 1091, 1111, 1135, 1140, 1196, 1197, 1210.
Expenditure Report by Revenue Department
H 843 (Ch. 433) ..... 622, 1095, 1122, 1138.
Fees
Certificate of Need/Non-Tax Revenue
S 204 (Ch. 383/see H 314) ..... 82, 208, 372, 390, 399, 1066, 1072, 1077.
Court Costs/Fees—see **Judicial Department** (Court)
License Fees/Fines—see **Fees; Fines**
Solid Waste Management—see **Public** (Health—Solid Waste)
State Parks
—see **Environment, Health, and Natural Resources** (Parks)
Food and Beverage
Cumberland County Levy One Percent—Arena Financing
S 923 (Ch. 413) ..... 318, 674, 685, 697, 1074, 1082, 1089, 1098.
Food Stamp Reimbursement—see under this heading (Sales and Use)

TAXATION [G.S. 105] (continued)
Franchise
Printer, Out-of-State
S 715 (H 933)(J2 Com) ..... 237.
Real Estate Mortgage Investment Conduit Exemption
S 1018 (Ch. 494) ..... 383, 582, 601, 1222.
Wallace Share Tax Receipts (Duplin)
S 775 (H 852)(Fin Com) ..... 253.
Funds—see **Funds**
Gasoline, Oil and Special Fuel
Air Pollution Control/DEH&NR
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Clean Air Act Implementation Tax
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Diesel Fuel Tax Payment Study
S 26 [Sec. 71](Ch. 561) ..... 1284.
S 1088 (reref Appr Com) ..... 439, 749, 765.
Dispensing Non-tax-paid Fuel Penalties
S 159 (Ch. 140) ..... 70, 179, 189, 611.
Highway Trust Fund
Exemption/Transfer of Vehicles
S 128 (Ch. 467) ..... 67, 124, 185, 205, 212, 1027, 1037, 1051, 1053, 1085, 1112, 1163, 1201.
Motor Fuel
Underground Storage Tank Clean-Up
S 928 (E&NR Com) ..... 318.
H 1061 (Ch. 402) ..... 659, 723, 1036, 1055, 1060, 1070, 1088.
Road Tax Established
S 1088 (reref Appr Com/see S 26) ..... 439, 749, 765.
Hearing Timetable Provided
S 832 (Ch. 532/see H 1028) ..... 264, 413, 436, 1216, 1217, 1246.
Highway Trust Fund
—see **Funds;** under this heading (Gasoline, Oil, and Special Fuel)
Highway Use
Mobile Classroom/Office Exempt
S 154 (Ch. 484) ..... 70, 139, 147, 151, 1195, 1207, 1208, 1221.
Identification Number Vendor Invoice Reflect
H 568 (StPers&StGov Com) ..... 441.
Income
Assessment/Five-Year Extension
H 80 (H Fin Com) ..... 1075, 1116, 1134, 1145.
Child Care Credit Increased
S 675 (Fin Com) ..... 218.
H 720 (Ch. 432) ..... 482, 1037, 1103, 1138.
Child Care Credit/Nonresident
S 157 (reref Fin Com) ..... 70, 124.
Corporate
Business Investment Definition
S 1141 (H 1362)(Ch. 443/see H 544) ..... 479, 650, 662, 669, 1012, 1038, 1107, 1128, 1139.
Cogenerating Power Tax Credit
S 716 (H PubUtil Com) ..... 238, 269, 724, 732, 743, 754.

TAXATION [G.S. 105] (continued)
Income (continued)
Corporate (continued)
Decrease Tax Rate/Temporary Surtax
S 1234 (CapExp Com) ..... 629.
Historic Preservation Credit
H 1359 (Ch. 527) ..... 1055, 1116, 1152, 1244.
Limited Liability Company
S 780 (reref Fin Com) ..... 254, 652.
H 923 (Ch. 354) ..... 684, 705, 749, 764, 779, 1034.
Omnibus
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
Printer/Out-of-State Corporation
S 715 (H 933)(J2 Com) ..... 237.
Real Estate Mortgage Investment Conduit Exemption
S 1018 (Ch. 494) ..... 383, 582, 601, 1222.
Rental Car Surtax/Reimbursement
S 1044 (H Fin Com) ..... 407, 682, 699, 704, 714.
S Corporation Deductible Expenses
H 77 (Fin Com) ..... 239.
Solar Energy Equipment Credit
S 1045 (H Rules Com) ..... 407, 674, 1115, 1150.
Economic Loss Carryforward
S 1279 (Fin Com) ..... 736.
FICA—see **Insurance**
Historic Preservation Credit
H 1359 (Ch. 527) ..... 1055, 1116, 1152, 1244.
Interest on Refund
H 173 (Ch. 315) ..... 164, 749, 765, 775.
Internal Revenue Code—see under this heading (IRC)
Jobs Tax Credit/50 Counties
H 654 (Ch. 45) ..... 441, 466, 491, 495, 510.
Nonresident Couple, Joint Return
S 160 (Fin Com) ..... 70.
Property Basis IRC/North Carclina
S 1141 (H 1362)(Ch. 443/see H 544) ..... 479, 650, 662, 669, 1012, 1038, 1107, 1128, 1139.
Rental Car Surtax/Reimbursement
S 1044 (H Fin Com) ..... 407, 682, 699, 704, 714.
Solar Energy Equipment Credit
S 1045 (H Rules Com) ..... 407, 674, 1115, 1150.
Wildlife Conservation Account Contribution
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Inheritance
Filing Threshold $100
S 552 (Fin Com) ..... 181.
Interest Expense Deduction Allowed
S 532 (H Fin Com) ..... 177, 207, 214, 235.
Penalty Assessment Collection Procedures
S 158 (Ch. 371) ..... 70, 139, 148, 151, 1027, 1050, 1062, 1068.
Qualified Terminable Interest Property Provisions
S 566 (H Fin Com) ..... 186, 207, 214, 234, 240.

TAXATION [G.S. 105] (continued)
Inheritance (continued)
Threshold—$450,000 Gross Value
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
H 509 (Ch. 362) ..... 281, 1024, 1045, 1053.
Insurance—see under this heading (Premium)
Intangible
Filing Extension Rules
H 75 (Fin Com) ..... 131.
Principal and Income Act Amendments
S 698 (J2 Com) ..... 226.
H 841 (Ch. 284) ..... 409, 703, 719, 727, 734.
Real Estate Mortgage Investment Conduit Exemption
S 1018 (Ch. 494) ..... 383, 582, 601, 1222.
Stock Exemption
S 1245 (H Fin Com) ..... 658, 1025, 1048, 1059.
IRC (Internal Revenue Code)
Property Basis/North Carolina
S 1141 (H 1362)(Ch. 443/see H 544) ..... 479, 650, 662, 669, 1012, 1038, 1107, 1128, 1139.
Qualified Terminable Interest Property Conformed
S 566 (H Fin Com) ..... 186, 207, 214, 234, 240.
Taxable Income and Exemptions
H 81 (Ch. 12) ..... 145, 185, 205, 212, 217.
Inventory—see under this heading (Property)
Jobs Tax Credit—see under this heading (Income—Corporate)
K-1 Form in Partnership
H 57 (Ch. 314) ..... 173, 748, 765, 775.
License Tax—see under this heading (Privilege License)
Limited Liability—see under this heading (Income—Corporate)
Local Government—see **Local Government** (Finance); Specific County
Lottery—see **Criminal Law** (Gambling)
Mapping Funds (Harnett)
S 1117 (Appr Com) ..... 456.
Motor Vehicle—see under this heading (Property)
Occupancy
Avery County .06% Restriction
S 501 (Ch. 472) ..... 163, 233, 713, 726, 732, 741, 1113, 1144, 1197, 1210.
Banner Elk Proceeds Use (Avery)
H 152 (Ch. 428) ..... 1002, 1028, 1095, 1115, 1138.
Granville County Levy/Revenue Distribution
H 859 (Ch. 454) ..... 684, 750, 1095, 1114, 1141, 1200.
Lincoln County Tourism Development
H 114 (Ch. 549) ..... 684, 750, 1096, 1114, 1141, 1314.
Nash County Modifications
S 710 (H 783)(Ch. 545) ..... 232, 484, 500, 1080, 1166, 1215, 1235, 1238, 1314.
Pitt County Increase Up to Six Percent
S 692 (Ch. 410) ..... 226, 269, 674, 684, 697, 1073, 1081, 1088, 1098.
Rockingham/Collection as Property Tax
S 791 (H 800)(Fin Com) ..... 259.
Thomasville Occupancy Tax (Davidson)
H 649 (Ch. 453) ..... 684, 750, 1095, 1114, 1141, 1200.
Payment by Electronic Fund Transfer
H 174 (Ch. 450) ..... 1066, 1115, 1133, 1145, 1200.

TAXATION [G.S. 105] (continued)
Premium
Fire and Lightning Policy
S 1235 (Pens&Ret Com) ..... 635.
Unemployment Insurance Tax Rate Reduction
S 852 (reref Fin Com) ..... 271, 413, 536, 553.
H 920 (Ch. 85) ..... 481, 539, 548, 553, 557.
Workers' Compensation Policy/Contract Exemption
H 606 (H Rules Com) ..... 441, 1117, 1147.
Privilege License
Building Improvement Contractor
S 871 (H Fin Com) ..... 279, 474, 682, 696, 704, 714.
Business License Information Office Report
H 1021 (Ch. 289) ..... 515, 529, 695, 707, 740.
Enabling Legislation
S 1283 (Rules Com) ..... 736.
Exemptions
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
Itinerant Merchant/Specialty Market Operator
S 1146 (H Rules Com) ..... 480, 683, 699, 704, 719, 727, 754, 763, 778.
License Void Inactive 18 Months
S 183 (Ch. 372) ..... 80, 139, 148, 152, 1038, 1062, 1068.
Pittsboro Peddler Tax Levy
S 903 (H Fin Com) ..... 312, 466, 499, 519.
Real Estate Appraiser
H 473 (Ch. 419/see H 472; H 544) ..... 703, 740, 1037, 1076, 1084, 1089, 1110.
Repeal State/Local Levy
S 661 (Fin Com) ..... 211.
Scrap Tire Disposal Tax Increased
S 57 (E&NR Com) ..... 51.
H 83 (Ch. 548) ..... 226, 1035, 1096, 1119, 1145, 1314.
White Goods Disposal
S 60 (H 67)(Ch. 471) ..... 51, 223, 682, 696, 704, 713, 1075, 1082, 1090, 1091, 1111, 1135, 1140, 1196, 1197, 1210.
Property
Ad Valorem
Due on Trust
S 698 (J2 Com) ..... 226.
H 841 (Ch. 284) ..... 409, 703, 719, 727, 734.
Refund Upon Annexation Service Default
S 686 (LocGov Com) ..... 225.
Valuation to ABC Board (Wake)
H 808 (Ch. 50) ..... 320, 466, 498, 517, 523.
Annual Re-evaluation
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
Beautification District—see Specific County
Cary Vehicle Tax Levy/$10.00
S 820 (LocGov Com) ..... 262.
H 898 (Ch. 325) ..... 347, 475, 749, 761, 762, 769, 777, 1002.

TAXATION [G.S. 105] (continued)
Property (continued)
Computer Software Exemption
S 658 (H 911)(Ch. 459) ..... 210, 275, 286, 322, 335, 352, 368, 373, 399, 406, 1140, 1153, 1200.
Donated Land Use Value
S 1195 (H Fin Com) ..... 558, 713, 728.
Exemption
Education/Recreational Purposes for Land Use
S 40 (J2 Com) ..... 48.
H 36 (J2 Com) ..... 384.
Farm Taxed at Use Value
S 763 (reref W&M Com) ..... 252, 672, 690, 727.
Fire Service District—see **Fire Protection**; Specific County
Habitat for Humanity Housing Exemption
S 1108 (Fin Com) ..... 456.
H 936 (Ch. 230) ..... 584, 672, 691, 694.
Homestead Exemption
Eligibility Threshold Raised
S 440 (Fin Com) ..... 133.
H 105 (Ch. 360) ..... 665, 1025, 1044, 1053.
Increased if Lottery Implemented
S 1143 (Fin Com) ..... 479.
Index Exemption/Income Limit Eligibility
S 35 (H 165)(Fin Com) ..... 47.
Motor Vehicle
Alleghany/Durham Tax Increase
H 874 (Ch. 456) ..... 1097, 1116, 1133, 1141, 1200.
Cary Vehicle Tax Increase
S 820 (LocGov Com) ..... 262.
H 898 (Ch. 325) ..... 347, 475, 749, 761, 762, 769, 777, 1002.
Charlotte/Matthews Levy (Mecklenburg)
S 822 (Ch. 345) ..... 262, 361, 558, 566, 577, 593, 602, 1004, 1016, 1023.
Classification
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
Greenville Tax Increase (Pitt)
H 430 (Ch. 200) ..... 266, 475, 650, 660, 667, 672.
License Plate Classifications
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Minimum Highway Use Tax
S 129 (Fin Com) ..... 67.
Transfer Exemption
S 128 (Ch. 467) ..... 67, 124, 185, 205, 212, 1027, 1037, 1051, 1053, 1085, 1112, 1163, 1201.
Valuation Date Changes
H 1467 (H Fin Com) ..... 592, 1117, 1134, 1146.
Wilmington Proposal (New Hanover)
S 822 (Ch. 345) ..... 262, 361, 558, 566, 577, 593, 602, 1004, 1016, 1023.

TAXATION [G.S. 105] (continued)
Property (continued)
Motor Vehicle (continued)
Winston-Salem Increase (Forsyth)
H 836 (Ch. 56) ..... 326, 466, 498, 517, 525, 532.
Mountain County Road District
H 604 (Ch. 378) ..... 591, 635, 1024, 1045, 1057, 1077.
Notification of Taxes Due Required
H 1467 (H Fin Com) ..... 592, 1117, 1134, 1146.
Principal and Income
S 698 (J2 Com) ..... 226.
H 841 (Ch. 284) ..... 409, 703, 719, 727, 734.
Property Tax Commission
Appointment (Cunningham)
H 439 [Sec. 7](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Real Estate Appraisal Board Created
H 473 (Ch. 419/see H 472; H 544) ..... 703, 740, 1037, 1076, 1084, 1089, 1110.
Regional Transportation Authority Restriction Repealed
S 63 (H 154)(Ch. 382) ..... 51, 79, 713, 728, 1054, 1072, 1077.
Tax Lien Local Government Priority
S 941 (reref W&M Com) ..... 325, 1025, 1034, 1144.
Winston-Salem/Forsyth Assessment Deferral
H 46 (Ch. 380) ..... 147, 590, 1028, 1044, 1056, 1077.
Restaurant—see under this heading (Food and Beverage)
Retirement Benefits—see **Retirement**
Revenue Bonds—see **Bonds**
Revenue Department—see **Revenue Department**
Revenue Laws—see **Revenue**
Sales and Use
Aircraft Replacement Parts Deposits
S 659 (Ch. 507) ..... 211, 672, 690, 1242.
Art in State Buildings Exempt
S 605 (H 641)(H Appr Com)(In S 27) ..... 193, 657, 745, 1037, 1101.
Local Levy/Collection/Distribution
S 155 (Ch. 485/see H 74; H 544) ..... 70, 185, 204, 212, 216, 233, 1130, 1152, 1205, 1222.
Local Sales Tax for Schools, Water Sewage
H 136 (Ch. 255) ..... 541, 592, 664, 678, 689, 719.
Merchants Collection Discount
S 153 (H 645)(Fin Com) ..... 70.
Mobile Classroom/Office
S 154 (Ch. 484) ..... 70, 139, 147, 151, 1195, 1207, 1208, 1221.
Pender County Interlocal Distribution Agreement
S 707 (Fin Com) ..... 232.
H 763 (Fin Com) ..... 513, 528, 651.
Printer/Out-of-State Contractor
S 715 (H 933)(J2 Com) ..... 237.
Scrap Tire Disposal Tax Exemption/Interest
H 1274 (Ch. 364) ..... 1013, 1025, 1048, 1049, 1050, 1053.
Scrap Tire Disposal Tax Increased
S 57 (E&NR Com) ..... 51.
H 83 (Ch. 548) ..... 226, 1035, 1096, 1119, 1145, 1314.

TAXATION [G.S. 105] (continued)
School Supplement—see Specific County
Shared Tax Revenue—see **Local Government** (Finance)
Soft Drink—see under this heading (Excise)
Taxpayer Bill of Rights
S 832 (Ch. 532/see H 1028) ..... 264, 413, 436, 1216, 1217, 1246.
H 1028 (Rules Com/see S 832) ..... 712.
Tire Disposal—see under this heading (Sales and Use)
Tobacco
Cigarette Tax by Reporting
S 1025 (Ch. 442) ..... 391, 540, 548, 553, 1094, 1106, 1128, 1139.
Cigarette Tax Revenue to Historic Properties
S 1179 (reref Appr Com) ..... 522, 576, 624.
Unemployment Insurance Tax Reporting Requirements/ESC
S 787 (Ch. 424) ..... 254, 341, 466, 500, 519, 1079, 1090, 1106, 1110.
Use Value—see under this heading (Property)
TAXI—see **Motor Vehicle**
TEACCH—see **Education; Mental Health** (Autism)
TEACHER—see **Education; Higher Education**
Retirement—see **Retirement**
Salary—see **State** (Personnel—Salaries)
TEAR GAS—see **Criminal Law**
TECHNICAL CORRECTIONS BILL
Health Director/Division of Health Services
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Hotel/Restaurant Amendments
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Technical Corrections Omnibus Bill
H 544 (Ch. 553) ..... 513, 527, 1162, 1199, 1207, 1237, 1238, 1240, 1314.
References the following measures:

S	14	S	846	H	483
S	27	S	1124	H	538
S	90	S	1144	H	624
S	152	H	163	H	665
S	155	H	297	H	686
S	631	H	456	H	779
S	821	H	473	H	1016

TECHNICAL INSTITUTIONS—see **Higher Education** (Community College)
TECHNOLOGICAL DEVELOPMENT AUTHORITY
—see **Econmic Development**
TELECOMMUNICATIONS—see also **Utilities**
Charlotte Equipment Bid Exemption (Mecklenburg)
H 882 (Ch. 196) ..... 353, 614, 621, 637, 664.
Computers—see **Computers**
Courtroom Audio/Video Proceeding
S 221 (H 392)(Ch. 30) ..... 86, 134, 138, 319, 328, 329.
Information Resource Management Commission
Administrative Office of the Courts Network Transfer Study
S 27 [Sec. 186](Ch. 321) ..... 901.
Employment Security Commission Data Processing Center
S 743 (reref Appr Com) ..... 250, 403.
Briefing Plan for State Agency Official
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.

TELECOMMUNICATIONS (continued)
Information Resource Management Commission (continued)
Computer/Telecommunication Resource Purchase Policy
S 325 (GovPerform Com/see S 315; H 322) ..... 109.
Data Security Plan, Statewide
S 315 (H Appr Com/see H 322) .... 108, 219, 465, 473, 476, 483, 505.
Disaster Recovery Planning Policy
S 327 (GovPerform Com/see S 315; H 322) ..... 109.
Funds 1993-1995
S 1103 (H 1330)(Appr Com) ..... 455.
Internal Management Improvement Plan
S 328 (GovPerform Com/see S 315; H 322) ..... 109.
Management Oversight Plan
S 326 (GovPerform Com/see S 315; H 322) ..... 109.
Performance Audit Response Reports
S 322 (GovPerform Com/see S 315; H 322) ..... 108.
Personal Computer Purchase Plan
S 329 (GovPerform Com/see S 315; H 322) ..... 109.
S 740 (H 171)(reref Appr Com) ..... 249, 657.
Personnel Descriptions Updated
S 316 (GovPerform Com/see S 315; H 322) ..... 108.
Policy/Procedures Uniform Plan
S 324 (GovPerform Com/see S 315; H 322) ..... 108.
Powers and Duties/Agency Function Management
S 410 (H 308)(GovPerform Com/see S 315) ..... 125.
State Controller Funds/Budget Continuation
S 747 (Appr Com) ..... 250.
Information Technology Oversight, Legislative Committee Created
S 741 (Rules Com/see H 1319) ..... 250.
Information Technology Project Funding
S 319 (GovPerform Com/see S 315; H 322) ..... 108.
"KuBand" Technology Prohibition Repealed
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
Managers for State Agencies
S 315 (H Appr Com/see H 322) ..... 108, 219, 465, 473, 476, 483, 505.
MCNC—see **Microelectronics Center**
Project Funding Multiyear
S 319 (GovPerform Com/see S 315; H 322) ..... 108.
Public Agency—see **Utilities**
Public Telecommunications Commission
Appointment of Commissioners (Kennedy; Lofton)
S 1124 [Sec. 17](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Appointment of Commissioners (Swain; Thompson)
H 439 [Sec. 9](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Public Television Center
Appointment of Trustee (Hackney)
S 1124 [Sec. 25](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Radio
Radio Operator License Plate, Amateur
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
WUNC-FM Station Funds
H 578 (Ch. 451) ..... 1066, 1074, 1076, 1115, 1133, 1146, 1200.

TELECOMMUNICATIONS (continued)
Resource Purchase Policy/State Agency
S 325 (GovPerform Com/see S 315; H 322) ..... 109.
State Government Management/Operations Reorganization
S 411 (H 377)(GovPerform Com/see S 315) ..... 125.
State Information Processing Service (SIPS)
Controller to Administration Department Transfer
S 263 (GovPerform Com/see H 369) ..... 93.
Customer Linking Program Encouraged
S 324 (GovPerform Com/see S 315; H 322) ..... 108.
Customer Service Improvement Plan
S 323 (GovPerform Com/see S 315; H 322) ..... 108.
Performance Analysis/Capacity Plan
S 317 (GovPerform Com/see S 315; H 322) ..... 108.
Plan for Training/Leadership in Technology
S 321 (GovPerform Com/see S 315; H 322) ..... 108.
Rate/Billing Procedures
S 318 (reref Appr Com/see S 315) ..... 108, 219.
Staff Centralization under SIPS
S 320 (GovPerform Com/see S 315; H 320; H 322) ..... 108.
Television
Child Victim Testimony in Court
S 1288 (J1 Com) ..... 736.
Regulatory Authority—see **Utilities**
UNC Center/Learning Link Funds
S 27 [Sec. 100](Ch. 321) ..... 848.
S 1127 (H 1308)(Appr Com) ..... 457.
UNC Public Television Funds
S 27 [Sec. 92](Ch. 321) ..... 846.
TELEPHONE—see **Utilities**
TELEVISION—see **Telecommunications**
TENDER OFFERS [G.S. 78B]
TENURE, PUBLIC SCHOOL
—see **Education; State** (Personnel—School Employee)
TEXTBOOKS—see **Education; Higher Education**
TEXTILES
Erwin Textile Museum Created (Harnett)
S 1030 (H 1238)(reref CapExp Com) ..... 392, 771.
Hosiery Technology Center Funds
S 27 [Sec. 116](Ch. 321) ..... 854.
S 938 (reref CapExp Com) ..... 325, 771.
THEATER—see **Arts**
THEFT—see **Criminal Law**
THERAPEUTIC RECREATION [G.S. 90C]—see **Medicine** (Therapy)
THERAPY—see **Medicine**
THIRD PARTY ADMINISTRATOR—see **Insurance**
THOMAS S—see **Mental Health**
THOMPSON, SR., Raymond Marcum "Pete"—Memorializing
Former Member of the General Assembly
H 1498 (Res. 24) ..... 1154, 1201.
TIMBER—see **Forestry**
TIN (Taxpayer Identification Number)—see **Taxation**
TIRES—see **Motor Vehicle**
TITLE, AUTOMOBILE—see **Motor Vehicle** (Registration)
TITLE INSURANCE—see **Insurance**
TITLE TO LAND [G.S. 47B]
TOBACCO—see **Agriculture**
TOILET—see **Public** (Health)

TOLL ROADS—see **Transportation** (Roads and Highways)
TORT CLAIMS—see also **Civil** (Procedure); **Insurance**
Civil Air Patrol Eligibility
S 652 (Ch. 389) ..... 210, 317, 327, 1078.
Medical Malpractice Study
S 1159 (Rules Com/see H 1319) ..... 497.
Tort Reform Study (LRC)
H 1319 [Sec. 2.1(60]
(ordered enrolled)(see S 1270; H 1378) ..... 1249, 1320.
TOURISM
Advertising Program Review
S 26 [Sec. 100](Ch. 561) ..... 1297.
S 27 [Sec. 307](Ch. 321) ..... 984.
Alcoholic Beverage Control Permits
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Avery County Tourism Development
S 501 (Ch. 472) ..... 163, 233, 713, 726, 732, 741, 1113, 1144, 1197, 1210.
Hillsborough Tourism Board Membership (Orange)
S 808 (Ch. 449) ..... 261, 583, 674, 685, 697, 1079, 1110, 1121, 1144, 1200.
NCSU Tourism Development Program
S 733 (H Appr Com) ..... 249, 564, 748, 762, 777.
Pitt-Greenville Convention and Visitors Authority
S 692 (Ch. 410) ..... 226, 269, 674, 684, 697, 1073, 1081, 1088, 1098.
Regional Economic Development Commissions
—see **Economic Development**
Room Occupancy Tax—see **Taxation** (Occupancy)
Rural Tourism Development Funds
S 26 [Sec. 98](Ch. 561) ..... 1296.
Travel and Tourism
Advertising and Promotion Funds
S 826 (H 1176)(Appr Com)(In S 27) ..... 264.
Banner Elk Tax Proceeds (Avery)
H 152 (Ch. 428) ..... 1002, 1028, 1095, 1115, 1138.
Nash County Occupancy Tax Funds
S 710 (H 783)(Ch. 545) ..... 232, 484, 500, 1080, 1166, 1215, 1235, 1238, 1314.
Promotion Grant Allocation
S 27 [Sec. 300](Ch. 321) ..... 979.
Visitor and Welcome Center
Fund Allocations
S 27 [Sec. 169.3](Ch. 321) ..... 895.
TOXIC SUBSTANCES—see **Public** (Health—Hazardous Waste)
TRADEMARKS [G.S. 80]
TRAFFIC CONTROL—see **Motor Vehicle**
TRAFFIC TICKET—see **Criminal Procedure**
TRAIL, STATE
—see **Environment, Health, and Natural Resources** (Parks)
TRAINING SCHOOL—see **Prison**
TRANSFERS TO MINORS [G.S. 33A]—see **Child; Judicial** (Juvenile)
TRANSMISSION LINES—see **Utilities** (Electricity)
TRANSPORTATION DEPARTMENT
Aeronautics Council—see **Aeronautics**
Air—see **Aeronautics; Pollution Control**

TRANSPORTATION DEPARTMENT (continued)
Board
Appointment of Member (Pappas)
S 1124 [Sec. 26](H 826)(Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Appintment of Member (Burford)
H 439 [Sec. 8](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Naming of Facility Guidelines
S 27 [Sec. 168](Ch. 321) ..... 893.
Bridge
Formula, Exemptions to Federal
S 1144 (H Transp Com) ..... 480, 1032, 1045.
Improvement Program Report
S 27 [Sec. 166](Ch. 321) ..... 892.
North Carolina Bridge Authority Established
S 917 (H Transp Com) ..... 313, 1041, 1059, 1065.
Weight Limit—see **Motor Vehicle**
Contracts
Construction Contracts to Minorities
S 929 (reref Appr Com) ..... 318, 467.
Engineering Construction Private Contract Extension
S 563 (Ch. 183) ..... 186, 235, 240, 656.
Threshold for Specialized Services
S 562 (Appr Com) ..... 186.
Current Operations Appropriations
S 27 [Part 18](Ch. 321) ..... 884.
Elderly and Disabled Transportation Assistance Program
S 27 [Sec. 147](Ch. 321) ..... 884.
Ferry Division
Personnel Positions Permanent
S 27 [Sec. 169.5](Ch. 321) ..... 896.
Fund—see **Funds**
Information System Management—see **Education** (Transportation)
Intermodal Surface Transportation Efficiency Funds
S 625 (Ch. 488) ..... 195, 446, 544, 549, 1204, 1208, 1222.
Internal Reorganization Recommendation
S 169 (GovPerform Com/see H 323) ..... 73.
Management Assessment and Compliance Positions Eliminated
S 27 (Ch. 321) ..... 781, 1490.
Management Assessment and Compliance Positions Recreated
S 26 [Sec. 66](Ch. 561) ..... 1283.
Motor Vehicle—see **Motor Vehicle**
Municipal Agreements Increased
S 168 (GovPerform Com/see H 307) ..... 73.
Name/Rename Facilities Guideline/Moratorium
S 27 [Sec. 168](Ch. 321) ..... 893.
Overweight Permit—see **Motor Vehicle** (Weight Limit)
Personnel
Ferry Division Full-time Positions
S 27 [Sec. 169.5](Ch. 321) ..... 896.
Highway Maintenance Worker Full-time Status
S 27 [Sec. 145](Ch. 321) ..... 884.
Inmate Labor Report
S 27 [Sec. 154](Ch. 321) ..... 889.
Reduction of 85 Positions
S 174 (reref Appr Com/see H 323) ..... 74, 199.
Staff Increase/GPAC Recommendation Report
S 27 [Sec. 149](Ch. 321) ..... 885.

TRANSPORTATION DEPARTMENT (continued)
Piedmont Triad Area Study
S 27 [Sec. 167](Ch. 321) ..... 892.
Public Transit
Pregnant Women and Children on Medicaid
S 27 [Sec. 224](Ch. 321) ..... 939.
Purchasing/Waste Reduction
S 90 (Ch. 197/see H 544) ..... 56, 223, 234, 658, 670, 671.
H 91 (StPers&StGov Com) ..... 212.
Railroad
Carolina and Northwestern Railroad Authority Established
S 682 (H 695)(Ch. 235) ..... 225, 358, 377, 388, 684, 698, 701.
Easement Preservation/Abandonment Negated
S 758 (H Transp Com) ..... 251, 446, 488.
Newport River Trestle Replacement
S 26 [Sec. 68](Ch. 561) ..... 1284.
S 1216 (reref CapExp Com) ..... 583, 772.
Ports Railway Commission
Continuation Study
S 27 [Sec. 314.2](Ch. 321) ..... 997.
General Managers' Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
Public Transportation/Railroad Study (LRC)
H 1319 [Sec. 2.1(50)](ordered enrolled)
(see S 1270; H 1225) ..... 1249, 1320.
Rail Council Created
S 64 (Ch. 483) ..... 51, 263, 276, 1206, 1209, 1221.
H 153 (Rules Com) ..... 513, 526.
Safety Devices/Programs
S 62 (H 155)(H PubUtil Com) ..... 51, 149, 1104, 1120.
Spencer Shops Historic Site Funds
S 472 (CapExp Com) ..... 144, 382, 770.
S 1176 (CapExp Com) ..... 521.
Real Estate Appraisal Exemption
H 618 (Ch. 519) ..... 319, 1011, 1030, 1113, 1194, 1209, 1243.
Regional Transportation Authority
Installment Contract Security Interest
S 687 (reref Fin Com) ..... 225, 263.
Registration Tax Administrative Purpose
S 63 (H 154)(Ch. 382) ..... 51, 79, 713, 728, 1054, 1072, 1077.
Roads and Highways
Abandoned Road Maintained by City
S 1074 (Ch. 533) ..... 424, 490, 503, 1217, 1218, 1246.
Abandonment/Closing Municipal Consent
H 1150 (Rules Com)(In S 27) ..... 676.
Asphalt Demolition Debris as Landfill
S 932 (H Envir Com) ..... 319, 373, 388, 398.
H 969 (Ch. 86) ..... 409, 505, 520, 536, 557.
Bicycle Clinging Prohibited
S 901 (H J3 Com) ..... 312, 445, 489.
Bidding Exemptions for Small Projects/Reports
S 26 [Sec. 65](Ch. 561) ..... 1283.
Billboard—see **Advertising**
Burke County Thoroughfare Plan Implementation
S 942 (Ch. 414) ..... 330, 411, 453, 470, 498, 1074, 1082, 1089, 1098.

TRANSPORTATION DEPARTMENT (continued)
Roads and Highways (continued)
Closing Notice/Appeals (Durham)
H 796 (Ch. 76) ..... 442, 534, 542, 546.
Contracts—see under this heading (Contracts)
Equipment Operation Supervisor Eliminated
S 172 (reref Appr Com/see H 323) ..... 73, 199.
Equipment Section/Garage Consolidation
S 171 (reref Appr Com/see H 323) ..... 73, 219.
Fund Allocation by Controller
S 27 [Sec. 156](Ch. 321) ..... 889.
Highway Trust Fund—see also **Funds; Taxation** (Gasoline, Oil, and Special Fuel)
Construction Assessment More Frequent
S 166 (GovPerform Com/see H 307; H 1319) ..... 73.
Construction Personnel Limit/Contracts
S 177 (reref Appr Com/see H 323) ..... 74, 200.
Preconstruction Workload/Private Engineering Firms
S 178 (reref Appr Com/see H 323) ..... 74, 200.
Hunting/Right-of-Way—see **Wildlife** (Hunting)
Licensing Exemptions
S 27 [Sec. 162](Ch. 321) ..... 891.
Litter Law Enforcement
H 1151 (J1 Com) ..... 512, 530.
Maintenance
District Management Eliminated
S 173 (reref Appr Com/see H 323) ..... 74, 199.
Improvement Program Reports
S 27 [Sec. 166](Ch. 321) ..... 892.
Program Contracted
S 176 (reref Appr Com/see H 323) ..... 74, 199.
Worker Status—see under this heading (Personnel)
Mountain Road Service Districts
H 604 (Ch. 378) ..... 591, 635, 1024, 1045, 1057, 1077.
Municipal Improvements
Oxford Sidewalk Assessment (Granville)
H 879 (Ch. 240) ..... 347, 560, 674, 686, 698, 701.
Naming of Roads
Pitt County Authorization
S 862 (H ppi) ..... 272, 324, 334.
Unincorporated Area Named by County (Cherokee/Macon)
S 83 (H ppi) ..... 55, 135, 142.
H 160 (Ch. 62) ..... 151, 475, 498, 518, 546.
Raleigh Outer Loop Funding (Wake)
S 1259 (Transp Com) ..... 696.
Rest Area
Highway 264/Beaufort County
S 26 [Sec. 69](Ch. 561) ..... 1284.
Right-of-Way
Cary Streets Eminent Domain (Wake)
H 753 (Ch. 137) ..... 514, 528, 574, 593, 602, 605.
Cary/Outside Corporate Limit (Wake)
S 819 (reref Fin Com/see H 897) ..... 262, 415.
On-Site Disposal of Land Clearing/Inert Debris
S 898 (H Envir Com) ..... 311, 504, 509, 510.
Pilot Mountain State Park Conveyance
H 1127 (Ch. 457) ..... 1054, 1095, 1120, 1146, 1200.

TRANSPORTATION DEPARTMENT (continued)
Roads and Highways (continued)
Right-of-Way (continued)
Water/Sewer Line Relocation Costs Study
S 26 [Sec. 64](Ch. 561) ..... 1283.
Scenic Highway Designation Rules, Regulations
H 1053 (Ch. 524) ..... 513, 530, 1103, 1122, 1152, 1243.
Secondary Roads
County Allocation Formula Exemption
S 27 [Sec. 148](Ch. 321) ..... 885.
Eligibility for Maintenance
S 27 [Sec. 169.1](Ch. 321) ..... 893.
Junkyard Regulation—Pamlico County
S 961 (Ch. 493) ..... 345, 411, 444, 447, 1222.
Signs—see under this heading (Traffic)
Speeding—see **Motor Vehicle**
Streets—see also **Local Government**
Annexation Density Calculation
S 685 (H Fin Com) ..... 225, 232, 613, 724, 731, 743, 754.
Closing/Appeal Procedures, Utility Easement
S 772 (Ch. 149) ..... 253, 416, 436, 612, 625, 627.
Thoroughfare Plan Implementation Local Assistance
H 815 (Ch. 478) ..... 442, 746, 753, 1015, 1019, 1020, 1029, 1042, 1210.
Toll Roads/Method to Establish
S 917 (H Transp Com) ..... 313, 1041, 1059, 1065.
Transportation Financing Study/Highway Oversight Committee
S 165 (reref Appr Com/see H 307; H 1319) ..... 73, 208.
Urban Construction Program Funds
S 27 [Sec. 148](Ch. 321) ..... 885.
Visitor and Welcome Center—see **Tourism**
Weight Limit—see also **Motor Vehicles**
Violation Vehicle Seizure
H 1226 (J1 Com) ..... 1207.
Widening Restriction
S 27 [Sec. 159; 160](Ch. 321) ..... 890.
Secretary
Salary, Annual
S 27 [Sec. 50](Ch. 321) ..... 816.
Streets—see **Local Government**; under this heading (Roads and Highways)
Traffic
Airport Sign Requirement Exemption
H 1004 (Ch. 51) ..... 395, 482, 498, 518, 523.
Congestion Management Experimental Project
S 27 [Sec. 162](Ch. 321) ..... 891.
Funeral Procession Rules of the Road
H 1005 (Rules Com) ..... 585.
Radio Station Logo on Highway Sign
H 618 (Ch. 519) ..... 319, 1011, 1030, 1113, 1194, 1209, 1243.
Traffic Services Supervision
S 170 (reref Rules Com/see H 323) ..... 73, 448, 472, 560.
Transportation Oversight Committee Reports
S 27 [Sec. 169.2](Ch. 321) ..... 893.

TRANSYLVANIA COUNTY—District 29—Senator Clark Plexico
—District 42—Senator Robert C. Carpenter
Board of Education Election Nonpartisan
H 819 (Ch. 102) ..... 332, 532, 543, 573.
Brevard
Economic Development Prospective Revenue Consideration
H 686 (Ch. 520/see H 544) ..... 752, 1028, 1060, 1069, 1083, 1243.
Economic Development Prospective Revenue Consideration
H 686 (Ch. 520/see H 544) ..... 752, 1028, 1060, 1069, 1083, 1243.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
Whittington-Pfohl Auditorium Renovation Funds
S 1022 (CapExp Com) ..... 391.
TRAPPING—see **Wildlife**; Specific County
TRASH—see **Public** (Health—Waste); **Recycled Material**
TRAUMA SYSTEM, STATE-WIDE
H 602 (Ch. 336) ..... 273, 590, 603, 617, 625, 636, 645, 707, 728, 1006, 1013, 1019.
TRAVEL AND TOURISM BOARD
—see **Boards and Commissions; Tourism**
TRAVEL ALLOWANCE/STATE EMPLOYEES—see **State** (Personnel)
TREASURER—see also **Revenue; State** (Officers)
Department
Information System Management Operation Report
S 322 (GovPerform Com/see S 315; H 322) ..... 108.
Personnel Director
S 309 (GovPerform Com/see H 288) ..... 99.
Staff Additional
S 1086 (H 1377)(Appr Com)(In S 27) ..... 439.
Health Plan Purchasing Alliance Fund
S 696 (reref Appr Com)(In S 27) ..... 226, 232, 580.
H 729 (Ch. 529/see S 554)(In S 27) ..... 1069, 1119, 1228, 1245.
Limited Partnership Investment Authority
H 1467 (H Fin Com) ..... 592, 1117, 1134, 1146.
Refunding Bonds Authority
S 1290 (Fin Com) ..... 737.
Salary, Annual
S 27 [Sec. 49](Ch. 321) ..... 815.
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
TREATMENT ALTERNATIVES TO STREET CRIMES (TASC)
—see **Prisons**
TRESPASS—see **Criminal Law**; Specific County
TRIALS—see **Civil** (Procedure); **Criminal Procedure; Judicial Department** (Courts)
TRUCKS—see **Motor Vehicle**
TRUSTS [G.S. 36A]
Banks—see **Banks**
Cemetery Lot Trust Authorized
S 610 (reref J2 Com) ..... 194, 358.
Charitable—see **Corporations** (Nonprofit)
Estates—see **Estates**
Fiduciaries—see **Fiduciaries**
Investments—see **Securities**

TRUSTS [G.S. 36A] (continued)
Pet Trust Authorized
S 610 (reref J2 Com) ..... 194, 358.
Principal and Income Act
S 698 (J2 Com) ..... 226.
H 841 (Ch. 284) ..... 409, 703, 719, 727, 734.
Trustee Powers Act
S 697 (J2 Com) ..... 226.
H 437 (Ch. 377) ..... 346, 1038, 1061, 1068.
TRUTH IN SENTENCING ACT—see **Criminal Procedure**
TRYON PALACE COMMISSION
—see **Boards and Commissions** (Commissions)
TUITION—see **Education; Higher Education**
Elderly [G.S. 115B]—see **Aged**
TURKEY HUNTING—see **Wildlife**
TURTLE, SEA—see **Marine Resources**
TYNDALL, James Paul—Memorializing
Former Member of General Assembly
H 833 (Rules Com) ..... 347.
TYRRELL COUNTY—District 1—Senator Marc Basnight
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
Walter B. Jones Center Funds
S 26 [Sec. 110](Ch. 561) ..... 1307.
TYSON, Henry M.—Memorializing
Former Member of General Assembly
S 1296 (ppi) ..... 751, 1005, 1090, 1093, 1103.
H 1497 (Res. 22) ..... 1092, 1099.

- U -

UNDERGROUND STORAGE—see **Public** (Health—Hazardous Waste)
UNDERINSURED MOTORIST COVERAGE—see **Insurance** (Motor Vehicle)
UNEMPLOYMENT—see **Employment Security**
UNIFORM
Anatomical Gift Act—see **Anatomical**
Commercial Code [G.S. 25]—see **Banks; Code**
Custodial Trust Act—see **Trusts**
Management of Institutional Funds [G.S. 36B]
UNION COUNTY—District 17—Senator J. Richard Conder
—Senator Aaron W. Plyler
Arthritis Patient Services Funds
S 1189 (H 1200)(reref CapExp Com) ..... 541, 774.
Monroe
ABC Profit Distribution
S 130 (H 137)(Ch. 32) ..... 67, 241, 247, 338.
Explosion/Fire Information Reward
S 23 (H 8)(Ch. 2) ..... 31, 91.
Superior Court Judge Increase
S 27 [Sec. 200.5](Ch. 321) ..... 912.
UNIONS—see **Labor**
UNIT OWNERSHIP [G.S. 47A]

UNITED STATES
Congress
Memorialized—see **Resolutions, Joint**
Terms—see **Elections**
Lands [G.S. 104]
Presidential Election—see **Elections**
Vice President
Albert Gore, Jr. Address
H 199 (Res. 2) ..... 84, 86, 90, 95, 1321.
UNIVERSITY—see **Higher Education**
URBAN REDEVELOPMENT
—see **Local Government** (Finance); **Taxation** (Property)
USED OIL DISPOSAL TAX
—see **Public** (Health—Solid Waste); **Taxation** (Privilege)
USURY—see **Banks; Interest**
UTILITIES
Commission
Commissioners
Confirmation
Judy Hunt
S 1161 (H 1400)(Res. 17) ..... 497, 616, 618, 627.
Ralph Hunt
S 1162 (H 1398)(Res. 18) ..... 498, 616, 618, 627.
John Thomas
S 1160 (H 1399)(Res. 16) ..... 497, 616, 618, 627.
Salary
Longevity Pay Eliminated
S 305 (H 327)(GovPerform Com) ..... 99.
Longevity Pay Eliminated/All Levels Permanent
S 306 (H 275)(GovPerform Com) ..... 99.
Longevity Pay Equalization
S 303 (H 324)(GovPerform Com) ..... 99.
Longevity Pay Equalization/Permanent Level
S 304 (H 325)(GovPerform Com) ..... 99.
Rules for Refund of Overcollected Amounts
H 449 (reref PubUtil Com) ..... 440, 711.
Deposit/Interest-bearing Trust Account
S 813 (PubUtil Com) ..... 261.
Electricity
Campground/Marina Definition Exemption
H 26 (Ch. 349) ..... 425, 760, 779, 1033.
Cogenerating Power Tax Credit
S 716 (H PubUtil Com) ..... 238, 269, 724, 732, 743, 754.
High-Voltage Line Safety Act
S 987 (H J1 Com) ..... 359, 401, 427, 461, 493.
Joint Electricity [G.S. 159B]
Contract Discussion Confidential
S 417 (H J2 Com/see H 120) ..... 126, 171, 178.
Investment by Municipal Power Agency
H 1167 (Ch. 445) ..... 592, 690, 760, 1096, 1126, 1139.
Municipal Power Project Bid Exemption
S 470 (H 443)(Ch. 182) ..... 144, 167, 244, 257, 656.
Municipal System Study/Utility Review
S 190 (reref Rules Com/see H 294; H 1319) ..... 81, 229, 246, 1234.
Photovoltaic Equipment Tax Credit
S 1045 (H Rules Com) ..... 407, 674, 1115, 1150.
Gasoline—see **Energy** (Gasoline and Oil)

UTILITIES (continued)
Infrastructure Development Garner (Wake)
H 757 (Ch. 281) ..... 480, 710, 727, 734.
Natural Gas—see **Energy**
Pipeline—see **Energy**
Public Works [G.S. 133]
Bid-Rigging Statute of Limitations Extended
S 796 (Ch. 441) ..... 260, 405, 421, 1039, 1095, 1129, 1138.
Purchasing Agent Gift Prohibited
S 760 (H 21)(H Fin Com) ..... 251, 417, 435.
Railroad—see **Transportation** (Railroad)
Regulatory Fees
Calculation Percentage Rate Increase
S 1139 (Ch. 313) ..... 460, 484, 500, 519, 728, 731, 767, 768, 775.
H 1355 (Ch. 320) ..... 592, 768, 774, 1001.
Telecommunications—see also under this heading (Telephone)
Device for Hearing Impaired—see **Handicapped** (Hearing Impaired)
Executive Director's Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
Public Telecommunications Commission—see **Telecommunications**
State Controller—see **Controller, State**
Telephone
Communication Equipment Building Funds (Caswell)
S 26 [Sec. 9](Ch. 561) ..... 1263.
Menu Reduction/State Government Agency
S 1190 (reref Appr Com) ..... 541, 581, 602, 616.
Public Safety Telephone Act (911) [G.S. 62A]
Unsolicited Call Time Limitation
H 1112 (PubUtil Com) ..... 442, 557, 568, 579.
Television, Public—see **Telecommunications**
Underground Installation—see under this heading (Electricity)
Utility Easement Retention Upon Street Closing
S 772 (Ch. 149) ..... 253, 416, 436, 612, 625, 627.
Utility Review Committee—see **Boards and Commissions** (Legislative)

- V -

VACATION—see **State of North Carolina** (Personnel)
VACCINE—see **Public** (Health)
VALUE SCHEDULE—see **Taxation** (Property)
VANCE COUNTY—District 2—Senator Frank W. Ballance, Jr.
—District 11—Senator James D. Speed
Dental Hygienist Position Funding
S 456 (H 386)(Appr Com)(In S 27) ..... 137.
Prison Consolidation Funds
S 1220 (CapExp Com) ..... 584.
Prison Facility Closing/Consolidation
S 27 [Sec. 177](Ch. 321) ..... 899.
Teacher Support, Collaborative
S 693 (H 685)(reref CapExp Com) ..... 226, 1017.
Tractor-plow Hauling Unit Funds
S 1099 (reref CapExp Com) ..... 455, 771.

VENDOR
Taxpayer Identification Number on Invoice
H 568 (StPers&StGov Com) ..... 441.
UNC Vending Machine Proceeds Report Revised
S 219 (Ch. 406) ..... 84, 544, 549, 1078, 1091, 1098.
VENUS'S-FLYTRAP—see **State** (Emblems)
VETERANS [G.S. 165]—see **Military**
Guardian [G.S. 34]
VETERINARY—see **Agriculture**
VETO—see **Constitution, North Carolina**
VICTIM
Child Testimony by Television
S 1288 (J1 Com) ..... 736.
Compensation [G.S. 15B]
Automated Administrative/Reimbursement System
S 27 [Sec. 185](Ch. 321) ..... 901.
Fund Expenditures Report
S 27 [Sec. 183](Ch. 321) ..... 900.
Operating Funds
S 1104 (Appr Com)(In S 27) ..... 455.
Rape—see **Sex** (Offense)
Restitution Policy/Criminal Justice System Study (LRC)
H 1319 [Sec. 2.1(40)]
(ordered enrolled)(see S 1270; H 1035) ..... 1249, 1320.
Restitution Through Income Withholding
S 237 (J1 Com) ..... 88.
Victim and Justice Services
Reorganization to Corrections Department
S 27 [Sec. 178.1](Ch. 321) ..... 899.
S 240 (H 301)(reref Appr Com) ..... 88, 227.
VIDEO GAMES—see also **Criminal Law**
Sadistic Video Sold to Minor
S 435 (H 228)(J1 Com) ..... 130.
Slot Machine Definition/Penalty
H 877 (Ch. 366) ..... 514, 529, 751, 766, 1016, 1068.
VIDEO PRETRIAL HEARING—see **Criminal Procedures**
VISITATION RIGHTS—see **Married Persons** (Divorce)
VISUALLY IMPAIRED—see **Handicapped; Medicine** (Eyes)
VITAL RECORDS—see **Public** (Health)
VOCATIONAL
Guidance—see **Education**
Rehabilitation
Advisory Council Membership
H 611 (Ch. 248) ..... 513, 527, 694, 706, 709.
Independent Living Program/Funds
S 80 (H 9)(Appr Com)(In S 27) ..... 54.
Persons with Disabilities Advocacy Council Transfer
S 279 (GovPerform Com/see H 369) ..... 94.
Pinetree Enterprises/West End (Moore)
S 1130 (reref CapExp Com) ..... 478, 773.
Staff Reduction Recommendation
S 357 (reref Appr Com/see H 342) ..... 116, 204.
Vehicle Ownership/Control
S 27 [Sec. 221.1](Ch. 321) ..... 935.
Youth Services Vocational Teacher Certification
S 576 (reref Ed/HighEd Com) ..... 187, 336, 718, 721.
H 514 (Ch. 397) ..... 514, 524, 526, 773, 1035, 1062, 1088.

VOCATIONAL (continued)
Teacher Criminal Justice Certification
S 576 (reref Ed/HighEd Com) ..... 187, 336, 718, 721.
H 514 (Ch. 397) ..... 514, 524, 526, 773, 1035, 1062, 1088.
VOLUNTARY APPRAISER—see **Real Estate** (Appraiser)
VOLUNTEERS
Criminal Record Check/DHR
H 554 (Ch. 350) ..... 385, 1011, 1030, 1033.
Disaster Relief Volunteer Protection Study (LRC)
S 1192 (H 1283)(Rules Com/see H 1319) ..... 547.
Disaster Service Volunteer Leave Act
S 74 (StPers&StGov Com) ..... 53.
H 87 (Ch. 13) ..... 151, 167, 190, 206, 213, 217.
Firemen—see **Fire Protection**
Hazardous Waste—see **Public** (Health)
One-on-One Program Funds
S 1050 (Appr Com) ..... 408.
Police Auxiliary—see **Law Enforcement**
Senior Citizens Recording Studio—see **Libraries**
Senior Citizens' Volunteer Program (RSVP)
S 1008 (Appr Com) ..... 377.
VOTE
Elective Office—see **Elections**
Equipment Inoperative (Senate)
January 28 ..... 28.
May 12 ..... 489.
May 17 ..... 516.
May 18 ..... 525.
May 19 ..... 535.
May 20 ..... 542.
Excused—see Individual Senator
Paired—see Individual Senator
Tied—
S 11 (Amendment No. 16) ..... 616.

- W -

WAGES—see **Labor; Salaries and Fees; State** (Personnel—Salaries)
WAKE COUNTY—District 13—Senator Wilbur P. Gulley
—Senator Ralph A. Hunt
—District 14—Senator Joseph E. Johnson
—Senator J. K. Sherron, Jr.
—District 36—Senator Linda Gunter
ABC Proceed Distribution
H 808 (Ch. 50) ..... 320, 466, 498, 517, 523.
Alice Aycock Poe Center for Health Education
S 1208 (H 1471)(Appr Com) ..... 575.
Apex
Annexation/Extraterritorial Jurisdiction
S 1019 (Ch. 312) ..... 383, 474, 581, 598, 606, 775.
Camel 24 Fellowship Capital Improvement Funds
S 1257 (Appr Com) ..... 695.
Cary
Land Exchange with Morrisville
S 215 (reref Fin Com) ..... 83, 135.
H 204 (Ch. 27) ..... 226, 275, 284, 308, 316.

WAKE COUNTY (continued)
Cary (continued)
Motor Vehicle Tax Increase
S 820 (LocGov Com) ..... 262.
H 898 (Ch. 325) ..... 347, 475, 749, 761, 762, 769, 777, 1002.
Street Right-of-way Acquisition
S 819 (reref Fin Com/see H 897) ..... 262, 415.
Street Right-of-way Outside Limits
H 753 (Ch. 137) ..... 514, 528, 574, 593, 602, 605.
Cued Speech Center
S 1123 (Appr Com) ..... 457.
Firearm Possession While Under Influence
H 823 (J1 Com) ..... 481.
Garner
Community Center Capital Improvement
S 1213 (H 1482)(CapExp Com) ..... 575.
Fees Related to Administration
S 1011 (LocGov Com) ..... 382.
Impact Fee Payment With Interest
H 825 (reref Fin Com) ..... 1054, 1110.
Lake Benson Park Development
S 1210 (H 1476)(reref CapExp Com) ..... 575, 772.
Utility Infrastructure Development Reimbursement
H 757 (Ch. 281) ..... 480, 710, 727, 734.
Independent Living Rehabilitation Program
S 80 (H 9)(Appr Com)(In S 27) ..... 54.
Juvenile Court Jurisdiction Pilot Program
S 436 (J1 Com) ..... 130.
Little River Reservoir Land Acquisition
S 1211 (H 1477)(reref CapExp Com) ..... 575, 772.
Low-Level Waste Site Grant
S 26 [Sec. 106](Ch. 561) ..... 1305.
Morrisville
Property Exchange Cary/Morrisville
S 215 (reref Fin Com) ..... 83, 135.
H 204 (Ch. 27) ..... 226, 275, 284, 308, 316.
NCSU Centennial Authority
S 1053 (H Appr Com) ..... 408, 751, 1096, 1119, 1144.
H 1003 (H Appr Com) ..... 1130, 1148, 1198.
Northern Wake Senior Citizens Center Construction
S 1212 (H 1479)(CapExp Com) ..... 575.
Oak View Farm Capital Improvement Funds
S 1253 (CapExp Com) ..... 695.
Oak View Plantation Restoration
S 1214 (H 1475)(reref CapExp Com) ..... 575, 772.
Parents as Teachers Pilot Program
S 27 [Sec. 140](Ch. 321) ..... 876.
Raleigh
Certificate of Appropriateness
Historic District Commission Subcommittee Issue
S 649 (Ch. 168) ..... 210, 269, 309, 321, 326, 644.
Falls Lake Watershed Study
S 26 [Sec. 107.1](Ch. 561) ..... 1306.
Firearm Possession by Minor Prohibited
H 823 (J1 Com) ..... 481.

WAKE COUNTY (continued)
Raleigh (continued)
NCSU Centennial Authority
S 1053 (H Appr Com) ..... 408, 751, 1096, 1119, 1144.
H 1003 (H Appr Com) ..... 1130, 1148, 1198.
Outer Loop/Highway Trust Fund
S 1259 (Transp Com) ..... 696.
Saint Matthews Rosenwald School Restoration Funds
S 1207 (H 1473)(CapExp Com) ..... 575.
Superior Court Judge Election 1994
S 27 [Sec. 200.5](Ch. 321) ..... 912.
Tomorrow Academy Pilot School Funds
S 1037 (H 1267)(reref CapExp Com) ..... 392, 1017.
Wake Forest
Manager/Commissioner Terms
H 678 (Ch. 118) ..... 314, 582, 590.
Weapon Possession Prohibited
H 823 (J1 Com) ..... 481.
Yates Mill Historical Site Restoration
S 1209 (H 1478)(reref CapExp Com) ..... 575, 772.
WALKER, Russell G.—Senator Chatham, Lee (part), Moore, Orange, **Randolph** (part)—**16th District**
Absent With Leave ..... 538, 617, 656, 708, 733, 759, 774, 1003, 1010, 1087.
Adjournment Motion—Second ..... 44, 357, 656.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 34, 35, 39, 40, 66.
Standing—
Children and Human Resources (Chairman)
Appropriations (Vice-Chairman)
Appropriations on Human Resources—Banks and Thrift
Institutions—Constitution and Election Laws—
Pensions and Retirement—State Personnel and State
Government—Transportation
Select—
Government Performance Audit
Conference—
S 27 ..... 600, 781.
Escorts—
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Honorable Albert Gore, Jr., United States Vice President ..... 90.
Nomination—Deputy President *Pro Tempore* ..... 16.
Oath of Office ..... 7.
Remarks Spread—
Jeralds Eulogy ..... 104.
Nominating Deputy President *Pro Tempore* ..... 16.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 89, 338, 339, 340, 341, 427, 428, 534, 592, 593, 594, 595, 596, 597, 598, 599, 632, 674, 675, 676, 788, 964, 1029, 1041, 1042, 1059, 1076, 1085, 1086, 1087, 1100, 1101, 1102, 1103, 1104, 1109, 1129, 1130, 1131, 1132, 1133, 1277.

WAKE COUNTY (continued)
Bills and Resolutions—(Senate Bill Numbers) (continued)
Co-Sponsor ..... 68, 69, 122, 227, 228, 229, 230, 231, 232, 236, 248, 251, 255, 256, 334, 336, 397, 400, 419, 422, 423, 424, 441, 446, 454, 471, 500, 541, 542, 543, 544, 549, 553, 565, 567, 572, 583, 669, 670, 696, 723, 770, 771, 779, 807, 808, 809, 818, 842, 844, 858, 872, 873, 876, 881, 882, 883, 891, 892, 893, 903, 919, 920, 934, 949, 976, 996, 1012, 1026, 1027, 1135, 1138, 1174, 1245, 1250, 1260, 1264, 1265.

WARD, Marvin—Senator Forsyth (part)—20th District
Absent With Leave ..... 1021, 1033, 1052.
Adjournment Motion—Second ..... 135, 1010, 1087.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 35, 36, 39, 40, 41, 162.
Standing—
Appropriations on Education (Chairman)
Environment and Natural Resources (Vice-Chairman)
Agriculture, Marine Resources, and Wildlife—
Appropriations—Capital Expenditures and Improvements—
Children and Human Resources—Education/Higher Education—
Pensions and Retirement—Rules and Operation of the Senate—
Ways and Means
Select—
Bonds
Statutory—
Education Oversight Committee, Joint Legislative ..... 622.
Conference—
S 27 ..... 600, 781.
Escorts—
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Oath of Office ..... 7.
Prayer ..... 50, 153, 496.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor .... 43, 44, 117, 218, 219, 334, 543, 544, 666, 1018.
Co-Sponsor ..... 35, 36, 37, 38, 39, 40, 65, 68, 69, 72, 74, 75, 236, 248, 251, 256, 336, 337, 400, 421, 451, 452, 459, 460, 461, 462, 482, 500, 534, 549, 553, 570, 571, 572, 669, 670, 674, 675, 676, 696, 723, 770, 771, 780, 821, 858, 871, 872, 875, 876, 881, 882, 904, 906, 919, 920, 934, 935, 956, 964, 967, 968, 976, 993, 996, 1002, 1012, 1029, 1041, 1042, 1135, 1174, 1200, 1245, 1250, 1260, 1264, 1265.

WAREHOUSE
Act—see **Agriculture**
Receipts [G.S. 27]

WARRANT—see **Criminal Procedure**

WARRANTY
Appliance Service Agreement
S 586 (H 607)(Ch. 504) ..... 191, 411, 435, 1210, 1213, 1242.
Motor Vehicle
Dealer Reimbursement Rights
S 841 (Ch. 116) ..... 265, 469, 502, 589.
Service Agreement Amendments
S 586 (H 607)(Ch. 504) ..... 191, 411, 435, 1210, 1213, 1242.
Used Vehicle Extended Warranty Study (LRC)
H 1319 [Sec. 2.1(58)](ordered enrolled)(see S 1270; H 1324) 1249, 1320.

WARRANTY (continued)
Service Agreement Regulation
S 1084 (H Rules Com) ..... 438, 564, 682, 697, 1105, 1120, 1132.
WARREN COUNTY—District 2—Senator Frank W. Ballance, Jr.
Prison Consolidation Funds
S 1220 (CapExp Com) ..... 584.
Prison Facility Closing/Consolidation
S 27 [Sec. 177](Ch. 321) ..... 899.
WARREN, Ed N.—Senator Beaufort (part), Lenoir (part), Martin (part), **Pitt (part)—9th District**
Absent With Leave ..... 410.
Adjournment Motion—Second ..... 90, 129.
Certificate of Election ..... 6.
Committee Assignments ..... 33, 34, 36, 39, 41, 64, 66, 123, 162.
Standing—
Banks and Thrift Institutions (Chairman)
Appropriations on Education (Vice-Chairman)
Education/Higher Education (Vice-Chairman)
Agriculture, Marine Resources, and Wildlife—
Appropriations—Pensions and Retirement—
Public Utilities—Transportation—Ways and Means
Select—
Bonds
Statutory—
Governmental Operations Commission, Joint Legislative ..... 112.
Education Oversight Committee, Joint Legislative ..... 622.
Conference—
S 513 ..... 719.
S 853 ..... 1109, 1231.
Escorts—Reading Clerk-elect ..... 21.
Oath of Office ..... 7.
Remarks Spread ..... 1158.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 81, 82, 110, 111, 123, 124, 151, 197, 443, 444, 445, 448, 449, 450, 451, 452, 459, 460, 461, 462, 484, 581, 637, 671, 692, 776, 777, 843, 861, 862, 941, 949, 1063, 1064, 1182, 1195.
Co-Sponsor ..... 6, 14, 19, 37, 39, 45, 46, 48, 68, 254, 255, 342, 440, 457, 479, 518, 519, 520, 521, 559, 572, 617, 620, 635, 669, 670, 674, 676, 693, 696, 770, 771, 779, 780, 818, 836, 852, 853, 863, 865, 866, 876, 878, 882, 888, 904, 906, 915, 919, 920, 934, 956, 976, 989, 1012, 1029, 1106, 1107, 1110, 1174, 1188, 1200, 1202, 1222, 1234, 1239, 1241, 1245, 1250, 1264.
WASHINGTON COUNTY—District 1—Senator Marc Basnight
—District 6—Senator R. L. Martin
Inmates Employed on Public Works
S 439 (J1 Com) ..... 133.
Northeastern North Carolina Regional Economic Development Commission
—see **Economic Development**
WASTE—see **Public** (Health)
WASTEWATER—see **Water and Sewer Authority**

WATAUGA COUNTY—District 12—Senator Fred Folger, Jr.
—Senator A. P. "Sandy" Sands III
Alcoholic Beverage Control Permit Issuance
H 502 (Ch. 415) ..... 597, 666, 1037, 1060, 1070, 1099.
Boone
Junaluska Water and Sewer Installation
H 838 (Ch. 138) ..... 425, 583, 599, 605.
Independent Living Rehabilitation Program
S 80 (H 9)(Appr Com)(In S 27) ..... 54.
Maps of Census Blocks Boundaries
H 563 (Ch. 352) ..... 425, 621, 632, 1034.
Water Supply Watershed Zoning Notice Exemption
H 870 (Ch. 156/see H 799) ..... 459, 583, 599, 627.
WATER
Access by Local Government Funds
S 1289 (Appr Com) ..... 737.
Boat—see **Boating and Water Safety**
Clean Water Bonds—see **Bonds** (Revenue)
Clean Water Revolving Loan/Grant
Local Government-shared Tax Revenue Transfer
S 26 [Sec. 23](Ch. 561) ..... 1268.
Program Amendments
S 1112 (H 1137)(Ch. 496) ..... 456, 504, 724, 732, 743, 754, 1195, 1208, 1222.
Community Water System
Fee System Restructured
S 66 (H 51)(reref E&NR Com) ..... 52, 410.
Permit/Fee
S 907 (reref Fin Com) ..... 312, 1165.
Dams—see **Dams**
Dredging
Coastal Dredging Projects, Various
S 1170 (H 1415)(CapExp Com)(In S 26) ..... 521.
Effluence Standards—see **Environment, Health, and Natural Resources; Pollution Control**
Ground/Surface Water—Swine Farm Operation
S 926 (H 1159)(reref Appr Com)(In S 26) ..... 318, 1024, 1028.
Groundwater System
Groundwater Protection Loan Fund
S 632 (E&NR Com) ..... 198.
H 681 (Ch. 400) ..... 643, 688, 1025, 1046, 1058, 1088.
Interbasin Transfer Regulation
S 875 (H 990)(Ch. 348) ..... 279, 339, 351, 354, 368, 397, 1004, 1017, 1031, 1033.
Local Government Shared Tax Revenue Transfer
S 26 [Sec. 23](Ch. 561) ..... 1268.
Local Government Water Service Plan
H 179 (Ch. 513/see S 597; H 570) ..... 177, 1107, 1120, 1121, 1243.
Piedmont Triad Regional Water Authority Funds
S 471 (H 425)(CapExp Com)(In S 26) ..... 144.
Reservoir
Little River Reservoir Land Acquisition
S 1211 (H 1477)(reref CapExp Com) ..... 575, 772.
Maintenance/Forest Products Sales Receipts
S 27 [Sec. 294](Ch. 321) ..... 978.
Randleman Reservoir Construction Funds
S 471 (H 425)(CapExp Com)(In S 26) ..... 144.

WATER (continued)
Rural Clean Water Demonstration Program
S 26 [Sec. 105](Ch. 561) ..... 1304.
Soil and Water District—see **Soil and Water District**
Swimming Pool—see **Public** (Health)
Wastewater—see **Water and Sewer Authority**
Water Column Leases
S 96 (reref Fin Com) ..... 57, 113.
H 31 (Ch. 322) ..... 239, 609, 749, 763, 778, 1002.
Water Issues Study (LRC)
S 67 (H 52)(Rules Com/see H 1319) ..... 52.
Water Resources Development Projects
S 26 [Sec. 107](Ch. 561) ..... 1305.
Water Resources Development Project Funds
S 1170 (H 1415)(CapExp Com)(In S 26) ..... 521.
Water Supply Plan Approval
H 1121 (Rules Com) ..... 1027.
Water Supply Planning/Regional Management Study
S 979 (H 1211)(Appr Com)(In S 27) ..... 359.
Water Withdrawl Registration/Fees
S 821 (Ch. 344/see H 544) ..... 262, 332, 539, 550, 1004, 1019, 1023.
Watercraft—see **Boating and Water Safety**
Watershed
Elevation Point of 1,650 Feet Exemption
S 1274 (reref Const Com) ..... 725, 746.
Falls Lake Study
S 26 [Sec. 107.1](Ch. 561) ..... 1306.
Improvement Commission Reorganization
S 1121 (Ch. 391) ..... 457, 504, 674, 706, 714, 1087.
Small Project Fund
S 26 [Sec. 107](Ch. 561) ..... 1305.
Water Supply Watershed
Protection/Regulation Exemption
H 686 (Ch. 520/see H 544) ..... 752, 1028, 1060, 1069, 1083, 1243.
Protection/Zoning Notice Exemption
H 860 (Ch. 267/see H 799) ..... 459, 676, 687, 723.
Zoning Notice Exemption (Stokes)
S 855 (Ch. 418) ..... 272, 415, 432, 1074, 1082, 1089, 1098, 1110.
H 869 (Ch. 139/see H 799) ..... 442, 583, 599, 605.
Zoning Notice Exemption (Watauga)
H 870 (Ch. 156/see H 799) ..... 459, 583, 599, 627.
Zoning Notice Requirements (Wilkes)
H 804 (Ch. 101/see H 799) ..... 347, 533, 543, 573.
Well/Pump Contractor—see **Contractors**
WATER AND SEWER AUTHORITY [G.S. 162A]
Boone/Junaluska Area Force Account (Watauga)
H 838 (Ch. 138) ..... 425, 583, 599, 605.
Capital Needs From Local Sales Tax
H 136 (Ch. 255) ..... 541, 592, 664, 678, 689, 719.
Facility Sale Gain Study/Utility Review
S 190 (reref Rules Com/see H 294; H 1319) ..... 81, 229, 246, 1234.
Local Government Funding
S 14 (Ch. 542/see S 26; S 65; H 60; H 544) .... 30, 258, 280, 649, 1026, 1042, 1053, 1079, 1083, 1085, 1167, 1196, 1237, 1241, 1314.

WATER AND SEWER AUTHORITY [G.S. 162A] (continued)
New Bern Conveyance (Craven)
H 198 (Ch. 93) ..... 189, 559, 567, 573.
One-year Service Provision Through Annexation
S 686 (LocGov Com) ..... 225.
Penalty Assessment Authority
S 894 (H J1 Com) ..... 311, 454, 471, 500.
Per Diem Compensation Increase
S 612 (Appr Com) ..... 194.
Personnel Record Confidentiality
S 611 (Ch. 505) ..... 194, 278, 321, 1211, 1213, 1242.
Petition Approval by City Manager (Durham)
H 521 (Ch. 297) ..... 514, 527, 710, 726, 732, 741, 748.
Relocation Costs Study/Transportation Department
S 26 [Sec. 64](Ch. 561) ..... 1283.
Roseboro Grant-in-aid (Sampson)
S 26 [Sec. 96](Ch. 561) ..... 1295.
Sanitary District
Riegelwood Property for Parks Recreation (Columbus)
H 856 (Ch. 266) ..... 425, 651, 660, 668, 677, 723.
School Sewer System Study (LRC)
S 1295 (Rules Com/see H 1319) ..... 737.
Septage Defined/Regulated
S 980 (reref Fin Com) ..... 359, 506.
H 1077 (Ch. 173) ..... 512, 530, 570, 582, 601, 608, 644.
Sewer Line Construction Glen Alpine (Burke)
S 1226 (CapExp Com) ..... 597.
Toilet/Chemical, Portable Prohibited
S 980 (reref Fin Com) ..... 359, 506.
H 1077 (Ch. 173) ..... 512, 530, 570, 582, 601, 608, 644.
Wastewater
County Alternative On-site Sewage System
S 27 [Sec. 286](Ch. 321) ..... 974.
Manufactured Home Connection
S 1244 (E&NR Com) ..... 658.
Wastewater System Contractors Licensing Board Created
S 978 (H 953)(reref Fin Com) ..... 359, 597, 1071.
Watershed—see **Water**
WATERCRAFT—see **Boating and Water Safety**
WATERFOWL HUNTING—see **Wildlife**
WATERSHED—see **Water**
WAYNE COUNTY—District 8—Senator John Kerr
Community College Construction Funds
S 712 (CapExp Com)(In S 14) ..... 237.
Economic Development Prospective Revenue
H 466 (Ch. 246/see S 708; H 544; H 791) ..... 266, 475, 498, 517, 518, 525, 634, 638, 644, 647, 655, 676, 679, 709.
Forestry Headquarters Building/Storage Facility
S 713 (CapExp Com)(In S 26) ..... 237.
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Prison Bonds/Cherry Hospital Expansion
S 1077 (H Appr Com/see H 235) ..... 438, 1020, 1036, 1046, 1057.
Wayne Opportunity Center, Incorporated Funds
S 717 (reref CapExp Com) ..... 238, 771.

WEAPONS—see **Criminal Law**
WEEKEND SENTENCE—see **Prisons** (Probation)
WEIGH STATIONS—see **Motor Vehicle** (Weight Limit)
WEIGHTS AND MEASURES [G.S. 81A]
WELFARE—see **Social Services**
WELLS—see **Water**
Contractor—see **Contractors**
WESTERN CAROLINA CENTER—see **Mental Health**
WESTERN CAROLINA UNIVERSITY—see **Higher Education** (UNC)
WESTERN NORTH CAROLINA ARBORETUM—see **Agriculture**
WIC (Women, Infants and Children)—see **Maternal and Child Health**
WICKER, Dennis A.—Lieutenant Governor
—see **Lieutenant Governor; President of the Senate**
Appointments—see **Appointments** (Lieutenant Governor)
Votes—see **Vote** (Tie)
WIDOWS—see **Estates**
WILDLIFE—see also Specific County
Bear Hunting
Black Bear (Camden/Pasquotank)
H 319 (Ch. 220) ..... 145, 673, 686, 693.
Black Bear Season (Currituck)
H 320 (Ch. 221) ..... 155, 673, 686, 693.
Non-resident Hunting License/Fee
S 1222 (ordered enrolled) ..... 591, 635, 713, 729, 1212, 1216, 1218, 1251, 1320.
Roadside Hunting Exemption
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Beaver
Damage Control Pilot Programs
S 26 [Sec. 111](Ch. 561) ..... 1307.
Statewide Season/Exemptions
S 457 (Ch. 33) ..... 137, 160, 164, 178, 339.
Bird Sanctuary/Boiling Spring Lakes (Brunswick)
H 492 (Ch. 66) ..... 227, 532, 542, 546.
Boar Hunting
Roadside Hunting Exemption
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Boats—see **Boating and Water Safety**
Crossbow and Bolt Permit Requirement
S 628 (Ch. 287) ..... 198, 486, 501, 725, 726, 735, 738, 740.
Deer Hunting
Male Deer Season (Currituck)
H 320 (Ch. 221) ..... 155, 673, 686, 693.
Stationary Stand/Permission (Cabarrus)
H 801 (Ch. 100) ..... 482, 532, 543, 573.
Whitetail Restrictions (Macon)
S 222 (Ch. 104) ..... 86, 146, 151, 156, 176, 182, 547, 564, 578, 580.
Disabled Sportsman
S 1222 (ordered enrolled) ..... 591, 635, 713, 729, 1212, 1216, 1218, 1251, 1320.

WILDLIFE (continued)
Emblem for Income Tax Contribution
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Firearms—see **Criminal Law** (Weapons)
Fish—see **Marine Resources**
Fox Hunting/Trapping
Seasons Established (Brunswick/Franklin/Granville)
H 881 (Ch. 208) ..... 442, 610, 614, 642, 646, 672.
Guns—see **Criminal Law** (Weapons)
Hunting—see also under this heading Specific Subject
Hunter Safety Course Requirement Mandatory
S 589 (H J1 Com) ..... 192, 401, 421.
License Restructuring
S 591 (H Rules Com) ..... 192, 557, 649, 660, 678, 688.
Road Right-of-Way
Craven County Roads
S 825 (Ch. 115) ..... 264, 356, 416, 432, 589.
Macon County
S 222 (Ch. 104) ..... 86, 146, 151, 156, 176, 182, 547, 564, 578, 580.
Madison County Prohibition
H 600 (Ch. 70) ..... 257, 532, 542, 546.
Pasquotank County Prohibition
H 589 (Ag/MarRes&W Com) ..... 326.
Uniform Regulation of Roadside Hunting
S 911 (reref J1 Com) ..... 313, 402.
H 827 (reref J1 Com) ..... 514, 528, 609, 1058, 1093.
Trespass Third Degree
H 689 (H J3 Com) ..... 386, 1204, 1208, 1214.
Davidson County
Rowan County
State-wide
Stokes County
Wilkes County
Yadkin County
Iredell County
H 528 (J1 Com) ..... 257.
License
Agriculture/Commercially-Raised Freshwater Fish
S 99 (H 111)(Ch. 18) ..... 57, 146, 152, 156, 159, 263.
Disabled Sportsman—see under this heading (Disabled Sportsman)
Hunting, Age 65
S 126 (Ag/MarRes&W Com) ..... 63.
Lifetime Sportsman License
S 591 (H Rules Com) ..... 192, 557, 649, 660, 678, 688.
Schedule/Requirements Redefined
S 591 (H Rules Com) ..... 192, 557, 649, 660, 678, 688.
Motorboats—see **Boating and Water Safety**
Rabies—see **Animals**
Revenue from Sales and Use Tax
S 27 [Sec. 290](Ch. 321) ..... 977.
Road Hunting—see under this heading (Hunting)
Sea Turtle—see **Marine Resources**
Trespass—see **Criminal Law**; under this heading (Hunting)

WILDLIFE (continued)
Turkey Hunting
Gates County Prohibition Repeal
H 428 (Ch. 65) ..... 440, 532, 542, 546.
Vehicle Special License Plate
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.
Weapons—see **Criminal Law**
Wildlife Resources Commission
Agriculutre Cost Share Program
Technical Review Committee Designee
S 27 [Sec. 261](Ch. 321) ..... 956.
Appointment of Commissioner (Pechman)
S 1124 [Sec. 28](Ch. 405/see H 544) ..... 457, 462, 1079, 1084, 1088.
Appointment of Commissioner (Allen)
H 439 [Sec. 6](Ch. 563) ..... 514, 527, 1234, 1239, 1313.
Executive Director Annual Salary
S 27 [Sec. 51](Ch. 321) ..... 816.
Inland Navigation Rules Enforcement
H 485 (Ch. 361) ..... 395, 710, 729, 752, 756, 758, 1032, 1040, 1053.
WILKES COUNTY—District 27—Senator Donald R. Kincaid
—Senator Daniel R. Simpson
Board of Education Term Begins June
H 180 (Ch. 14) ..... 155, 213, 216, 233, 236.
Trespass/Third Degree Offense
H 689 (H J3 Com) ..... 386, 1204, 1208, 1214.
Water Supply Watershed Zoning Notice
H 804 (Ch. 101/see H 799) ..... 347, 533, 543, 573.
WILLIE M—see **Education; Mental Health**
WILLS [G.S. 31]—see **Estates**
WILSON COUNTY—District 6—Senator R. L. Martin
—District 10—Senator Roy A. Cooper III
—District 11—Senator James D. Speed
Black Creek, Town of
Employee Hold Public Office Prohibited
H 737 (Ch. 186) ..... 347, 621, 631, 657.
Global TransPark Development Zone Participation
S 853 (H 943)(Ch. 544/see S 26) ..... 271, 328, 344, 354, 368, 1066, 1101, 1108, 1109, 1123, 1230, 1236, 1237, 1314.
Wilson
Job Training Program Funds
S 333 (Appr Com)(In S 26) ..... 109.
WINDOW/WINDSHIELDS—see **Motor Vehicle**
WINE—see **Alcohol Regulation** (Beer/Wine)
WINNER, Dennis J.—**Senator** **Buncombe** (part), Burke (part), Madison, McDowell, Yancey **—28th District**
Absent With Leave ..... 43, 90, 96, 139, 144, 157, 159, 184, 190, 222, 562, 570, 1067, 1077, 1193, 1233.
Adjournment Motion—Second ..... 206.
Certificate of Election ..... 6.

WINNER, Dennis J.—Senator (continued)
Committee Assignments ..... 34, 35, 37, 38, 39, 40, 41, 166.
Standing—
Finance (Chairman)
Ways and Means (Vice-Chairman)
Banks and Thrift Institutions—Capital Expenditures and Improvements—Constitution and Election Laws—Judiciary I—Local Government and Regional Affairs—Pensions and Retirement—Rules and Operation of the Senate
Select—
Bonds
Government Performance Audit
Conference—
S 27 ..... 600, 781.
S 60 ..... 1091, 1136.
S 125 ..... 1018, 1044.
S 128 ..... 1053, 1113.
S 161 ..... 1129, 1233.
S 513 ..... 719.
S 853 ..... 1109, 1231.
S 1139 ..... 728, 768.
H 747 ..... 1126, 1149.
H 1062 ..... 1127.
H 1158 ..... 1041, 1241.
Escorts—
President *Pro Tempore*-elect ..... 14.
UNC Chapel Hill Men's Basketball Team ..... 287.
UNC Chapel Hill Women's Soccer Team ..... 339.
Nomination—Principal Clerk ..... 19.
Oath of Office ..... 7.
Remarks Spread
Nominating Principal Clerk ..... 19.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 25, 76, 77, 78, 79, 125, 126, 127, 128, 129 180, 181, 182, 344, 441, 464, 475, 532, 552, 566, 830, 831, 832, 1020, 1154, 1157, 1177, 1217, 1245.
Co-Sponsor ..... 62, 64, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 183, 421, 446, 463, 482, 520, 556, 572, 661, 674, 675, 676, 780, 873, 876, 878, 919, 951, 956, 966, 970, 1012, 1029, 1092, 1174, 1200, 1250, 1264, 1274.

WINNER, Leslie—Senator Mecklenburg (part)**—40th District**
Absent With Leave ..... 135, 139, 222, 617, 681, 759, 768 (present).
Adjournment Motion—Second ..... 90.
Certificate of Election ..... 7.
Committee Assignments ..... 33, 35, 36, 38, 39, 64, 123, 162.
Standing—
Judiciary II (Vice-Chairman)
Appropriations—Appropriations on Education—Children and Human Resources—Constitution and Election Laws—Education/Higher Education—Environment and Natural Resources—Manufacturing and Labor
Select—
Bonds (Chairman)
Statutory—
Education Oversight Committee, Joint Legislative ..... 622.

WINNER, Leslie—Senator (continued)
Committee Assignments (continued)
Conference—
S 10 ..... 134, 166.
S 1066 ..... 1213.
H 120 ..... 434.
H 799 ..... 1086, 1132.
H 1008 ..... 1127, 1248.
H 1158 ..... 1041, 1241.
Escorts—
"Hugo", Charlotte Hornets' Team Mascot ..... 32.
George Shinn ..... 739.
Oath of Office ..... 7.
Votes—
Pair Announced
S 11 ..... 616.
Bills and Resolutions—(Senate Bill Numbers)
Primary Sponsor ..... 463, 506, 568, 569, 781, 782, 783, 793, 822, 873, 874, 953, 966, 1001, 1002, 1194.
Co-Sponsor ..... 12, 29, 68, 251, 342, 421, 464, 479, 482, 502, 534, 570, 571, 572, 613, 615, 618, 663, 670, 674, 675, 676, 684, 768, 770, 771, 778, 806, 813, 876, 884, 897, 898, 934, 952, 970, 976, 977, 989, 993, 1029, 1034, 1035, 1041, 1092, 1093, 1200, 1245, 1246, 1250.
WINSTON-SALEM STATE UNIVERSITY—see **Higher Education** (UNC)
WITHHELD TAX—see **Taxation** (Income)
WITNESS—see **Civil** (Procedure); **Criminal Law/Procedure**
WOMEN
Business—see **Commerce and Business**
Contracts from State Promoted
H 946 (Ch. 252) ..... 513, 529, 695, 707, 709.
Council of Women
Type I Transfer to Governor's Office
S 279 (GovPerform Com/see H 369) ..... 94.
Displaced Homemaker Program
S 1093 (H 1269)(reref CapExp Com) ..... 439, 657, 1018.
Divorce—see **Married Persons**
Domestic Violence—see **Married Persons**
Harriet's House Funds
S 1038 (H 1233)(Appr Com)(In S 27) ..... 392.
Maternity—see **Maternal and Child Health**
Minorities—see **Minorities**
Prison—see **Prison**
Rape—see **Criminal Law** (Sexual Offense)
WIC (Women, Infants and Children)—see **Maternal and Child Health**
Women/Minority Contract Award Study
S 835 (H 871)(reref CapExp Com)(In S 26) ..... 265, 700, 1001.
WORKER TRAINING TRUST FUND—see also **Employment; Funds**
Tri-county Industries, Incorporated Seminars
S 1095 (Appr Com) ..... 439.
WORKERS' COMPENSATION [G.S. 97]
Accident Prevention Loss Control Consultation Service
S 163 (H 189)(Ch. 40) ..... 73, 135, 143, 266, 374, 396, 401.
Civil Air Patrol Eligibility
S 652 (Ch. 389) ..... 210, 317, 327, 1078.
Coverage Notice Posted
S 587 (reref Rules Com/see H 1319) ..... 191, 547, 732, 766, 1020.

WORKERS' COMPENSATION [G.S. 97] (continued)
Death Benefit of Repose Repealed
S 114 (H 183)(Mfg&Labor Com) ..... 60.
Demotion/Discharge Protection Upon Reinstatement
S 673 (J1 Com) ..... 218.
Disaster Leave Law
S 74 (StPers&StGov Com) ..... 53.
H 87 (Ch. 13) ..... 151, 167, 190, 206, 213, 217.
Insurance Policy Premium Tax Exemption
H 606 (H Rules Com) ..... 441, 1117, 1147.
Medical Costs Liability Limited
S 1032 (H J2 Com) ..... 392, 504, 508.
Physician Selection/Worker's Choice
S 112 (H 188)(Mfg&Labor Com) ..... 59.
Realtor Broker/Salesperson Contract
S 912 (H J1 Com) ..... 313, 397, 406, 422.
Reform—Omnibus Amendments
S 906 (H Courts Com) ..... 312, 322, 329, 337, 348, 430, 453, 721, 732, 767, 1020, 1024, 1047, 1061, 1064.
Safety Guard Removal/Cause of Action
S 115 (H 185)(Mfg&Labor Com) ..... 60.
Select Committee on SB 906 ..... 540.
Self-insurer Financial Monitoring/Regulation
S 579 (H 608)(Ch. 120) ..... 187, 427, 452, 584, 595, 596.
State Workers' Compensation Office Established
S 366 (H 316)(H J1 Com) ..... 117, 340, 465, 473, 486, 487.
Uninsured Employees Injury Fund Created
S 1185 (reref Fin Com) ..... 524, 1102.
Workers' Compensation Commission Created
S 540 (Mfg&Labor Com) ..... 180.
Workers' Compensation Study Commission Created
S 587 (reref Rules Com/see H 1319) ..... 191, 547, 732, 766, 1020.
WORKFORCE PREPAREDNESS—see **Employment**
WORKPLACE DRUG TESTING—see **Drugs**
WORKPLACE SAFETY AND HEALTH—see **Labor** (OSHA)
WORLD TRADE CENTER—see **Commerce and Business** (International)
WORTHLESS CHECKS—see **Banks; Criminal Law**
WRECKER SERVICE SYSTEM—see **Motor Vehicle**
WRONGFUL DEATH ACTION—see **Estate**

- Y -

YADKIN COUNTY—District 27—Senator Donald R. Kincaid
—Senator Daniel R. Simpson
Board of Education Four-year Term
H 166 (Ch. 19) ..... 155, 213, 215, 233, 263.
Deep Creek Development Project
S 26 [Sec. 107](Ch. 561) ..... 1305.
Office Assumed in August
H 167 (Ch. 20) ..... 155, 213, 215, 233, 263.
Trespass/Third Degree Offense
H 689 (H J3 Com) ..... 386, 1204, 1208, 1214.

YANCEY COUNTY—District 28—Senator Herbert L. Hyde
—Senator Dennis J. Winner
Beaver Season Exemption
S 457 (Ch. 33) ..... 137, 160, 164, 178, 339.
Solid Waste Landfill, Regional
S 1224 (CapExp Com) ..... 596.
Western North Carolina Regional Economic Development Commission
—see **Economic Development**
YOUTH
Adolescent Pregnancy—see **Maternal and Child Health**
Advisory Council, State—see **Boards and Commissions**
Advocacy and Involvement Office
Type I Transfer to Governor's Office
S 279 (GovPerform Com/see H 369) ..... 94.
Community-based Alternative Services
S 964 (H 725)(Appr Com)(In S 27) ..... 345.
S 1042 (H 725)(Appr Com) ..... 407.
Cultural Recreational Program (Pender)
S 1199 (reref CapExp Com) ..... 565, 774.
Detention Center—see **Prisons**
Employment/ABC Permit Exemption
H 524 (Ch. 239) ..... 512, 527, 630, 644, 654, 670, 701.
Juvenile
Abuse Laws Strengthened
S 487 (J1 Com) ..... 160.
H 364 (Ch. 516) ..... 458, 1151, 1153, 1154, 1243.
Neglected Juvenile Defined
S 568 (J1 Com) ..... 186.
H 625 (Ch. 324) ..... 482, 705, 714, 729, 744, 1002.
School Attendance Condition of Parole
S 893 (Ed/HighEd Com) ..... 311.
H 1092 (Ch. 369) ..... 513, 530, 609, 760, 776, 1016, 1068.
Teen Involvement Project (Cumberland)
S 1073 (H 1286)(reref CapExp Com) ..... 424, 1017.
Truancy Related Crime Prevention Program
S 1188 (Appr Com) ..... 535.
Tried as Adult
S 430 (J1 Com) ..... 130.
Undisciplined Juvenile Court Jurisdiction
H 283 (Ch. 47) ..... 346, 445, 490, 523.
Offender—see **Prisons**
One-on-one Program Funds
S 1050 (Appr Com) ..... 408.
Physical Fitness
Community/School Pilot Program
S 444 (Appr Com) ..... 133.
Study
S 443 (Rules Com/see H 1319) ..... 133.
Polk Youth Institution—see **Prison** (Detention Center)
Services [G.S. 134A]—see **Judicial Department**
Substance Abuse Plan Policy Guidance
S 334 (H Rules Com) ..... 110, 419, 434.
H 249 (Res. 27) ..... 1073, 1165, 1199, 1210.
Suicide Advisory Board—see **Human Resources**
Student Work Hours—see **Labor** (Wage and Hour)

YOUTH (continued)
Vocational Teacher Certification
S 576 (reref Ed/HighEd Com) ..... 187, 336, 718, 721.
H 514 (Ch. 397) ..... 514, 524, 526, 773, 1035, 1062, 1088.
Wages—see **Labor** (Wage and Hour)

- Z -

ZONING—see **Local Government**; Specific County
ZOO
License Plate Fees/Operating Expenses
S 161 (Ch. 543) ..... 70, 165, 237, 247, 248, 257, 267, 276, 285, 309, 1078, 1092, 1096, 1128, 1129, 1194, 1231, 1235, 1240, 1314.

STANDING COMMITTEES

The following standing committee abbreviations are applicable in the Numerical and Alphabetical Indexes.

SENATE

Agriculture, Marine Resources and Wildlife	Ag/MarRes&W
Appropriations	Appr
Department of Transportation	Appr/DOT
Education	Appr/Ed
General Government	Appr/GenGov
Human Resources	Appr/HumRes
Justice and Public Safety	Appr/Jus&PS
Natural and Economic Resources	Appr/N&ER
Banks and Thrift Institutions	Banks
Capital Expenditures and Improvements	CapExp
Children and Human Resources	Ch&HumRes
Constitution and Election Laws	Const
Economic Development/Travel and Tourism	EconDev
Education/Higher Education	Ed/HighEd
Environment & Natural Resources	E&NR
Finance	Fin
Insurance	Ins
Judiciary I	J1
Judiciary II	J2
Local Government and Regional Affairs	LocGov
Manufacturing and Labor	Mfg&Labor
Pensions and Retirement	Pens&Ret
Public Utilities	PubUtil
Rules and Operation of the Senate	Rules
State Personnel and State Government	StPers&StGov
Transportation	Transp
Ways and Means	W&M

SELECT COMMITTEES

Select Committee on Bonds	Bonds
Government Performance Audit	GovPerform

HOUSE OF REPRESENTATIVES

Agriculture	H Agric
Appropriations	H Appr
Business and Labor	H Bus&Labor
Children, Youth and Families	H Ch/Youth&Fam
Constitutional Amendments & Referenda	H Const
Courts and Justice	H Courts
Education	H Educ
Environment	H Envir
Ethics	H Ethics
Finance	H Fin
Financial Institutions	H FinInst
Health and Human Services	H Hlth
Insurance	H Ins
Judiciary I	H J1
Judiciary II	H J2
Judiciary III	H J3
Local & Regional Government I	H LocGov1
Local & Regional Government II	H LocGov2
Pension and Retirement	H Pens&Ret
Public Employees	H PubEmp
Public Utilities	H PubUtil
Rules, Calendar, and Operations of the House	H Rules
State Government	H StGov
Transportation	H Transp

RATIFIED BILLS—SESSION LAWS

Chapter	Bill No.	Page
1	H 43	62
2	S 23	91
3	S 103	133
4	S 149	133
5	H 33	149
6	H 144	159
7	S 10	169
8	S 97	175
9	H 58	175
10	S 335	191
11	H 157	207
12	H 81	217
13	H 87	217
14	H 180	236
15	H 426	236
16	H 94	255
17	H 406	255
18	S 99	263
19	H 166	263
20	H 167	263
21	H 412	263
22	S 463	268
23	S 37	277
24	H 420	277
25	S 699	288
26	S 447	316
27	H 204	316
28	H 208	316
29	S 55	323
30	S 221	329
31	H 516	330
32	S 130	338
33	S 457	339
34	S 458	339
35	H 435	339
36	H 586	339
37	S 510	373
38	S 110	381
39	H 141	390
40	S 163	401
41	S 181	401
42	S 708	487
43	S 218	510
44	H 416	510
45	H 654	510
46	H 156	523
47	H 283	523
48	H 389	523
49	H 517	523
50	H 808	523
51	H 1004	523
52	S 727	531
53	S 777	531
54	S 861	532
55	H 410	532
56	H 836	532
57	S 545	538
58	S 546	538
59	S 46	545
60	S 782	546
61	H 40	546
62	H 160	546
63	H 162	546
64	H 411	546
65	H 428	546
66	H 492	546
67	H 493	546
68	H 506	546
69	H 559	546
70	H 600	546
71	H 621	546
72	H 677	546
73	H 694	546
74	H 780	546
75	H 792	546
76	H 796	546
77	H 867	547
78	S 71	551
79	S 804	551
80	H 131	551
81	S 688	556
82	H 143	556
83	H 617	556
84	H 696	556
85	H 920	557
86	H 969	557
87	H 793	565
88	S 152	573
89	S 720	573
90	S 795	573
91	S 982	573
92	H 182	573
93	H 198	573
94	H 207	573
95	H 407	573
96	H 413	573
97	H 590	573
98	H 616	573
99	H 713	573
100	H 801	573
101	H 804	573
102	H 819	573
103	S 123	580
104	S 222	580
105	S 481	580
106	S 551	580
107	S 846	580
108	S 983	580
109	S 994	580
110	S 1097	580

Chapter	Bill No.	Page
111	H 461	580
112	H 564	580
113	H 726	580
114	S 577	589
115	S 825	589
116	S 841	589
117	S 878	589
118	H 678	590
119	S 455	596
120	S 579	596
121	S 774	596
122	S 811	596
123	S 840	596
124	H 365	596
125	H 436	596
126	H 496	596
127	H 634	596
128	S 666	604
129	S 1113	604
130	S 1163	604
131	H 163	604
132	H 256	604
133	H 265	605
134	H 452	605
135	H 508	605
136	H 553	605
137	H 753	605
138	H 838	605
139	H 869	605
140	S 159	611
141	S 839	611
142	H 971	611
143	H 1020	611
144	S 519	618
145	H 558	618
146	H 569	618
147	H 981	618
148	S 536	627
149	S 772	627
150	S 955	627
151	S 971	627
152	H 210	627
153	H 339	627
154	H 803	627
155	H 817	627
156	H 870	627
157	S 483	634
158	S 702	634
159	S 711	634
160	S 730	634
161	S 1057	634
162	H 423	634
163	H 495	634
164	H 519	634
165	S 53	643
166	S 385	643
167	S 613	643
168	S 649	644
169	S 884	644
170	H 186	644
171	H 847	644
172	S 657	648
173	H 1077	644
174	S 767	648
175	S 876	648
176	H 56	648
177	H 380	648
178	H 396	648
179	H 400	648
180	H 471	648
181	H 700	648
182	S 470	656
183	S 563	656
184	S 918	656
185	H 627	656
186	H 737	657
187	H 837	657
188	H 991	657
189	H 1083	657
190	H 1149	657
191	S 936	664
192	S 1070	664
193	H 346	664
194	H 820	664
195	H 842	664
196	H 882	664
197	S 90	671
198	S 1007	671
199	H 257	671
200	H 430	672
201	H 490	672
202	H 533	672
203	H 599	672
204	H 668	672
205	H 715	672
206	H 811	672
207	H 812	672
208	H 881	672
209	H 937	672
210	S 386	681
211	S 592	681
212	H 318	681
213	H 476	681
214	H 561	681
215	H 922	682
216	S 550	693
217	S 578	693
218	S 868	693
219	H 97	693
220	H 319	693
221	H 320	693
222	H 405	693
223	H 446	693
224	H 491	693
225	H 659	694
226	H 665	694
227	H 779	694
228	H 828	694

Chapter	Bill No.	Page
229	H 840	694
230	H 936	694
231	H 938	694
232	H 1045	694
233	S 595	701
234	S 604	701
235	S 682	701
236	S 684	701
237	H 399	701
238	H 409	701
239	H 524	701
240	H 879	701
241	S 341	708
242	S 466	708
243	S 726	709
244	S 812	709
245	S 865	709
246	H 466	709
247	H 575	709
248	H 611	709
249	H 636	709
250	H 663	709
251	H 813	709
252	H 946	709
253	H 1216	709
254	S 789	719
255	H 136	719
256	S 58	722
257	S 744	722
258	S 748	722
259	S 793	722
260	H 494	722
261	H 507	723
262	H 570	723
263	H 581	723
264	H 687	723
265	H 692	723
266	H 856	723
267	H 860	723
268	S 227	733
269	S 500	733
270	S 559	733
271	S 817	733
272	S 851	734
273	S 1164	734
274	H 214	734
275	H 398	734
276	H 424	734
277	H 456	734
278	H 474	734
279	H 520	734
280	H 731	734
281	H 757	734
282	H 762	734
283	H 794	734
284	H 841	734
285	H 385	734
286	S 30	740
287	S 628	740
288	H 395	740
289	H 1021	740
290	S 59	747
291	S 117	747
292	S 442	747
293	S 885	747
294	S 914	747
295	S 1006	747
296	S 1082	747
297	H 521	748
298	H 818	748
299	H 944	748
300	H 1047	748
301	H 1143	748
302	H 826	756
303	S 422	759
304	S 689	759
305	S 834	759
306	S 859	759
307	S 889	759
308	H 545	759
309	H 734	759
310	H 735	759
311	S 70	775
312	S 1019	775
313	S 1139	775
314	H 57	775
315	H 173	775
316	H 379	775
317	H 504	775
318	H 588	775
319	H 630	775
320	H 1355	1001
321	S 27	1002
322	H 31	1002
323	H 547	1002
324	H 625	1002
325	H 898	1002
326	H 924	1002
327	H 1009	1002
328	H 1094	1003
329	S 164	1011
330	S 630	1011
331	S 939	1011
332	S 970	1011
333	H 1119	1011
334	H 101	1019
335	H 402	1019
336	H 602	1019
337	S 633	1023
338	S 679	1023
339	S 681	1023
340	S 709	1023
341	S 729	1023
342	S 773	1023
343	S 802	1023
344	S 821	1023
345	S 822	1023
346	H 1122	1023

Chapter	Bill No.	Page
347	H 457	1033
348	S 875	1033
349	H 26	1033
350	H 554	1033
351	H 556	1034
352	H 563	1034
353	H 743	1034
354	H 923	1034
355	S 724	1052
356	H 567	1052
357	S 496	1052
358	S 809	1052
359	S 863	1053
360	H 105	1053
361	H 485	1053
362	H 509	1053
363	H 657	1053
364	H 1274	1053
365	H 787	1068
366	H 877	1068
367	H 957	1068
368	H 1016	1068
369	H 1092	1068
370	S 125	1068
371	S 158	1068
372	S 183	1068
373	S 475	1068
374	S 535	1068
375	S 631	1068
376	S 950	1068
377	H 437	1068
378	H 604	1077
379	S 981	1077
380	H 46	1077
381	H 844	1077
382	S 63	1077
383	S 204	1077
384	S 621	1078
385	S 1248	1078
386	H 552	1078
387	H 883	1078
388	S 84	1078
389	S 652	1078
390	S 842	1078
391	S 1121	1087
392	H 284	1087
393	H 292	1087
394	H 483	1088
395	H 499	1088
396	H 513	1088
397	H 514	1088
398	H 624	1088
399	H 658	1088
400	H 681	1088
401	H 1050	1088
402	H 1061	1088
403	S 549	1088
404	S 992	1088
405	S 1124	1088
406	S 219	1098
407	S 393	1098
408	S 602	1098
409	S 603	1098
410	S 692	1098
411	S 769	1098
412	S 873	1098
413	S 923	1098
414	S 942	1098
415	H 502	1099
416	H 1001	1099
417	S 768	1110
418	S 855	1110
419	H 473	1110
420	H 914	1110
421	H 1212	1110
422	S 590	1110
423	S 643	1110
424	S 787	1110
425	S 924	1110
426	H 802	1110
427	H 106	1138
428	H 152	1138
429	H 225	1138
430	H 401	1138
431	H 450	1138
432	H 720	1138
433	H 843	1138
434	H 876	1138
435	H 908	1138
436	H 1027	1138
437	H 1089	1138
438	H 1157	1138
439	H 1172	1138
440	S 162	1138
441	S 796	1139
442	S 1025	1139
443	S 1141	1139
444	H 992	1139
445	H 1167	1139
446	S 216	1139
447	S 217	1139
448	S 572	1139
449	S 808	1200
450	H 174	1200
451	H 578	1200
452	H 622	1200
453	H 649	1200
454	H 859	1200
455	H 862	1200
456	H 874	1200
457	H 1127	1200
458	S 516	1200
459	S 658	1200
460	S 806	1201
461	S 860	1201
462	S 892	1201
463	S 899	1201
464	S 954	1201

Chapter	Bill No.	Page
465	H 102	1201
466	S 100	1201
467	S 128	1201
468	H 736	1201
469	H 799	1201
470	H 982	1201
471	S 60	1210
472	S 501	1210
473	S 1003	1210
474	H 187	1210
475	H 639	1210
476	H 781	1210
477	H 814	1210
478	H 815	1210
479	H 888	1210
480	H 890	1210
481	H 1102	1210
482	S 8	1221
483	S 64	1221
484	S 154	1221
485	S 155	1222
486	S 533	1222
487	S 544	1222
488	S 625	1222
489	S 799	1222
490	S 836	1222
491	S 897	1222
492	S 913	1222
493	S 961	1222
494	S 1018	1222
495	S 1111	1222
496	S 1112	1222
497	S 1157	1222
498	H 115	1222
499	H 587	1222
500	H 747	1222
501	H 976	1223
502	H 1260	1223
503	S 479	1242
504	S 586	1242
505	S 611	1242
506	S 622	1242
507	S 659	1242
508	S 790	1242
509	S 989	1242
510	S 1021	1242
511	S 1165	1243
512	H 124	1243
513	H 179	1243
514	H 218	1243
515	H 297	1243
516	H 364	1243
517	H 538	1243
518	H 541	1243
519	H 618	1243
520	H 686	1243
521	H 865	1243
522	H 935	1243
523	H 1043	1243
524	H 1053	1243
525	H 1095	1244
526	H 1131	1244
527	H 1359	1244
528	H 1492	1244
529	H 729	1245
530	S 575	1245
531	S 600	1246
532	S 832	1246
533	S 1074	1246
534	H 281	1246
535	H 1035	1246
536	H 1109	1246
537	H 230	1246
538	H 277	1246
539	H 278	1313
540	S 431	1313
541	H 765	1313
542	S 14	1314
543	S 161	1314
544	S 853	1314
545	S 710	1314
546	S 887	1314
547	S 1148	1314
548	H 83	1314
549	H 114	1314
550	H 235	1314
551	H 505	1314
552	H 539	1314
553	H 544	1314
554	H 873	1315
555	S 558	1315
556	(Not Ratified—see page 1320)	
557	(Not Ratified—see page 1320)	
558	H 1008	1315
559	(Not Ratified—see page 1320)	
560	(Not Ratified—see page 1320)	
561	S 26	1315
562	(Not Ratified—see page 1320)	
563	H 439	1315

RATIFIED JOINT RESOLUTIONS

Res.	Res. No.	Page
1	S 1	62
2	H 199	86
3	H 18	107
4	H 181	184
5	S 68	197
6	H 440	207
7	H 591	230
8	S 522	277
9	H 680	323
10	S 919	358
11	S 976	373
12	S 522	391
13	H 1209	523
14	H 1247	579
15	H 1248	588
16	S 1160	627
17	S 1161	627
18	S 1162	627
19	H 1496	657
20	S 1252	709
21	H 246	1053
22	H 1497	1099
23	H 393	1110
24	H 1498	1201
25	S 594	1201
26	H 296	1201
27	H 249	1210
28	H 250	1222
29	H 251	1222
30	S 1017	1244
31	S 1299	1316

ADOPTED SENATE RESOLUTIONS

Simple Res.	Adopted	Page
S 102	2/11/93	66.
S 468	3/4/93	141.
S 482	7/14/93	1029.
S 823	4/19/93	289.
S 951	5/13/93	510.
S 1010	5/11/93	449.
S 1243	6/17/93	654.
S 1298	7/24/93	1245.

GENERAL STATUTES OF NORTH CAROLINA

1	CIVIL PROCEDURE
1A	RULES CIVIL PROCEDURE
1B	CONTRIBUTION
1C	ENFORCEMENT OF JUDGMENTS
4	COMMON LAW
5A	CONTEMPT
6	LIABILITY FOR COURT COSTS
7A	JUDICIAL DEPARTMENT
8	EVIDENCE
8B	DEAF INTERPRETERS
8C	EVIDENCE CODE
9	JURORS
10A	NOTARIES
11	OATHS
12	STATUTORY CONSTRUCTION
13	CITIZENSHIP RESTORED
14	CRIMINAL LAW
15	CRIMINAL PROCEDURE
15A	CRIMINAL PROCEDURE ACT
15B	VICTIMS COMPENSATION
16	GAMING CONTRACTS & FUTURES
17	HABEAS CORPUS
17C	OFFICER TRAINING COMN.
17D	JUSTICE ACADEMY
17E	SHERIFF TRAINING COMN.
18B	ALCOHOL REGULATION
19	PUBLIC MORALS
19A	PROTECTION OF ANIMALS
20	MOTOR VEHICLES
21	BILLS OF LADING
22	CONTRACTS/FRAUD
22A	SIGNATURES
22B	CONTRACTS/POLICY
22C	SUB-CONTRACTORS
23	DEBTOR & CREDITOR
24	INTEREST
25	UNIFORM COMMERCIAL CODE
25A	INSTALLMENT SALES/RETAIL
25B	CREDIT
25C	SALES OF ARTWORK
26	SURETYSHIP
27	WAREHOUSE RECEIPTS
28A	ADMINISTRATION OF ESTATES
28B	MISSING MILITARY/ESTATES
28C	MISSING PERSONS/ESTATES
29	INTESTATE SUCCESSION ACT
30	SURVIVING SPOUSES
31	WILLS
31A	PROPERTY RIGHTS BARRED
31B	RENUNCIATION/ FIDUCIARY
31C	COMMUNITY PROPERTY DISPOSITION
32	FIDUCIARIES
32A	POWERS OF ATTORNEY
33A	MINORS/TRANSFERS
34	VETERANS GUARDIANSHIP ACT
35	INCOMPETENTS
35A	INCOMPETENCY & GUARDIANSHIP
36A	TRUSTS & TRUSTEES
36B	INSTITUTIONAL FUNDS
37	PRINCIPAL & INCOME
38	BOUNDARIES
39	CONVEYANCES
40A	EMINENT DOMAIN ACT
41	ESTATES
41A	FAIR HOUSING
42	LANDLORD & TENANT
43	LAND REGISTRATION
44	LIENS
44A	STATUTORY LIENS & CHARGES
45	MORTGAGES & DEEDS OF TRUST
46	PARTITION
47	PROBATE & REGISTRATION
47A	UNIT OWNERSHIP
47B	TITLE TO LAND
47C	CONDOMINIUM ACT
47D	NOTICE OF SETTLEMENT
48	ADOPTIONS
48A	MINORS
49	BASTARDY
49A	RIGHTS OF CHILDREN
50	DIVORCE, ALIMONY & CHILD SUPPORT
50A	CHILD CUSTODY ACT
50B	DOMESTIC VIOLENCE
51	MARRIAGE
52	MARRIED PERSONS
52A	RECIPROCAL SUPPORT
52B	PREMARITAL AGREEMENT
53	BANKS
53A	BUSINESS DEVELOPMENT CORPORATION
53B	FINANCIAL PRIVACY ACT
54	CO-OP ORGANIZATIONS

54B SAVINGS & LOAN
54C SAVINGS BANKS
55 CORPORATIONS
55A NONPROFIT CORPORATIONS
55B PROFESSIONAL CORPORATIONS
55C FOREIGN TRADE ZONES
57 HEALTH INSURANCE
57B HEALTH MAINTENANCE (HMO)
57C LIMITED LIABILITY COMPANY ACT
58 INSURANCE
59 PARTNERSHIP
61 RELIGIOUS GROUPS
62 PUBLIC UTILITIES
62A PUBLIC SAFETY TELEPHONE ACT
63 AERONAUTICS
63A AIR CARGO
64 ALIENS
65 CEMETERIES
66 COMMERCE & BUSINESS
67 DOGS
68 FENCES & STOCK LAW
69 FIRE PROTECTION
70 INDIAN ANTIQUITIES
71A INDIANS
72 HOTEL & RESTAURANT
73 MILLS
74 MINES & QUARRIES
74C PRIVATE PROTECTIVE SERVICES
74D ALARM SYSTEMS
74E COMPANY POLICE ACT
75 MONOPOLIES
75A BOATING & WATER SAFETY
75B DISCRIMINATION IN BUSINESS
75C MOTION PICTURES
75D CORRUPT ORGANIZATION (RICO)
75E CORPORATE TRANSACTIONS
76 NAVIGATION
76A NAVIGATION PILOTAGE COMNS.
77 RIVERS/CREEKS/COASTAL WATERS
78A SECURITIES ACT
78B TENDER OFFER DISCLOSURE
78C INVESTMENT ADVISERS
78D COMMODITIES ACT
79 STRAYS
80 TRADEMARKS
81A WEIGHTS & MEASURES
83A ARCHITECTS
84 ATTORNEYS
85B AUCTIONS/AUCTIONEERS
85C BAIL BONDSMEN
86A BARBERS
87 CONTRACTORS
88 COSMETIC ART
88A ELECTROLYSIS PRACTICE ACT
89A LANDSCAPE ARCHITECTS
89B FORESTERS
89C ENGINEERS & SURVEY
89D LANDSCAPE CONTRACTOR
89E GEOLOGISTS LICENSING
90 MEDICINE
90A SANITARIANS/FACILITY OPERATORS
90B SOCIAL WORKERS
90C THERAPEUTIC RECREATION
91A PAWN BROKERS
93 CERTIFIED PUBLIC ACCOUNTANTS
93A REAL ESTATE LICENSE
93B OCCUPATIONAL LICENSING BOARDS
93D HEARING AID BOARD
93E APPRAISERS ACT
94 APPRENTICESHIP
95 LABOR DEPARTMENT
96 EMPLOYMENT SECURITY
97 WORKERS COMPENSATION
98 LOST RECORDS
99 LIBEL & SLANDER
99A CIVIL REMEDIES/CRIMINAL
99B PRODUCTS LIABILITY
99C SKIER SAFETY
99D CIVIL RIGHTS
100 MONUMENTS & PARKS
101 NAMES OF PERSONS
102 SURVEY BASE
103 HOLIDAYS
104 UNITED STATES LANDS
104A DEGREES OF KINSHIP
104B HURRICANES
104D ENERGY COMPACT, STATES
104E RADIATION PROTECTION ACT
104F LOW-LEVEL WASTE MANAGEMENT
104G LOW-LEVEL WASTE AUTHORITY
105 TAXATION
105A SETOFF DEBTS

105B	DEFAULTED STUDENT LOANS
106	AGRICULTURE
108A	SOCIAL SERVICES
108B	COMMUNITY ACTION PROGRAMS
110	CHILD WELFARE
111	AID TO BLIND
113	CONSERVATION & DEVELOPMENT
113A	POLLUTION CONTROL
113B	ENERGY POLICY ACT
114	JUSTICE DEPARTMENT
115B	TUITION OF ELDERLY
115C	PUBLIC EDUCATION
115D	COMMUNITY COLLEGES
115E	HIGHER EDUCATION FINANCE
116	HIGHER EDUCATION
116B	ESCHEATS
116C	CONTINUUM OF EDUCATION PROGRAMS
117	ELECTRIFICATION
119	GASOLINE & OIL REGULATION
120	GENERAL ASSEMBLY
121	ARCHIVES & HISTORY
122A	HOUSING FINANCE
122C	MENTAL HEALTH
122D	AGRICULTURAL FINANCE
122E	HOUSING TRUST/OIL OVERCHARGE
123	IMPEACHMENT
124	INTERNAL IMPROVEMENTS
125	LIBRARIES
126	STATE PERSONNEL
127A	MILITIA
127B	MILITARY AFFAIRS
128	PUBLIC OFFICES
129	PUBLIC BUILDINGS
130	PUBLIC HEALTH
130A	PUBLIC HEALTH
130B	HAZARDOUS WASTE MANAGEMENT
131A	HEALTH FINANCING
131C	CHARITY FACILITIES
131D	LONG-TERM CARE FACILITIES
131E	HEALTH FACILITIES
132	PUBLIC RECORDS
133	PUBLIC WORKS
134A	YOUTH SERVICES
135	STATE RETIREMENT
136	ROADS & HIGHWAYS
137	RURAL REHABILITATION
138	SALARIES & FEES
139	SOIL & WATER DISTRICT
140	ART MUSEUM
140A	STATE AWARDS
141	STATE BOUNDARIES
142	STATE DEBT
143	STATE AGENCIES
143A	GOVERNMENT REORGANIZATION
143B	EXECUTIVE ORGANIZATION
144	STATE FLAG, MOTTO
145	STATE EMBLEMS
146	STATE LANDS
147	STATE OFFICERS
148	STATE PRISON
149	STATE SONG & TOAST
150B	ADMINISTRATIVE PROCEDURE ACT
152	CORONERS
153A	COUNTIES
156	DRAINAGE
157	HOUSING AUTHORITIES
158	LOCAL DEVELOPMENT
159	LOCAL GOVERNMENT FINANCE
159B	JOINT ELECTRICITY
159C	INDUSTRIAL FINANCE
159D	INDUSTRIAL FINANCE
159E	REGISTERED DEBT
159G	CLEAN WATER ACT
159I	SOLID WASTE MANAGEMENT LOAN
160A	CITIES & TOWNS
160B	CONSOLIDATION/CITIES & COUNTIES
161	REGISTER OF DEEDS
162	SHERIFF
162A	WATER & SEWER SYSTEMS
162B	EMERGENCY LOCAL GOVERNMENT
163	ELECTIONS
164	GENERAL STATUTES
165	VETERANS
166A	EMERGENCY MANAGEMENT
168	HANDICAPPED PERSONS
168A	HANDICAPPED PROTECTION

INDICES

ADDENDUM ..... 1317.

ALPHABETICAL INDEX (With General Statutes References) ..... 1629.

APPENDIX ..... 1517.

ATTACHMENTS TO BILLS
SB 27 (Proposed Committee Substitute 4632)
Table of Contents ..... 1322.
SB 27 (Proposed Committee Substitute 4630; 4632)
Base/Expansion Budget Report ..... 1330.
SB 27 (Proposed Conference Committee Substitute 5708A)
Base/Expansion Budget Report ..... 1409.
SB 27 (Proposed Conference Committee Substitute 5708A)
Differences ..... 1494.
SB 26 (Proposed House Committee Substitute 5721A)
Table of Contents ..... 1512.

COMMITTEES
ABBREVIATIONS ..... 1997.
SENATE STANDING ..... 1564.

DISTRICTS OF THE SENATE ..... 1519.

EXECUTIVE ORDERS ..... 1535.

GENERAL STATUTES ..... 2005.

MESSAGES
Chief Justice ..... 1557.
Governor ..... 1547.
Vice President of the United States ..... 1550.

NUMERICAL INDEX
House of Representatives Bills and Resolutions ..... 1612.
Senate Bills and Resolutions ..... 1575.

RATIFIED BILLS AND RESOLUTIONS ..... 1999.
Pending ..... 1320.

REPORTS RECEIVED BY SENATE ..... 1320.

SENATE SIMPLE RESOLUTIONS ..... 1525.

SENATE STAFF ..... 1570.

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